



SUMMARY OF 2021 PUBLIC ACTS

Connecticut General Assembly

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NOTICE TO USERS

This publication, *Summary of 2021 Public Acts*, summarizes all public acts passed during the Connecticut General Assembly's June 2021 Special Session and the 2021 Regular Session. Special acts are not summarized. This publication is word searchable and contains hyperlinks for ease of navigation.

Use of this Publication

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The office strongly discourages using the summaries as a substitute for the public acts. The summaries are meant to be handy reference tools, not substitutes for the full text of the law. The public acts are available in public libraries and can be purchased from the secretary of the state. They are also available on the Connecticut General Assembly's website (<http://www.cga.ct.gov>).

Organization of the Publication

The summaries are organized in chapters based on the committee that sponsored the bill. Bills sent directly to the floor without committee action (emergency certification) are placed in a separate chapter. Within each chapter, summaries are arranged in order by public act number.

2021 VETOED ACTS

1. [PA 21-110](#), An Act Concerning the Office of the Correction Ombuds, the Use of Isolated Confinement, Seclusion and Restraints, Social Contacts for Incarcerated Persons and Training and Workers' Compensation Benefits for Correction (Judiciary Committee)
2. [SA 21-31](#), An Act Concerning the Conveyance of a Parcel of State Land in the Town of Wolcott (Government Administration and Elections Committee)
3. [PA 21-146](#), An Act Amending the Conveyance of Parcels of State Land to the New Haven Port Authority (Government Administration and Elections Committee)
4. [PA 21-183](#), An Act Concerning State Agency Compliance with Probate Court Orders (Judiciary Committee)

TABLE ON PENALTIES

Crimes

The law authorizes courts to impose fines, imprisonment, or both when sentencing a convicted criminal. For most crimes, the court may also impose a probation term. For eligible offenders, the court may order participation in various programs, such as accelerated rehabilitation or the pretrial alcohol education program, and dismiss the charges upon the offender's successful completion of the program.

When sentencing an offender to prison, the judge must specify a period of incarceration. The prison terms in the table below represent the range within which a judge must set the sentence. A judge may suspend all or part of a sentence unless the statute specifies it is a mandatory minimum sentence. The judge also sets the exact amount of a fine, up to the established limits listed below. Repeated or persistent offenses may result in a higher maximum than specified here.

Crime Classification and Penalties

<i>Classification of Crime</i>	<i>Prison Term</i>	<i>Fine (up to)</i>
Class A felony (murder with special circumstances)	Life, without release	\$20,000
Class A felony (murder)	25 to 60 years	20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	20,000
Class A felony	10 to 25 years	20,000
Class B felony (1st degree manslaughter with a firearm)	5 to 40 years	15,000
Class B felony	1 to 20 years	15,000
Class C felony	1 to 10 years	10,000
Class D felony	up to 5 years	5,000
Class E felony	up to 3 years	3,500
Class A misdemeanor	up to 1 year*	2,000
Class B misdemeanor	up to 6 months	1,000
Class C misdemeanor	up to 3 months	500
Class D misdemeanor	up to 30 days	250

*Effective October 1, 2021, PA 21-32 (§ 35) reduces the maximum sentence for misdemeanors to 364 days.

Violations

CGS § 53a-43 authorizes the Superior Court to fix fines for violations up to a maximum of \$500 unless the amount of the fine is specified in the statute establishing the violation. CGS § 54-195 requires the court to impose a fine of up to \$100 on anyone convicted of violating any statute without a specified penalty.

A violation is not a crime. Most statutory violations are subject to Infractions Bureau procedures, which allow the accused to pay the fine by mail without making a court appearance. As with an infraction, the bureau will enter a *nolo contendere* (no contest) plea on behalf of anyone who pays a fine in this way. The plea is inadmissible in any criminal or civil court proceeding against the accused.

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be other added charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

PA 21-1—HB 6514

Emergency Certification

AN ACT CONCERNING INCENTIVES FOR QUALIFIED DATA CENTERS TO LOCATE IN THE STATE

SUMMARY: This act authorizes the Department of Economic and Community Development (DECD) to enter into agreements to provide tax incentives to “qualified data centers” that locate within the state and make a specified minimum investment. Specifically, the act provides for (1) sales and use tax exemptions for certain goods and services purchased or used by the data center and (2) property tax exemptions for certain real property and equipment used by the data center. It also provides an exemption for financial transactions taxes that the state may impose in the future.

Under the act, DECD may enter into tax incentive agreements with qualified data centers for 20- or 30-year terms, depending on the size and location of the data center investment. To be eligible, a data center must agree to make a “qualified investment” of at least (1) \$50 million if the data center is located in an enterprise zone or a federal opportunity zone (see BACKGROUND) or (2) \$200 million if it is located elsewhere. The act also specifies the other provisions that DECD’s agreements with data centers must include (e.g., duration and annual fee).

The act requires owners and developers of qualified data centers, before beginning the capital project, to enter into host municipality fee agreements with the municipalities in which the data center will be located. It also requires that DECD agreements with data centers and host municipality fee agreements include provisions to recoup the taxes exempted under the act if the data center does not meet the agreement’s terms.

The act also establishes an Office of Data Infrastructure Administration and Security within DECD to, among other things, oversee the application process and assist applicants. The office is funded by annual payments from qualified data centers.

EFFECTIVE DATE: July 1, 2021

QUALIFIED DATA CENTER

Under the act, a “qualified data center” is a “facility” that is developed, acquired, constructed, rehabilitated, renovated, repaired, or operated, to house a group of networked computer servers in one physical location or multiple contiguous locations to centralize the storage, management, and dissemination of data and information pertaining to a particular business or classification or body of knowledge. A “facility” is one or more contiguous tracts of land in the state and any structure and personal property contained on that land.

TAX INCENTIVE APPLICATION AND AGREEMENTS

Under the act, any person (individual or various entity types) who anticipates it will own, operate, or be a colocation tenant in a qualified data center may apply to DECD, in a form and manner the commissioner prescribes, to enter into an agreement for the tax exemptions authorized by the act.

An “owner” is a person that holds a leasehold estate in excess of 50 years or a fee title to a facility. An “operator” is a person that contracts with a qualified data center’s owner to operate the data center. And a “colocation tenant” is a person that contracts with a qualified data center’s owner or operator to use or occupy all or part of the center for at least two years.

Applicant Eligibility

Under the act, the applicant must demonstrate to the DECD commissioner’s satisfaction that the (1) facility that will be developed, acquired, constructed, rehabilitated, renovated, repaired, or operated will be used as a qualified data center and (2) data center will make the required qualified investment by the fifth anniversary of the date an agreement is effective.

Qualified Investment. Under the act, the minimum qualified investment is (1) \$50 million if the data center is in an enterprise zone or a federal opportunity zone or (2) \$200 million if it is located elsewhere. “Qualified investment” means the aggregate, nonduplicative “eligible qualified data center costs” spent by a qualified data center’s owner, operator, and colocation tenant. Larger qualified investments may be eligible for a longer agreement duration (see below).

“Eligible qualified data center costs” are expenditures made on or after July 1, 2021, for the development, acquisition, construction, rehabilitation, renovation, repair, or operation of a facility to be used as a qualified data center. The term specifically includes the cost of land, buildings, site improvements, modular data centers, lease payments, site characterization and assessment, engineering services, design services, and data center equipment acquisition and related permitting. It does not include expenditures made in connection with real or personal property located outside the facility’s boundaries.

Agreement Provisions

If the applicant meets the act's eligibility requirements and the DECD commissioner approves the application, the commissioner must enter into an agreement, which must include terms the act prescribes, as described below.

Agreement's Duration. The agreement generally must be for a 20-year term from the agreement's effective date, which may be in the year in which the center's construction, rehabilitation, renovation, or repair begins. However, the commissioner must extend the term to 30 years if the data center makes a qualified investment of at least (1) \$200 million and the data center is in an enterprise zone or federal opportunity zone or (2) \$400 million and is located elsewhere.

Qualifying Period. The agreement must include a five-year qualifying period, starting on the agreement's effective date, for the applicant to reach the applicable qualified investment.

Annual Fee. The agreement must require the data center to pay an annual fee to cover the administrative and operating costs of the Office of Data Infrastructure Administration and Security, which the act establishes (see below). The commissioner sets the fee, which cannot be more than \$50,000. The center must pay the fee during each year of the qualifying period or until the qualified investment is reached, whichever is earlier.

Capital Project Description. The agreement must include a detailed description of the capital projects that are the subject of the agreement.

Application of Terms. The agreement, for its duration, must also apply to any (1) subsequent owner of the data center, (2) operator of that data center or the operator's affiliate, or (3) colocation tenant, as long as the facility continues to be used as a qualified data center.

Clawback Provisions. The agreement must include provisions for the assessment and payment of taxes exempted under the agreement, as well as the rates and amounts of penalties and interest, if the DECD commissioner determines that the agreement's or qualified data center's requirements are not being met or have not been met.

OFFICE OF DATA INFRASTRUCTURE ADMINISTRATION AND SECURITY

The act establishes an Office of Data Infrastructure Administration and Security within DECD. The office must (1) serve as the liaison between applicants and qualified data centers and other state agencies; (2) assist applicants and qualified data centers from the preapplication phase to the post-operational stage; and (3) seek to ensure coordinated, efficient, and timely responses to applicants and qualified data centers.

FINANCIAL TRANSACTION TAX EXEMPTION

The act exempts qualified data centers from any financial transaction tax or fee that Connecticut may impose on trades of stock, bonds, derivatives, and other financial products. (Currently, Connecticut does not impose such a tax or fee.) The exemption applies to data centers that enter into agreements with DECD and make the required investments for a 30-year agreement (i.e., \$200 million or \$400 depending on the center's location), as well as data center operators, affiliates, or colocation tenants.

This exemption applies for a 30-year period starting on the date the construction, rehabilitation, renovation, or repair of a facility is completed. The DECD commissioner may incorporate the act's financial transaction tax exemption into an agreement it enters under the act or amend an existing agreement with a qualified data center to include the exemption.

SALES AND USE TAX EXEMPTIONS

The act authorizes certain sales and use tax exemptions for those that enter into an agreement with DECD. DECD must notify the Department of Revenue Services (DRS) commissioner of any person that has entered into an agreement, and DRS must provide the person with a certificate that exempts the person, and any of their contractors or subcontractors, from the sales and use tax for specified sales and uses. The act specifically authorizes them to use the certificate for eligible sales and uses and allows the seller to rely on the certificate.

Eligible Sales and Uses

Under the act, the exemption applies to:

1. the sale of and the storage, use, or other consumption in the state of "qualified data center equipment" (a) acquired for incorporation into a facility used or to be used as a qualified data center or (b) used and consumed in developing, acquiring, constructing, rehabilitating, renovating, repairing, or operating such a facility;
2. the sale of and the acceptance, use, or consumption in the state of any taxable service that is used and consumed

in developing, acquiring, constructing, rehabilitating, renovating, repairing, or operating such a facility; and

3. all electricity used by the qualified data center.

Qualified Data Center Equipment. Under the act, “qualified data center equipment” means computer equipment, software, and hardware purchased or leased for data processing, storage, retrieval, or communication, including:

1. computer servers, routers, connections, chassis, networking equipment, switches, racks, fiber optic and copper cables, trays, conduits, and other enabling machinery, equipment and hardware, regardless of whether they are affixed to or incorporated into real property;
2. equipment used in computer equipment or software operation for a qualified data center’s benefit, including component parts, replacement parts, and upgrades, regardless of whether they are affixed to or incorporated into real property;
3. equipment necessary for electricity transformation, generation, distribution, or management that is required to operate computer servers and related equipment, including substations, generators, uninterruptible energy equipment, supplies, conduits, fuel piping and storage, cabling, duct banks, switches, switchboards, batteries, and testing equipment;
4. equipment needed to cool and maintain a controlled environment for operating computer servers and other qualified data center equipment, including chillers, mechanical equipment, refrigerant piping, fuel piping and storage, adiabatic and free cooling systems, cooling towers, water softeners, air handling units, indoor direct exchange units, fans, ducting, and filters;
5. water conservation systems, including equipment designed to collect, conserve, and reuse water;
6. conduit, ducting, and fiber optic and copper cables located outside the qualified data center that are directly related to connecting one or more qualified data center locations;
7. monitoring equipment and security systems;
8. modular data centers and preassembled components of any items described above, including components used in the manufacturing of modular data centers; and
9. any other personal property, not including motor vehicles, that is essential to qualified data center operations or that is acquired for incorporation into or used or consumed in a center’s operation.

Duration and Application of Certificate

The certificate applies for the duration of the agreement to:

1. any additional building or structure at a qualified data center to be developed, acquired, constructed, rehabilitated, renovated, repaired, or operated to house a group of networked computer servers, regardless of whether it was contemplated at the time of entering the agreement and
2. any additional qualified data center equipment, services, and electricity acquired or used by the data center after the agreement was entered into.

Recourse if Agreement Terms are not Met

If the DECD commissioner terminates an agreement entered into under the act because he determines that the requirements of the agreement or of a qualified data center are not being met or have not been met, the commissioner must notify the DRS commissioner.

DRS may then collect the sales and use tax (including penalties or interest) that become due and owing as a result of the agreement’s termination by taking any action that he can currently take to collect money owed to the state. He (or another authorized agent) can levy on the property or sign a warrant to seize data center property. Additionally, the attorney general may start civil proceedings to collect the tax.

From the last day of the month preceding the tax’s due date until the tax is paid, the tax plus the interest and penalty act as a lien against any of the qualified data center’s real estate. The commissioner may record a lien certificate on the land records in the town where the property is located. However, the lien is not effective against a bona fide purchaser or the interest of any qualified encumbrancer. And after the tax has been paid, if any interested party asks, the commissioner must file a certificate discharging the lien on the same land record.

Under the act, the attorney general can foreclose the lien by bringing an action in the Superior Court of the judicial district where the property is located. If located in two or more districts, the attorney general may file suit in either one. The court can limit the redemption period, order the property sold, or issue any other equitable decree.

PROPERTY TAX EXEMPTIONS

The act also provides property tax exemptions for those that enter into an agreement with DECD under the act. The DECD commissioner must notify each municipality in which a facility subject to an agreement is located and identify the person with which the commissioner has entered into an agreement as well as the agreement's effective date and property tax-related terms.

Exempt Property

The property tax exemption applies to (1) real property, buildings, or structures within or at a qualified data center and (2) "enterprise information technology equipment" used by the data center. "Enterprise information technology equipment" means:

1. hardware that supports computing, networking, or data storage functions, including servers and routers;
2. networking systems equipment that supports computing, networking, or data storage functions and has an industry designation as equipment within the enterprise class or data center class of networking systems; and
3. generators and other equipment used to ensure an uninterrupted power supply for these hardware and networking systems.

Duration and Application of Exemption

The exemption applies for the duration of the agreement to:

1. any additional building or structure at a qualified data center to be developed, acquired, constructed, rehabilitated, renovated, repaired, or operated to house a group of networked computer servers, regardless of whether it was contemplated at the time of entering the agreement;
2. any additional enterprise information technology equipment the data center acquires and uses after the agreement was entered into; and
3. any additional facility acquired by the owner of a qualified data center for the development, construction, rehabilitation, renovation, repair, or operation of a qualified data center after the agreement was entered into, as long as the owner enters into a negotiated host municipality fee agreement (see below) for each additional facility.

Host Municipality Fee Agreement

The act prohibits developers and owners from beginning data center facility construction, rehabilitation, renovation, or repair until the owner enters into a negotiated host municipality fee agreement with the municipality in which the facility is located (i.e., the host municipality). The owner must also enter into such an agreement for each additional facility that will become a qualified data center that it acquires. If a facility is in contiguous municipalities, the owner must enter into an agreement with each host municipality.

Recourse if Fee Agreement Terms Not Met. Each fee agreement must include provisions for assessing and paying property taxes exempted under the DECD agreement if the host municipality's legislative body determines that the fee agreement terms are not being or have not been met. The provisions must include rates or amounts of penalties and interest to be imposed.

If the host municipality's legislative body makes that determination, the host municipality's chief elected official must notify the qualified data center. The data center must cure the noncompliance within 180 days after the notice. If the legislative body determines that the noncompliance has not been cured, the fee agreement is terminated.

Upon the fee agreement's termination, the qualified data center, the owner of the property on which the center is located, or the owner's successors or assigns are subject to property tax and liable for taxes on any property that was exempted under the DECD agreement, from the date of noncompliance or the date the DECD agreement is terminated, as applicable. The liability is attached to the property as a charge thereon, and the tax and any related penalty and interest is due, payable, and collectible as other municipal taxes and subject to the same liens and collection processes.

Termination in Event of DECD Agreement Termination. If the DECD commissioner determines that the requirements of a qualified data center's agreement are not being or have not been met and terminates the agreement, the commissioner must notify the host municipality's chief elected official. Under the act, when DECD terminates its agreement, the host municipality fee agreement is also terminated. The host municipality may then use any remedy authorized by state statutes to secure its interests and recover the amount of any fee, tax, penalty, and interest that become due to the host municipality because of the agreement's termination (see above).

BACKGROUND

Federal Opportunity Zone Program

The federal Opportunity Zone program, created as part of the 2017 federal Tax Cuts and Jobs Act (P.L. 115-97), is designed to spur economic development and job creation in distressed communities by providing federal tax benefits for private investments in the zones. The program's tax benefits are available to investors that reinvest gains earned on prior investments in a qualified opportunity zone fund that invests in zone businesses. Investors may receive additional tax benefits if they hold their investments in the fund for at least five, seven, or 10 years.

Connecticut has 72 opportunity zones in 27 municipalities that were approved by the U.S. Treasury Department in 2018.

Enterprise Zones

The enterprise zone program offers various tax incentives and other benefits to businesses that start up in or improve real property in areas designated as enterprise zones. The currently designated enterprise zones are in the following towns: Bridgeport, Bristol, East Hartford, Groton, Hamden, Hartford, Meriden, Middletown, New Britain, New Haven, New London, Norwalk, Norwich, Southington, Stamford, Thomaston, Waterbury, and Windham.

PA 21-2—HB 6515

Emergency Certification

AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR

SUMMARY: This act makes it an illegal practice to (1) discriminate based on a person's hair texture and protective hairstyle in employment, public accommodations, housing, credit practices, union membership, and state agency practices or (2) deprive any person of any rights secured or protected by the Connecticut Constitution or the United States Constitution. It does so by specifying that the term "race" includes ethnic traits historically associated with race, including hair texture and protective hairstyles.

The act adds this protection to those afforded under the existing human rights law under the jurisdiction of the Commission on Human Rights and Opportunities (CHRO). CHRO has the authority to investigate complaints of discriminatory practices. The act also applies to the laws that govern awarding agency, municipal public works, and quasi-public agency project contracts.

Under the act, "protective hairstyles" include such things as wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 21-2, JSS, § 405, adds hair and hairstyles to the definition of race in the education statutes' anti-discrimination law, conforming it to PA 21-2.

PA 21-3—HB 6516

Emergency Certification

AN ACT MITIGATING ADVERSE TAX CONSEQUENCES RESULTING FROM EMPLOYEES WORKING REMOTELY DURING COVID-19, AND CONCERNING THE REMOVAL OF LIENS ON THE PROPERTY OF PUBLIC ASSISTANCE BENEFICIARIES AND A THREE-TIERED GRANTS IN LIEU OF TAXES PROGRAM

TABLE OF CONTENTS:**§ 1 — TAXES AND REMOTE WORK DURING THE COVID-19 PANDEMIC**

Specifies conditions under which certain residents who worked remotely from Connecticut for employers in other states must be allowed a Connecticut income tax credit for taxes paid to the other state for the 2020 tax year; prohibits DRS from considering the activities of employees who worked remotely in Connecticut due solely to the COVID-19 pandemic in determining whether an employer has nexus with Connecticut for any state tax

§§ 2-4 — LIMITING PUBLIC ASSISTANCE RECOVERIES OF REAL PROPERTY

Beginning in FY 22, and unless required by federal law, (1) prohibits the state from recovering cash and medical assistance from liens placed on real property and (2) requires the state to deem any certificate or lien previously filed on such properties released

§§ 5-8 — PAYMENT IN LIEU OF TAXES (PILOT) GRANTS

Establishes a minimum reimbursement rate for PILOT grants and a method for prorating the grants when appropriations are not enough to fund the full grant amounts; requires OPM to disburse from MRSA an amount sufficient to fund the prorated PILOT grants

§ 1 — TAXES AND REMOTE WORK DURING THE COVID-19 PANDEMIC

Specifies conditions under which certain residents who worked remotely from Connecticut for employers in other states must be allowed a Connecticut income tax credit for taxes paid to the other state for the 2020 tax year; prohibits DRS from considering the activities of employees who worked remotely in Connecticut due solely to the COVID-19 pandemic in determining whether an employer has nexus with Connecticut for any state tax

Income Tax Credit for Taxes Paid to Other States

By law, Connecticut generally provides a resident taxpayer who works for an out-of-state employer a tax credit for qualifying income taxes he or she paid to the other state for services performed in that state.

For the 2020 tax year, the act extends this tax credit to resident taxpayers who paid income taxes to another state while working remotely in Connecticut under the following circumstances:

1. the resident paid income tax to another state that uses a “convenience of the employer rule” (see BACKGROUND), including taxes paid for income earned while working remotely from Connecticut by necessity or
2. the resident paid income tax to another state under a law or rule requiring nonresident employees to pay nonresident income tax on income earned while working remotely from Connecticut due to the COVID-19 pandemic if they were performing work within the other state immediately before March 11, 2020.

Under the act, “convenience of the employer rule” means a law or rule that is substantially similar to Connecticut’s existing “convenience of the employer rule” law, whether or not it is reciprocal.

Nexus for Connecticut Tax Purposes

The act prohibits the Department of Revenue Services (DRS) from considering the activities of any employees who worked remotely from Connecticut during the 2020 tax year solely due to the COVID-19 pandemic in determining whether an employer has nexus with Connecticut for any state tax. (Tax nexus refers to the amount and type of activity that must be present before a person or business is subject to a state’s taxing authority. State law establishes rules for determining tax nexus, subject to federal constitutional restrictions.)

EFFECTIVE DATE: Upon passage

Background

Convenience of the Employer Rule. Some states use the “convenience of the employer rule” (i.e., convenience rule) for sourcing income earned by nonresidents who work for in-state employers at a location outside the state (e.g., from a home office). Under the convenience rule, a nonresident taxpayer’s wage income is sourced to the employee’s physical location if he or she is working remotely by necessity; alternatively, the income is sourced to the employer’s location if the employee

is working remotely for his or her convenience.

§§ 2-4 — LIMITING PUBLIC ASSISTANCE RECOVERIES OF REAL PROPERTY

Beginning in FY 22, and unless required by federal law, (1) prohibits the state from recovering cash and medical assistance from liens placed on real property and (2) requires the state to deem any certificate or lien previously filed on such properties released

In Connecticut, the state is entitled to recover public assistance provided by the Department of Social Services (DSS) under its medical assistance (i.e., Medicaid) and cash assistance programs (i.e., State-Administered General Assistance (SAGA), State Supplement Program (SSP), and Temporary Family Assistance (TFA), which replaced Aid to Families with Dependent Children (AFDC)).

By law, the state generally has a claim against any kind of property or property interest acquired by a public assistance recipient, or their parents if the recipient was a child. These state claims have priority over most other unsecured claims. The state's primary collection mechanisms are to place liens on windfalls, such as inheritances and lawsuits, and recover from estates after the recipient dies.

Beginning July 1, 2021, the act prohibits the state from recovering cash and medical assistance from liens placed on real property, unless required to do so by federal law. In addition, the act requires the state to deem any certificate or lien previously filed on such properties released if federal law does not require recovering the assistance. Generally, federal law requires recovery of certain Medicaid payments (see BACKGROUND).

The act additionally prohibits the state from recovering payments for actions brought by current or former tenants or occupants against owners or lessors of residential premises or manufactured mobile home parks (i.e., tenant-landlord actions). It also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

Acceptance of Mortgage Notes & Deeds (§ 2)

Prior law authorized the Department of Administrative Services (DAS) commissioner to accept mortgage notes and deeds for payment of claims due for welfare (i.e., cash) assistance or institutional care. The act limits the claims the commissioner may accept to those due for institutional care or state medical assistance, to the extent required by federal law.

Homeowners & Real Property Liens (§ 3)

The law prohibits deeming an individual or his or her dependents ineligible for assistance under the SSP, Medicaid, TFA, SAGA, or SNAP programs for owning an interest in his or her home if the property's equity does not exceed program asset limits. Prior law authorized the DSS commissioner to place a lien against any property to secure the state's claim for public assistance it had paid or would pay under these programs (CGS § 17b-79).

Beginning July 1, 2021, the act prohibits the commissioner from placing these liens on real property to recover cash assistance or medical assistance, unless required by federal law. It also requires the state to deem any certificate or lien previously filed on the property released if federal law does not require recovering the assistance. (PA 21-2, June Special Session (JSS), § 455, makes a technical change to specify that she may only place these liens on real property to recover cash assistance or medical assistance for amounts required to be recovered under federal law.)

Liens on Real Property Windfalls (§ 4)

The law gives the state a claim that generally has priority over all other unsecured claims when a recipient of aid under SSP, Medicaid, AFDC, TFA provided to anyone over age 18, or SAGA acquires property of any kind or interest in the property. This includes windfalls such as lottery winnings, proceeds from a lawsuit, and inheritances.

By law, the state's claim against the windfall from a lawsuit or inheritance generally equals the lesser of the amount of assistance paid or 50% of the windfall proceeds. For windfalls other than from a lawsuit or inheritance (e.g., lottery win), the state's claim is for the lesser of 100% of the proceeds or the full amount of assistance provided (CGS §§ 17b-93, -94). (PA 21-2, JSS, §§ 456-458, further limits the state's claim against lawsuit proceeds and inheritances to the amount of the assistance paid that the state must recover under federal law. In the case of a liable parent whose windfall is not subject to recovery under federal law, the state's claim is capped at the 50% of the lawsuit proceeds or inheritance received by the

parent or the amount of assistance the parent owes, whichever is less. As under existing law, lawsuit proceeds are calculated after payment of all lawsuit-connected expenses (e.g., attorney fees.)

The act prohibits the state from applying liens on real property to enforce its claim beyond the amount that federal law requires to be recovered. Beginning July 1, 2021, the act prohibits the state from recovering cash assistance or medical assistance from a lien filed on any real property, unless required by federal law. It requires the state to deem released any lien on real property filed under CGS § 17b-93 before July 1, 2021, on such property, estate, or claim of any kind, if federal law does not require the assistance recovery. (Beginning July 1, 2021, PA 21-2, JSS, §§ 456-458, expands the prohibition on these recoveries to also include claims filed against property, a property interest, or estate or claim of any kind, and proceeds from a lawsuit or estate, unless the state must recover the assistance under federal law and the provisions of CGS § 17b-93. The act also expands upon the types of previously filed claims under CGS § 17b-93 that must be deemed released as of July 1, 2021, to include state claims against property, a property interest, or estate or claim of any kind, and proceeds from a lawsuit or estate, filed by or on behalf of the state if the recovery is not required by federal law and the statute's provisions.)

The law prohibits the state from recovering certain payments (e.g., housing relocation assistance). The act additionally prohibits the state from recovering payments for actions brought by current or former tenants or occupants against owners or lessors of residential premises or manufactured mobile home parks (i.e., tenant-landlord actions). The act specifies that these exemptions do not apply to recoveries required under federal law.

Background

Medicaid Recoveries Under Federal Law. When Medicaid began in 1965, states had the option to recover certain Medicaid costs spent on recipients age 65 or older after they died. This changed in 1993 when Congress passed the Medicaid Estate Recovery Program as part of an omnibus budget act (§ 5112). The program generally requires states to recover Medicaid long-term care and related costs (i.e., for nursing facility services, home and community-based services, and related hospital and prescription drug services) from the estates of deceased recipients who incurred these costs from the age of 55 and older. The 1993 federal law also gave states the option to recover all other Medicaid expenses provided to these individuals, except Medicare cost-sharing paid on behalf of Medicare Savings Program beneficiaries.

However, Congress retained the existing prohibition on estate recovery in cases where there is a surviving spouse, a child under the age of 21, or a child of any age who is blind or disabled (although the law allows recovery in some circumstances after the spouse dies or non-disabled child reaches age 21). In the cases of property, the law also carved out other exceptions for adult children who have served as caretakers in the homes of the deceased; property owned jointly by siblings; and income-producing property, such as farms.

States must also establish procedures for deferring or fully or partially waiving estate recovery when it would cause an undue hardship to the recipient's heir or surviving relative.

Related Acts. PA 21-65 requires DAS to make a reasonable effort to inform next of kin in writing when a person supported or cared for by the state dies and leaves only a small personal estate, that the state intends to become the estate's legal representative to secure partial or full reimbursement of the state's claim. (PA 21-2, JSS, § 454, made the same small state administration changes, effective October 1, 2021, but § 496 of the act repealed them effective June 23, 2021.)

§§ 5-8 — PAYMENT IN LIEU OF TAXES (PILOT) GRANTS

Establishes a minimum reimbursement rate for PILOT grants and a method for prorating the grants when appropriations are not enough to fund the full grant amounts; requires OPM to disburse from MRSA an amount sufficient to fund the prorated PILOT grants

Proration Method (§ 5)

Connecticut's PILOT program provides grants to (1) municipalities for state-owned property, municipally owned airports, and Indian reservation land, and (2) municipalities and taxing districts for private, nonprofit college and hospital property. (PA 21-2, June Special Session (JSS), § 445, makes taxing districts eligible for the state, municipal, and tribal property PILOTs.) Existing law establishes reimbursement rates for PILOT-eligible property (e.g., 45% of lost property tax revenue for most state-owned real property and 77% for nonprofit college and hospital property) and requires additional payments for municipalities that host specified properties or institutions.

Under prior law, if the state's annual appropriation was not enough to fully fund the PILOTs, the grants had to be reduced according to a formula that made smaller reductions to the 35 municipalities and districts with the highest percentage of tax-exempt property on their grand lists. Beginning in FY 22, the act eliminates this proration method and

instead establishes a new one based on each municipality's (1) equalized net grand list (ENGL) per capita, (2) designation as an alliance district, and (3) percentage of state-owned property. It also requires that municipalities and districts receive PILOT grants that equal or exceed the grants they received in FY 21.

Under the act, the Office of Policy and Management (OPM) must list municipalities, boroughs, and districts based on their ENGL per capita, using grand list data for the fiscal year three years prior to the year in which the PILOT grant is to be paid (e.g., FY 19 ENGL data for grants paid in FY 22). Boroughs and districts receive the same ENGL per capita as the municipality in which they are located.

If the amount appropriated for PILOT grants is not enough to fully fund them, the act requires that (1) municipalities (including boroughs) and districts be divided into three tiers based on their ENGL per capita and (2) each tier receive the grant percentage shown in the table below. Regardless of its ENGL per capita, a municipality must be classified as a tier one municipality if (1) it is designated as an alliance district or (2) more than 50% of its property is state-owned real property.

Prorated PILOT Grants Under the Act

Tiers	Percentage of PILOT Grant
Tier One: ENGL per capita of less than \$100,000 Any municipality designated as an alliance district Any municipality in which more than 50% of the property is state-owned real property	50%
Tier Two: ENGL per capita of at least \$100,000 but no more than \$200,000	40%
Tier Three: ENGL per capita exceeding \$200,000	30%

Under the act, if the annual appropriation is not enough to fund PILOT grants at the percentages shown in the table above, then the grants to each municipality and district must be proportionately reduced, but they cannot be less than what was received in FY 21. (PA 21-2, JSS, §445, specifies that this minimum applies to the total amount of PILOT grants paid to a municipality or district.) Conversely, if the annual appropriation exceeds the amount required to fund PILOT grants at these percentages, then the grants must be proportionately increased.

The act also makes numerous technical and conforming changes and eliminates obsolete provisions.

PILOTs for Specified Municipalities and Properties (§§ 5 & 7)

Bridgeport. The act requires that an additional \$5 million PILOT grant be paid annually to Bridgeport. The grant must be (1) paid by September 30 each year from the state's PILOT appropriation and (2) in addition to the amount due to Bridgeport under the requirements described above. (PA 21-2, JSS, §§ 444 & 445, instead requires this grant to be funded from the municipal revenue sharing account (MRSA) distribution for PILOT grants, except as provided under the act for FYs 22 and 23).

U.S. Department of Veterans Affairs (VA) Connecticut Healthcare Systems Campuses. By law, the PILOT reimbursement rate for VA Connecticut Healthcare Systems campuses is 100%. Under existing practice, these PILOT grants are paid in full and not subject to proration when the PILOT appropriation is not enough to fully fund the program. The act conforms to this practice and retains the 100% reimbursement rate for these properties, excluding them from the prorated PILOT allocation formula described above. (PA 21-2, JSS, § 444, requires this grant to be funded from the MRSA distribution for PILOT grants, except as provided under the act for FYs 22 and 23).

CT Port Authority. The act restores a provision that applied prior to FY 19, which deemed property and facilities owned by the Connecticut Port Authority to be state-owned real property for purposes of the PILOT program and required the state to provide a PILOT to the municipality in which such property and facilities are located. (PA 21-2, JSS, § 445, increases the PILOT reimbursement rate for such Connecticut Port Authority property and facilities to 100%, rather than the 45% reimbursement rate that generally applies to state-owned property.)

MRSA and Select PILOT Account (§§ 6 & 8)

Beginning in FY 22, the act requires OPM to disburse from MRSA an amount sufficient to pay the prorated PILOT grants described above. (PA 21-2, JSS, § 448, supersedes this requirement for FYs 22 and 23 and instead requires that PILOT grants be paid from the funds appropriated in these fiscal years for the grants and the remaining balance due be paid from MRSA.)

The act eliminates the select PILOT account, which under prior law was a separate, nonlapsing General Fund account funded by disbursements from MRSA. Prior law required OPM to use funds directed to the select PILOT account from MRSA to pay a specified portion of the increased PILOT grants to municipalities and districts under the prior proration method.

EFFECTIVE DATE: July 1, 2021

PA 21-111—HB 6690
Emergency Certification

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE FOR CAPITAL IMPROVEMENTS, TRANSPORTATION AND OTHER PURPOSES, ESTABLISHING THE COMMUNITY INVESTMENT FUND 2030 BOARD, AUTHORIZING STATE GRANT COMMITMENTS FOR SCHOOL BUILDING PROJECTS AND MAKING REVISIONS TO THE SCHOOL BUILDING PROJECT STATUTES

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Increases bond authorizations for various statutory grants and purposes and authorizes new bonding for these purposes for FYs 22 and 23

[§§ 58 & 63-88 — CHANGES TO EXISTING AUTHORIZATIONS](#)

Cancels or reduces all or part of prior bond authorizations for specified projects and grants; makes various language changes to existing authorizations

[§ 90 — NONPROFIT ORGANIZATION SECURITY INFRASTRUCTURE COMPETITIVE GRANT PROGRAM](#)

Allows for additional rounds of grant applications under the nonprofit organization security infrastructure competitive grant program

[§§ 92-94 — CTNEXT INNOVATION PLACE PROGRAM](#)

Authorizes \$64.2 million in GO bonds over a five-year period, from FY 22 to FY 26, to recapitalize CTNext's innovation place program

[§§ 96-98 — UCONN 2000 INFRASTRUCTURE PROGRAM](#)

Increases bond authorizations for two existing UConn 2000 Phase III projects at the UConn Health Center

[§§ 99 & 100 — UCONN FACULTY RECRUITMENT AND HIRING PROGRAM](#)

Authorizes \$46.1 million in GO bonds over a five-year period for a new research faculty recruitment and hiring program at UConn

[§ 101 — GRANT TO BROOKLYN FOR RIVERSIDE PARK](#)

Requires DEEP to pay a grant of \$150,000 to Brooklyn for Riverside Park improvements

[§ 102 — CONNECTICUT PORT AUTHORITY](#)

Authorizes up to \$25 million in GO bonds over a five-year period for the Connecticut Port Authority to fund port projects in towns other than New Haven, New London, or Bridgeport

§§ 103-111 — CONNECTICUT BABY BOND TRUST

Establishes the Connecticut Baby Bond Trust program, administered by the state treasurer, and authorizes up to \$600 million in bonds for the program

§ 112 — COMMUNITY INVESTMENT FUND 2030

Authorizes up to \$875 million in bonds for a five-year bonding program to fund qualifying projects and grants in distressed communities; establishes a 21-member board to make funding recommendations under the program; authorizes an additional \$1.25 billion in bonds for the program that is contingent on agreement between the governor and board and the legislature reauthorizing the program; beginning in FY 22, requires that \$125 million of the funds available for the state's Economic Action Plan be reserved for specified projects meeting specified criteria

§ 113 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

Authorizes 15 school construction state grant commitments totaling \$393 million toward total project costs of \$637.7 million; reauthorizes two high school renovation projects with additional estimated project costs of \$119.7 million and an estimated state share of \$111.4 million

§ 114 — WATER BOTTLE FILLING STATIONS

Requires water bottle filling stations to be included in all school building projects for new construction, renovation, or replacement on any project list DAS submits to the General Assembly beginning July 1, 2022

§ 115 — DAS TECHNICAL HIGH SCHOOL STATUS REPORT

Requires DAS, starting by January 1, 2023, to (1) biennially develop a status report on all current and pending school building projects for the Technical Education and Career System (TECS) and (2) submit it to the Education Committee

§§ 116-119 & 121-128 — PROJECT EXEMPTIONS, WAIVERS, AND MODIFICATIONS

Exempts 21 school construction projects from certain statutory and regulatory requirements to allow them to, among other things, qualify for state reimbursement grants, receive higher reimbursement percentages for these grants, or receive a lower project withholding amount prior to completing an audit

§ 120 — NEW BRITAIN SCHOOL BUILDING COMMITTEES

Requires specific membership of the New Britain building committee responsible for overseeing the school building projects at Holmes and Jefferson Elementary schools

§§ 1-38, 55 & 89 — NEW BOND AUTHORIZATIONS FOR STATE AGENCY PROJECTS AND GRANTS

Authorizes new GO bonds for FYs 22 and 23 for state capital projects and grant programs

The act authorizes up to \$834.7 million for FY 22 and \$678.1 million for FY 23 in state general obligation (GO) bonds for the state projects and grant programs listed in the table below. The bonds are subject to standard issuance procedures and have a maximum term of 20 years.

The act includes a standard provision requiring, as a condition of bond authorizations for grants to private entities, each granting agency to include repayment provisions in its grant contract in case the facility for which the grant is made ceases to be used for the grant purposes within 10 years of the grantee receiving it. (It exempts Office of Policy and Management (OPM) grants from this requirement.) The required repayment is reduced by 10% for each full year that the facility is used for the grant purpose.

GO Bond Authorizations for State Projects and Grant Programs

§	Agency	For	FY 22	FY 23
2(a)	Office of Legislative Management	Replacement of legislative drafting and information system	\$2,000,000	\$0
		State Capitol Complex: alterations, renovations, improvements, and technology upgrades	4,780,000	0
2(b), 21(a)	OPM	Information technology capital investment program	65,000,000	15,000,000*
2(c), 21(b)	Department of Administrative Services (DAS)	Infrastructure repairs and improvements, including (1) fire, safety, and Americans with Disabilities Act (ADA) compliance; (2) improvements to state-owned buildings and grounds, including energy conservation and off-site improvements; and (3) preservation of unoccupied buildings and grounds, including office development, acquisition, renovations for additional parking, and security improvements	0	5,000,000
		Removal or encapsulation of asbestos and hazardous materials in state-owned buildings	10,000,000	10,000,000
		Connecticut Building at the Eastern States Exposition in Springfield: alterations, renovations, and improvements	1,000,000	0
		Capital construction, improvements, repairs, renovations, and land acquisition at fire training schools	0	5,000,000
2(d), 21(c)	Department of Emergency Services and Public Protection (DESPP)	Alterations, renovations, and improvements to buildings and grounds, including utilities, mechanical systems, and energy conservation projects	10,700,000	0
		Alterations, renovations, and improvements to buildings and grounds, including utilities	0	28,200,000
		Upgrade and replacement of the Connecticut Land Mobile Radio Network	39,000,000	0
		Alterations, renovations, improvements, and repairs to Connecticut Police Officer Standards and Training Council buildings and grounds	1,000,000	0
2(e)	Department of Motor Vehicles	Development of a master plan for department facilities	500,000	0
2(f), 21(d)	Military Department	State matching funds for anticipated federal reimbursable projects	1,810,000	3,250,000
		Alterations, renovations, and improvements to buildings and grounds, including utilities, mechanical systems, and energy conservation	200,000	200,000
2(g), 21(e)	Department of Energy and Environmental Protection (DEEP)	Alterations, renovations, and new construction at state parks and other recreation facilities, including ADA improvements	0	15,000,000
		Projects in state buildings and assets that decrease environmental impacts, including renewable energy or combined heat and power projects, and projects to (1) improve energy efficiency; (2) reduce greenhouse gas emissions from building heating and cooling, including by installing renewable thermal heating systems; (3) expand electric vehicle charging infrastructure for charging state-owned or leased electric vehicles; (4) reduce water use; and (5) reduce waste generation and disposal	20,000,000	10,000,000
2(h)	Agricultural Experiment Station	Valley Laboratory in Windsor: construction and equipment for additions and renovation	6,300,000	0
2(i)	Office of the Chief Medical Examiner	Office of the Chief Medical Examiner in Farmington: design of alteration, renovation, and additions	2,500,000	0

§	Agency	For	FY 22	FY 23
2(j), 21(f)	Department of Developmental Services	(1) Fire, safety, and environmental improvements to regional facilities and intermediate care facilities for client and staff needs, including compliance with current codes, and (2) site improvements, handicapped access improvements, utilities, repair or replacement of roofs, air conditioning, and other building renovations and additions at all state-owned facilities	2,000,000	2,000,000
2(k), 21(g)	Department of Mental Health and Addiction Services	(1) Fire, safety, and environmental improvements to regional facilities and intermediate care facilities for client and staff needs, including compliance with current codes, and (2) site improvements, handicapped access improvements, utilities, repair or replacement of roofs, air conditioning, and other building renovations and additions at all state-owned facilities	9,600,000	5,000,000
		Design and installation of sprinkler systems in direct patient care buildings, including related fire safety improvements	904,500	3,740,000
		Whiting Forensic Hospital at Connecticut Valley Hospital in Middletown: planning and design for replacement	3,000,000	0
2(l), 21(h)	State Department of Education (SDE)	Technical Education and Career System: alterations, renovations, and improvements to buildings and grounds, including new and replacement equipment, tools, and supplies necessary to update curricula, vehicles, and technology	15,100,000	14,100,000
2(m), 21(i)	Connecticut State Colleges and Universities	New and replacement instruction, research, or laboratory equipment	22,000,000	22,000,000
		System telecommunications infrastructure upgrades, improvements, and expansions	15,000,000	9,000,000
		Advanced manufacturing and emerging technology programs	3,000,000	3,075,000
		All community colleges: deferred maintenance, code compliance, and infrastructure improvements	19,000,000	20,000,000
		All universities: deferred maintenance, code compliance, and infrastructure improvements	20,000,000	20,000,000
		All colleges and universities: security improvements	2,500,000	2,500,000
		Alterations, renovations, and improvements to 185 Main Street in New Britain for the One College Office	2,900,000	0
		Pilot program to expand advanced manufacturing certificate programs to public high schools (CGS § 10a-80f)	2,500,000	2,500,000
		Health and mental health capital and information technology resources	1,000,000	0
2(n), 21(j)	Department of Correction	Alterations, renovations, and improvements to existing state-owned buildings for inmate housing, programming and staff training space, additional inmate capacity, support facilities, and off-site improvements	30,000,000	10,000,000
2(o), 21(k)	Judicial Department	Alterations, renovations, and improvements to buildings and grounds at state-owned and maintained facilities	5,000,000	5,000,000
		Technology strategic plan project implementation	2,000,000	2,000,000
		Alterations and improvements in compliance with the ADA	2,000,000	2,000,000
		Security improvements at various state-owned and maintained facilities	2,000,000	2,000,000
2(p)	State Library	Development of a new shared library preservation facility	10,264,000	0
HOUSING PROJECTS				
9, 28	Department of Housing (DOH)	Housing development and rehabilitation, including improvements to various state-assisted affordable housing and housing-related	100,000,000	100,000,000

§	Agency	For	FY 22	FY 23
		financial assistance programs; requires DOH to use up to \$30 million in each FY to revitalize moderate rental housing units in the Connecticut Housing Finance Authority's state housing portfolio		
GRANTS				
13(a), 32(a), 55, 89	OPM	Grants for capital purposes to municipalities eligible for the distressed municipalities property tax reimbursement program (CGS § 32-9s)	7,000,000	7,000,000
		Grants to municipalities and higher education institutions for purchasing body-worn recording equipment, digital data storage devices, and dashboard cameras; earmarks up to \$500,000 for FY 22 for a study of centralized data storage for recordings from body-worn recording equipment and dashboard cameras	2,500,000	2,000,000
		Community engagement training for law enforcement units in towns with a population exceeding 100,000 or in adjacent towns	500,000	0
		Grants to private, nonprofit health and human service organizations that receive state funds to provide direct health or human services to state agency clients for alterations, renovations, improvements, additions, and new construction, including (1) health, safety, ADA compliance, and energy conservation improvements; (2) information technology systems; (3) technology for independence; and (4) vehicle purchases and property acquisition	10,000,000	25,000,000**
		Grant for a Sandy Hook memorial	2,600,000	0
		Grants for regional and local improvements and development, including (1) Bristol Health emergency backup power generation replacement and upgrade, (2) Crestbrook Park facility upgrades, (3) Thomaston Opera House, (4) Squantz Engine Company elevator, (5) Tolland Fire Department capital improvements, (6) Plymouth Police Department, (7) new facility for Operation Hope of Fairfield, (8) Shelton Constitution Boulevard extension and Commerce Park, (9) track at Portland High School and Portland Middle School, (10) Trumbull Veterans & First Responder Center, (11) Stanley T. Williams Senior Center roof repair, (12) YMCA of Wallingford, (13) East Haven pool renovation, (14) Fox Hill Memorial Tower rehabilitation, (15) connection and expansion of sewer line in Bozrah, (16) Fairfield landfill cleanup, (17) Shakespeare Theater construction, (18) Sterling House Community Center renovations, (19) regional public safety complex in Enfield, (20) Bristol Hospital backup generator, (21) Woodridge Lake sewer treatment plant renovations, (22) Groton sidewalks, and (23) Griswold Senior Center	35,000,000	35,000,000
		Grants to municipalities (specifies the grant amounts for each municipality) (§ 55)	91,000,000	91,000,000
		Grant to the Commission on Gun Violence Prevention and Intervention (§ 89)	5,000,000	7,000,000
13(b), 32(b)	DEEP	Grants to municipalities for open space acquisition and development for conservation or recreational purposes	10,000,000	10,000,000
		Grants to municipalities for improvements to incinerators and landfills, including bulky waste landfills	2,900,000	2,900,000
		Microgrid and resilience grant and loan pilot program	5,000,000	5,000,000

\$	Agency	For	FY 22	FY 23
		Grants for identifying, investigating, containing, removing, or mitigating contaminated industrial sites in urban areas	10,500,000	10,500,000
		Grants to contain, remove, or mitigate identified hazardous waste disposal sites	5,000,000	5,000,000
		Grants to municipalities for (1) providing potable water and (2) assessment and remedial action to address pollution from perfluoroalkyl and polyfluoroalkyl (PFAS) substances	1,150,000	1,150,000
13(c), 32(c)	Department of Economic and Community Development (DECD)	Brownfield Remediation and Revitalization program	25,000,000	25,000,000
		Small Business Express program	25,000,000	25,000,000
		Connecticut Manufacturing Innovation Fund	10,000,000	10,000,000
		CareerConneCT workforce training programs	20,000,000	20,000,000
		Grants to nonprofits operating cultural and historical sites	0	5,000,000
13(d)	Connecticut Port Authority	Grants for improvements to deep water ports, including dredging; requires that at least \$20 million be used for deep water ports outside of New London	50,000,000*	0
13(e), 32(d)	Department of Transportation (DOT)	Grants to municipalities for the Town Aid Road program	30,000,000	30,000,000
13(f), 32(e)	SDE	Grants to assist targeted local and regional school districts for alterations, repairs, improvements, technology, and equipment in low-performing schools	5,000,000	5,000,000
13(g)	Connecticut Higher Education Supplemental Loan Authority	Alliance District Teacher Loan Subsidy Program	7,000,000	0
13(h), 32(f)	Department of Public Health	Health Disparities and Prevention Grant Program; in each FY, earmarks up to (1) \$25 million for federal qualified health centers (for FY 22, up to \$300,000 of this amount may be used to conduct a health disparities study) and (2) \$15 million for mental health and substance abuse treatment providers*	40,000,000*	40,000,000**

*PA 21-2, June Special Session (JSS), §§ 469-473, modifies these authorization amounts.

**PA 21-2, JSS, 474 & 482-483, cancels these authorization amounts.

EFFECTIVE DATE: July 1, 2021, for FY 22 bond authorizations and July 1, 2022, for FY 23 authorizations.

§§ 39-50 — TRANSPORTATION BONDS

Authorizes new STO bonds in FYs 22 and 23 for DOT projects

The act authorizes up to \$836.9 million in new special tax obligation (STO) bonds in FY 22 and \$929.6 million in FY 23 for DOT projects, as shown in the table below.

STO Bond Authorizations for DOT Projects

Authorized Program Areas	FY 22 (\$ 40)	FY 23 (\$ 46)
<i>Bureau of Engineering and Highway Operations</i>		
Interstate highway program	\$13,000,000	\$13,000,000
Urban systems projects	16,750,000	16,750,000
Intrastate highway program	63,000,000	72,000,000

Authorized Program Areas	FY 22 (\$ 40)	FY 23 (\$ 46)
Environmental compliance, soil and groundwater remediation, hazardous material abatement, demolition, salt shed construction and renovation, storage tank replacement, and environmental emergency response at or near state-owned properties or related to DOT operations	8,810,000	15,300,000
State bridge improvement, rehabilitation, and replacement	33,000,000	33,000,000
Capital resurfacing and related reconstruction	107,500,000	107,500,000
Fix-it-First bridge repair program	74,000,000	155,000,000
Fix-it-First road repair program	65,785,000	64,783,000
Local Transportation Capital Improvement Program	67,000,000	67,000,000
Grants to municipalities for the Town Aid Road Program	30,000,000	30,000,000
Local bridge program	10,000,000	10,000,000
Highway and bridge renewal equipment	19,000,000	19,000,000
Community connectivity and alternative mobility program	12,000,000	12,000,000
Bureau of Public Transportation		
Bus and rail facilities and equipment, including rights-of-way, other property acquisition, and related projects	248,120,000	270,800,000
Bureau of Administration		
Department facilities	68,945,000	43,425,000

EFFECTIVE DATE: July 1, 2021, for FY 22 bond authorizations and July 1, 2022, for FY 23 authorizations.

§§ 51-54, 56-57, 91 & 95 — BOND AUTHORIZATIONS FOR STATUTORY PROGRAMS AND GRANTS

Increases bond authorizations for various statutory grants and purposes and authorizes new bonding for these purposes for FYs 22 and 23

The act increases aggregate bond authorizations for various statutory grants and purposes and authorizes new bonding for these purposes for FYs 22 and 23, as shown in the table below.

Statutory Bond Authorizations for FYs 22 and 23

§	Agency	Purpose/Fund	FY 22	FY 23
51	OPM	Urban Act (economic and community development project grants)	\$200,000,000	\$40,000,000
52	OPM	Small Town Economic Assistance Program (STEAP)	0	15,000,000
53	OPM	Capital Equipment Purchase Fund	10,000,000	10,000,000
54	OPM	Local Capital Improvement Program (LoCIP)	30,000,000	30,000,000
56	DOH	Housing Trust Fund	55,000,000	50,000,000
57	DAS	School construction projects	550,000,000	450,000,000*
59	DEEP	Clean Water Fund grants	100,000,000	100,000,000
60	DEEP	Clean Water Fund loans (revenue bonds)	281,000,000	237,000,000
61	DEEP	Connecticut bikeway, pedestrian walkway, recreational trail, and greenway grant program	3,000,000	3,000,000
62	SDE	School security infrastructure competitive grant program	5,000,000	10,000,000

§	Agency	Purpose/Fund	FY 22	FY 23
91	DESPP	Nonprofit security infrastructure competitive grant program (see § 90 below)	10,000,000	5,000,000

*PA 21-2, JSS, § 484, increases this authorization to \$550 million.

Crumbling Foundations Assistance Fund (§ 95)

The act increases the existing authorization for the Crumbling Foundations Assistance Fund by \$100 million, in the amounts of \$25 million per year for FYs 23-26.

EFFECTIVE DATE: July 1, 2021, except that the STEAP authorization is effective July 1, 2022.

§§ 58 & 63-88 — CHANGES TO EXISTING AUTHORIZATIONS

Cancels or reduces all or part of prior bond authorizations for specified projects and grants; makes various language changes to existing authorizations

Bond Cancellations and Reductions

The act cancels or reduces, by a total of \$143.6 million, all or part of prior bond authorizations for the projects and grants shown in the table below.

Cancellations and Reductions

§	Agency and Purpose	Prior Authorization	Amount Cancelled
58	Office of Early Childhood: Smart Start competitive grant program	63,519,149	15,000,000
63-64	Judicial Department: development of a courthouse facility in Torrington	25,288,700	500,000
65-66	DECD: grant to Meriden for the West Main Street streetscape project	2,000,000	800,000
70-71	SDE: Grants for <i>Sheff</i> magnet school program capital start-up costs	15,000,000	323,586
73-74	DEEP: grant to Glastonbury to acquire open space for conservation or municipal purposes (expands the authorization's allowable purposes to include reimbursement of the purposes)	10,000,000	7,000,000
75-76	DESPP: planning and design for a new forensic science laboratory	6,000,000	5,000,000
77 & 79, 81-82, 84-85, 86-87	DOL: Workforce Training Authority Fund	70,000,000	70,000,000
88	Connecticut Municipal Redevelopment Authority capitalization	45,000,000	45,000,000

Microgrids (§§ 67 & 78)

The act changes the purpose of two existing bond authorizations for energy microgrids. Under prior law, the authorizations (\$15 million and \$5 million, respectively) were for a program to establish energy microgrids to support critical municipal infrastructure. The act instead directs them to the microgrid and resilience grant and loan pilot program.

Grant to Children's Museum in West Hartford (§§ 68 & 69)

The act increases, by \$10 million, an existing bond authorization for nonprofits sponsoring children's museums, aquariums, and science-related programs and earmarks the funds for a grant to the Children's Museum in West Hartford.

Let's Go CT Capital Improvement Program (§ 72)

The act expands the purpose for which DOT may use an existing bond authorization under the Let's Go CT program. Under prior law, the authorization was for a parking structure and pedestrian bridge in New Haven on the New Haven rail line. The act expands it to also include improvements to Union Station and the surrounding roadways in New Haven.

Healthy Homes Program (§§ 80 & 83)

Prior law authorized bonds for the DOH and Connecticut Children's Medical Center's (CCMC) Healthy Homes Program that abates lead and addresses other environmental health and safety concerns in homes. The act eliminates references to CCMC for purposes of these authorizations.

EFFECTIVE DATE: July 1, 2021, except that the change to the Let's Go CT program is effective upon passage.

§ 90 — NONPROFIT ORGANIZATION SECURITY INFRASTRUCTURE COMPETITIVE GRANT PROGRAM

Allows for additional rounds of grant applications under the nonprofit organization security infrastructure competitive grant program

Existing law requires DESPP to administer a competitive grant program to reimburse eligible nonprofit organizations for security infrastructure improvements. The act eliminates the July 31, 2020, deadline to apply for the grants, thus allowing for additional rounds of grant applications. (The act increases the program's authorization by \$15 million; see § 91 above). As under existing law, the grants are for certain expenses incurred on or after July 1, 2019.

The act also makes a conforming change by eliminating a provision for a second round of grant applications, limited to expenses incurred on or after February 1, 2021, if there were remaining bonds funds after the first round.

EFFECTIVE DATE: July 1, 2021

§§ 92-94 — CTNEXT INNOVATION PLACE PROGRAM

Authorizes \$64.2 million in GO bonds over a five-year period, from FY 22 to FY 26, to recapitalize CTNext's innovation place program

The act authorizes \$64.2 million in GO bonds over a five-year period, from FY 22 to FY 26, to recapitalize CTNext's innovation place program, as shown in the table below. The bonds are subject to standard statutory bond issuance procedures and repayment requirements.

Under the act, bond proceeds may generally be used for new and existing innovation places, except that the act earmarks (1) \$10 million for deposit into the CTNext Fund in FY 24 to cover general operating expenses and (2) \$200,000 for an economic feasibility study of certain lands in Trumbull in FY 22.

CTNext Bond Authorizations

FY	Amount (\$)
22	200,000
23	13,500,000
24	23,500,000
25	13,500,000
26	13,500,000

The act also reestablishes and makes permanent the requirement that the CTNext board report annually by September 30 to the Commerce and Finance, Revenue and Bonding committees on the innovation place program's operation, effectiveness, and grant distribution. This requirement expired on September 30, 2020.

EFFECTIVE DATE: July 1, 2021, except that a technical change is effective July 1, 2022.

§§ 96-98 — UCONN 2000 INFRASTRUCTURE PROGRAM

Increases bond authorizations for two existing UConn 2000 Phase III projects at the UConn Health Center

The act increases bond authorizations for two existing UConn 2000 Phase III projects at the UConn Health Center, as shown in the table below. The additions total \$80.1 million in new bond authorizations under the program. To conform to the increased bond authorization, the act adjusts the annual bond limits for the UConn 2000 program for FY 22 and FY 23 by \$57.1 million and \$23 million, respectively. (PA 21-2, JSS, §§ 479-481, reduces these authorizations by \$55.1 million, resulting in a net increase of \$25 million.)

UConn 2000 Phase III Project Authorizations (in millions)

Project	Prior Authorization	New Authorization	Change
Deferred Maintenance/Code/ADA Compliance/Infrastructure & Improvements Renovation Lump Sum and Utility, Administrative and Support Facilities – Health Center	\$61.0	\$110.1	\$49.1
Equipment, Library Collections and Telecommunications – Health Center	75.0	106.0	31.0

EFFECTIVE DATE: July 1, 2021

§§ 99 & 100 — UCONN FACULTY RECRUITMENT AND HIRING PROGRAM

Authorizes \$46.1 million in GO bonds over a five-year period for a new research faculty recruitment and hiring program at UConn

The act (1) requires UConn to begin a new research faculty recruitment and hiring program and (2) authorizes \$46.1 million in GO bonds over a five-year period, from FY 22 to FY 26, for this purpose, as shown in Table 7. The bonds are subject to standard statutory bond issuance procedures and repayment requirements.

**Table 7: UConn Research Faculty Recruitment and Hiring Program
GO Bond Authorizations**

FY	Amount
22	\$ 6,460,000
23	11,729,200
24	14,489,200
25	9,220,000
26	4,201,600

Program Requirements

Existing law requires UConn to develop, maintain, and revise a faculty recruitment program to attract faculty with demonstrated excellence in their research fields and an interest in (1) collaborating on research that meets societal needs or (2) commercializing discoveries, innovations, or technologies. UConn's Board of Trustees must biennially develop a plan for recruiting and hiring research faculty, including those whose research is focused on societal needs or can be commercialized.

The act requires the Board of Trustees to implement a faculty recruitment and hiring program in accordance with this plan. The program must be used to (1) hire faculty meeting the above qualifications; (2) support the faculty's compensation and related construction, renovation, and equipment costs; and (3) help UConn meet existing law's faculty recruitment goals

and requirements (see above). Through this new program, UConn must also (1) encourage and facilitate the creation of new business ventures in the state that fuel economic growth and (2) provide resources for proof of concept, technology maturation, early- and later-stage venture capital funding, and other measures that encourage expansion of UConn's entrepreneurial ecosystem.

The act requires UConn's president to report on the program's implementation in his annual report on the university's progress toward the hiring goals in its faculty recruitment plan. By law, this report is submitted to the Higher Education and Finance, Revenue and Bonding committees.

EFFECTIVE DATE: July 1, 2021

§ 101 — GRANT TO BROOKLYN FOR RIVERSIDE PARK

Requires DEEP to pay a grant of \$150,000 to Brooklyn for Riverside Park improvements

The act requires the DEEP commissioner to pay, from grants authorized under the Urban Act program, a grant of \$150,000 to Brooklyn to reimburse it for Riverside Park improvements.

EFFECTIVE DATE: Upon passage

§ 102 — CONNECTICUT PORT AUTHORITY

Authorizes up to \$25 million in GO bonds over a five-year period for the Connecticut Port Authority to fund port projects in towns other than New Haven, New London, or Bridgeport

The act authorizes up to \$25 million in GO bonds over a five-year period, capped at \$5 million in each year from FY 22 through FY 26, for the Connecticut Port Authority (CPA). If CPA does not use all or part of the capped amount in a fiscal year, that amount is added to the capped amount for the following year.

The act requires CPA to enter into a memorandum of understanding (MOU) with the OPM secretary and state treasurer regarding the bond issuance, including the extent to which federal, private, and other available funds should be added to the bond proceeds. The MOU must provide for the issuance of these bonds to fund CPA's port projects in towns other than New Haven, New London, or Bridgeport. (The state's three deep water ports are in these cities.) The MOU is subject to the State Bond Commission's approval, which satisfies the standard approval requirements under the GO Bond Procedure Act.

Subject to the caps, the act deems the principal amount of the authorized bonds to be an appropriation, allocation, and allotment of the bond amounts. The bonds are subject to standard statutory conditions.

EFFECTIVE DATE: Upon passage

§§ 103-111 — CONNECTICUT BABY BOND TRUST

Establishes the Connecticut Baby Bond Trust program, administered by the state treasurer, and authorizes up to \$600 million in bonds for the program

The act establishes the Connecticut Baby Bond Trust program, administered by the state treasurer, and authorizes up to \$600 million in bonds for the program (\$50 million per year) from FYs 23 through 34. Under this program, the treasurer must (1) create accountings for babies born on or after July 1, 2021, whose births were covered under HUSKY (i.e., designated beneficiaries) and (2) deposit \$3,200 into each designated beneficiary's accounting at birth. Once they have reached age 18, designated beneficiaries that meet the act's eligibility requirements may receive the funds in their accountings, including any investment earnings, to be used for an eligible expenditure. Eligible expenditures generally include those for education, home-buying, business investments, and personal financial investments.

EFFECTIVE DATE: July 1, 2021

Trust Requirements (§ 104)

Under the act, the trust is an instrumentality of the state performing essential governmental functions. It receives and holds all deposits, gifts, bequests, endowments, government grants, and other sources of funds, and the earnings on those funds, until disbursed to a designated beneficiary.

The act requires that deposits be made in cash and specifies that funds in the trust are not the property of the state and cannot be combined with state funds. The act also specifies that the trust is not a state department, institution, or agency, and the state has no claim on its funds. The trust must continue to exist as long as it has deposits or obligations and until

terminated by law. Unclaimed assets escheat to the state under the law for unclaimed property held by a fiduciary.

Under the act, any contract entered into by the trust, or any obligation of the trust, is not a state debt or obligation, and the state has no obligation on account of the trust. Amounts that must be paid from the trust are limited to the amount deposited in the trust available for the payments. The trust's deposits may be disbursed only in accordance with the act.

Treasurer's Authority and Powers (§§ 104 & 105)

Under the act, the state treasurer must receive, maintain, administer, invest, and disburse the trust's money. On behalf of the trust and to carry out its purposes, he may:

1. receive and invest the trust's money as described below;
2. enter into contractual agreements for services for the trust (e.g., legal, actuarial, administrative, and consulting) and pay for them with the trusts' assets;
3. obtain insurance;
4. apply for, accept, and spend public or private donations to enable the trust to achieve its objectives;
5. adopt regulations;
6. sue and be sued;
7. establish funds within the trust; and
8. take other necessary action to carry out the act's purposes and incidental to the treasurer's duties under the act.

Investment (§ 106)

The act requires the state treasurer to (1) invest the trust's funds in a reasonable way to achieve its objectives; (2) exercise a prudent person's care and discretion; and (3) consider such things as rate of return, risk, maturity, portfolio diversification, liquidity, projected disbursements and expenditures, and expected deposits and other gifts. Under the act, these requirements apply regardless of existing state laws on the treasurer's investment authority, including the (1) requirement that the treasurer's trust fund investments be reviewed by the Investment Advisory Council and (2) statutory constraints that limit the percentage of state funds invested in common stock and investments in companies doing business in specified countries.

He need not require that the trust invest in government bonds or other funds he administers. The act requires that the trust's assets be continuously invested and reinvested, consistent with the trust's objectives, until they are disbursed for eligible expenditures or spent on the trust's operational expenses.

Tax Exemption (§107)

The act provides that the trust's property and earnings are exempt from all state and local taxes.

Impact on Assistance Programs and Need-Based Aid (§ 108)

The act specifies that, to the extent federal law allows, and regardless of any state statute, funds invested in the trust are not considered assets or income for purpose of determining an individual's eligibility for (1) any Department of Social Services (DSS)-administered assistance program or (2) need-based, institutional aid grants offered at the state's public eligible educational institutions.

Designated Beneficiary Accountings (§§ 109-110)

Initial Deposit. The state treasurer must establish an accounting for each designated beneficiary and transfer, from the General Fund to the trust, \$3,200 to the beneficiary's accounting at birth. (PA 21-2, JSS, § 485, (1) allows, rather than requires, him to make this transfer; (2) provides that the transfer amount may be up to \$3,200; and (3) requires that it be made from the program's bond proceeds, rather than the General Fund.) Each beneficiary's accounting must include the amount transferred at birth, plus the beneficiary's pro rata share of the trust's total net investment earnings. (PA 21-2, JSS, § 485, also requires that the transfer amount be proportionately reduced for any year in which the amount of bond funds made available under the program is insufficient to provide the \$3,200 transfer to each beneficiary.)

Claims for Eligible Expenditures. A designated beneficiary is eligible to receive the total amount in his or her accounting for an eligible expenditure if he or she (1) is age 18 to 29, (2) has completed a financial literacy requirement prescribed by the treasurer, and (3) is a state resident at the time of the claim. "Eligible expenditures" include any of the following expenses, as prescribed by the treasurer: (1) education, (2) purchasing a home in the state, (3) investing in a

business here, or (4) investing in financial assets or personal capital that provides long-term wage or wealth gains. The act allows the treasurer to adopt regulations for these provisions.

Under the act, if a designated beneficiary fails to submit a valid claim, as determined by the treasurer, before his or her 30th birthday or dies before doing so, then the amount of his or her accounting is credited back to the trust's assets.

MOU With DSS (§109)

The act requires the state treasurer and DSS to enter into an MOU to establish information-sharing practices in order to carry out these provisions. It makes the MOU contingent on adequate consent authorizing the disclosure of designated beneficiaries' confidential information under any applicable state or federal laws.

Bonds (§ 111)

Authorization. The act authorizes the state treasurer to issue up to \$600 million in state GO bonds for the program, in amounts of up to \$50 million per year from FYs 23-34. It also authorizes him to issue (1) additional bonds or other debt to fund the issuance costs and (2) refunding bonds to retire bonds previously issued under this provision. (PA 21-2, JSS, § 485, repeals these provisions, instead allowing the State Bond Commission to authorize the issuance of these bonds, subject to the same \$50 million per-year cap. In doing so, it subjects the bonds issued for this program to the standard Bond Commission approval process.)

Governor's Approval. Beginning by September 1, 2022, the act requires DSS to annually inform the treasurer of the number of designated beneficiaries born in the prior fiscal year. The treasurer must then promptly submit to the governor and OPM secretary a calculation of the total deposit amount required to credit \$3,200 for each of these beneficiaries. (PA 21-2, JSS, § 486, requires him to send this information by certified mail.) No later than 30 days after this submission, the governor may approve or disapprove all or some of the amount by notifying the treasurer, in writing, of his decision and the reasons for it. If the governor does not act within 30 days, the bond issuance for that fiscal year is deemed approved. The treasurer may issue bonds in that amount, subject to the annual cap, plus additional amounts for issuance costs and capitalized interest, if any. (PA 21-2, JSS, § 486, eliminates these provisions allowing the governor to approve or disapprove the treasurer's bond issuance.)

If the amount required for the deposits in any fiscal year is less than the capped amount, or if the governor disapproves some or all of the issuance for that year, then the remaining amount under the cap is carried forward and added to the capped amount for a subsequent fiscal year, but no later than FY 33. If the governor approves only a portion of the total amount the treasurer calculated in his report, or if the amount calculated by the treasurer exceeds the annual allocation cap, the amount credited for each designated beneficiary's account for that fiscal year must be proportionately reduced. (PA 21-2, JSS, § 486, instead provides that if the Bond Commission does not allocate all or a portion of the bonds in any fiscal year, then the remaining amount must be carried forward and added to the authorized amount for the next two succeeding fiscal years.) Issuance costs may be added to the capped amount in each fiscal year.

Subject to the act's capping provisions and following the governor's approval or deemed approval of the issuance, the act deems the principal amount of the authorized bonds to be an appropriation and allocation of the bond amounts and an allotment by the governor of funds. The treasurer may make the deposit to the trust from available funds regardless of whether the authorized bonds have then been issued and must maintain a separate, nonlapsing account to record the bond proceeds and deposits made. (PA 21-2, JSS, § 486, eliminates these provisions.)

Treasurer's Powers. The act incorporates and applies to the bonds applicable statutory provisions relating to state bonds, including provisions authorizing the treasurer to make contracts, agreements, and promises relating to the bonds; and establishing the procedure and venue for, and state defenses in, any bondholder lawsuit under contracts, agreements, and covenants relating to the bonds.

The act exempts interest on, and gains from the sale of, the notes from all taxes imposed by the state or under its authority, except estate or succession taxes. It also allows the treasurer to make whatever representations and agreements are necessary or appropriate to ensure that note holders receive available federal tax benefits on note interest. The agreements may include (1) promises to provide secondary market disclosure information; (2) arrangements for the information to be provided through an agent or trustee; and (3) remedies, limited to specific performance, for breaching an agreement. (A "secondary market" is any sale after the initial public offering.)

Indemnification. The act indemnifies state elected and appointed officials and employees from financial losses, including legal fees, arising out of claims of negligence in providing secondary market disclosure information or performing other duties under any agreement to do so. The indemnification does not (1) cover willful and wanton fraud or (2) preclude a governmental immunity defense to any claim, demand, or suit.

Investment. The act makes the bonds legal investments for banks, insurance companies, fiduciaries, and public bodies

and allows public officers to accept them for any purpose for which they may receive or deposit state obligations.

Legal Actions Related to the Bonds. The act allows the Hartford Superior Court to enter a judgment against the state based on (1) an express contract between the state and bond holders or (2) contracts or agreements the act allows the treasurer to make relating to the notes. Such a judgment must include any claim or set-off the state has against the plaintiffs. The case must be heard without a jury. The act reserves to the state all legal defenses in such a case except governmental immunity and allows either party to move that the action have privilege in its trial assignment.

§ 112 — COMMUNITY INVESTMENT FUND 2030

Authorizes up to \$875 million in bonds for a five-year bonding program to fund qualifying projects and grants in distressed communities; establishes a 21-member board to make funding recommendations under the program; authorizes an additional \$1.25 billion in bonds for the program that is contingent on agreement between the governor and board and the legislature reauthorizing the program; beginning in FY 22, requires that \$125 million of the funds available for the state's Economic Action Plan be reserved for specified projects meeting specified criteria

The act establishes a five-year, \$875 million bonding program, from FYs 23-27, to fund qualifying projects and grants in eligible municipalities (i.e., those designated as public investment communities or alliance districts). It establishes a 21-member board, the Community Investment Fund 2030 board, within DECD to accept applications for funding under the program from municipalities, community development corporations, and nonprofits undertaking eligible projects. The act establishes a process by which the board reviews the applications and submits them to the governor for his review. Each eligible project for which the governor recommends a bond allocation must be considered at a Bond Commission meeting within two months after the board's recommendation to the governor.

The act also authorizes an additional five years and \$1.25 billion of bonding under the program, from FYs 28-32, but makes the authorization contingent on agreement between the governor and board and the legislature reauthorizing the program.

EFFECTIVE DATE: Upon passage

Community Investment Fund 2030 Board

Members and Appointing Authorities. The act establishes the Community Investment Fund 2030 board within DECD. Under the act, the board is composed of 17 ex-officio members and four appointed members. The ex-officio members are the (1) top six legislative leaders; (2) two chairpersons of the Finance, Revenue and Bonding Committee's general bonding subcommittee; (3) OPM secretary, attorney general, treasurer, comptroller, and secretary of the state, or their designees; and (4) economic and community development, administrative services, social services, and housing commissioners, or their designees. The four appointed members are as follows:

1. one each appointed by the House speaker and Senate president pro tempore who must be members of the General Assembly's Black and Puerto Rican Caucus and
2. two appointed by the governor.

Appointments. The appointing authorities must make their initial appointments by August 22, 2021. The gubernatorial appointees' terms are coterminous with the governor's term or until their successors are appointed, whichever is later. Appointing authorities must fill any vacancies for the balance of the unexpired term.

Conflicts of Interest. The act provides that it is not a conflict of interest for a trustee, director, partner, officer, stockholder, proprietor, counsel, or employee of any person to serve as a board member, provided the individual abstains from deliberation, action, or vote by the board in specific respect to such person, firm, or corporation. The governor's appointed members are considered public officials and must follow the State Code of Ethics for Public Officials.

Meetings and Procedures. The House speaker and Senate president pro tempore must serve as the board's chairpersons and schedule its first meeting by January 1, 2022. The board must meet at least quarterly.

Eleven board members constitute a quorum for transacting business. Appointees are not compensated but may, within available funds, be reimbursed for necessary expenses they incur in performing their duties.

Staff. The DECD commissioner or his designee (i.e., the "administrator") must hire any additional employees necessary to help the board carry out its duties.

Powers and Duties. The act establishes the following powers and duties for the board:

1. review eligible projects to be recommended to the governor as described below,
2. establish bylaws governing its procedures,
3. review and provide comments to DECD on projects funded through the state's Economic Action Plan (see *Economic Action Plan* below), and

4. perform any other actions necessary and appropriate to carry out its duties.

Eligible Projects

Under the act, an “eligible project” is a project or grant, as described below, that furthers consistent and systematic fair, just, and impartial treatment of all individuals. This includes individuals who belong to underserved and marginalized communities that have been denied such treatment, such as Black, Latino, and indigenous and Native American people; Asian Americans and Pacific Islanders and other people of color; religious minorities; lesbian, gay, bisexual, transgender, and queer persons and others comprising the LGBTQ+ community; people who live in rural areas; and people otherwise adversely affected by persistent poverty or inequality.

The projects or grants may be proposed by a municipality, community development corporation, or nonprofit corporation. Proposed projects must promote economic or community development in an eligible municipality. They may include brownfield remediation; affordable housing; new or improved water and sewer infrastructure to support smaller scale economic development; pedestrian safety and traffic calming improvements; new or improved energy resiliency or clean energy projects; and land acquisition and capital projects to build, rehabilitate, or renovate buildings and structures to facilitate or improve home rehabilitation programs and facilities (e.g., libraries and senior centers).

Proposed grants must be to provide (1) a revolving loan program, microloans, or gap financing to small businesses located within an eligible municipality or (2) start-up funds to establish a small business there.

Application and Review Process

The act requires the board to establish an application and review process with guidelines and terms for providing funds to eligible projects from the bond proceeds authorized from FYs 23-27, as described below. Once the process has been established, the board’s chairpersons must notify each municipality’s chief elected official (CEO) and publicize the funds’ availability. Municipal CEOs, community development corporations (CDCs), and nonprofits may in turn apply to the board to request funds for an eligible project. The board must meet to consider applications submitted and determine which, if any, it will recommend to the governor for approval.

Evaluation Criteria. In evaluating applications, the act requires the board to give priority to eligible projects that (1) are proposed by a municipality that (a) has implemented local hiring preferences in accordance with state law or (b) has or will leverage municipal, private, philanthropic, or federal funds for the project and (2) have a project labor agreement or employ or will employ ex-offenders or individuals with physical, intellectual, or developmental disabilities. The board must additionally prioritize municipal applications that include a letter of support for the proposed eligible project from a General Assembly member or members in whose district the eligible project is or will be located.

For grant proposals that the recipient will use for small business loans or financing, the board must also consider the (1) default risk on the repayment of a proposed loan or financing program and (2) eligible project’s impact on the municipality’s job creation or retention, blighted properties, and community. The board may not recommend any proposed loan or financing program for which the interest rate varies from the prevailing market rate.

Recommendations to the Governor. Under the act, the board’s chairpersons must submit a list of the board’s recommended projects and grants to the governor whenever the board deems it necessary and desirable. The board may also recommend state funding of up to \$175 million in any fiscal year.

For each proposed project, the list must include (1) a description of the project; (2) the municipality in which it is located; (3) any cost estimates, schematics, or plans for the project; and (4) the total estimated project costs. For each proposed grant, the list must include (1) a description of, and specific terms for, any proposed loans, financing, or start-up funds to be provided from the grant and (2) the types of small businesses that may be eligible for the funds. For both proposed projects and grants, the list must also include the amount of funds sought and applicable fiscal year to which the disbursement will be attributed.

Governor’s Project Review. After receiving the board’s list, the governor must review the recommended projects and grants and may recommend changes to any of them. He must determine the most appropriate funding method for each project and give the board his decision for each one, and the reasons, in writing. The board may, at a future meeting, reconsider any of the projects for which the governor recommends a change.

Each eligible project for which the governor recommends a bond allocation must be considered at a State Bond Commission meeting within two months after the date the board submitted it to the governor on its list of recommended projects.

Administration. Funds for approved eligible projects may be administered on the board’s behalf by a state agency, as determined by the OPM secretary, as long as the board’s administrator and the state, acting by and through the OPM secretary, has entered into an MOU.

Legislative Report

By August 31, 2023, the act requires the board to report to the General Assembly, the General Assembly's Black and Puerto Rican caucus, state auditors, and the governor on the following information for the preceding fiscal year:

1. a list of eligible projects recommended by the board and approved by the governor;
2. the total amount of funds provided for these projects;
3. for each project, a description and the amount and terms of the funds provided;
4. the projects' status and any remaining allocated fund balance; and
5. any other information the board deems relevant or necessary.

The board must submit this same report annually for each fiscal year in which funds are disbursed for eligible projects.

Audit Requirement

The act requires the state auditors to biennially audit the eligible projects funded under this program and report their findings to the governor, OPM secretary, and General Assembly.

Bond Authorization

FYs 23-27. The act authorizes up to \$875 million in GO bonds over five years, in amounts of up to of \$175 million per year for FYs 23-27. The proceeds from these bonds must be used for (1) costs related to an eligible project (a) recommended by the board and approved by the governor and (b) for which the governor has determined that bond funding is appropriate and that no other bond authorization is available and (2) paying or reimbursing the DECD commissioner for administrative costs, including allocated staff costs and other out-of-pocket costs attributable to the board's administration and operation.

The bonds are subject to standard statutory conditions. Any amount that the State Bond Commission does not allocate in any such fiscal year is added to the capped amount for the following year. Any issuance costs and capitalized interest may be added to the capped amounts.

FYs 28-32. The act authorizes an additional \$1.25 billion in GO bonds for FYs 28 through 32 that are contingent on (1) agreement between the governor and board and (2) the General Assembly adopting a resolution affirming the board's reauthorization and the program established under the act. As with the bonds for FYs 23-27, the proceeds from these bonds must be used to fund eligible projects for which the governor has determined that bond funding is appropriate and that no other bond authorization is available. The bonds are subject to the same standard statutory conditions and carryforward provisions described above.

Economic Action Plan

Beginning in FY 22, and for each fiscal year thereafter, the act requires that \$125 million of the funds available for the state's "Economic Action Plan" be reserved for projects that provide the following:

1. (a) a revolving loan program, microloans, or gap financing to women or minority-owned small businesses; (b) start-up funds to establish such businesses; (c) brownfield remediation or broadband expansion; or (d) human services, workforce development, mental health services, educational programming, preapprenticeship and apprenticeship training, youth services programming, or physical, intellectual, and developmental disability services;
2. the potential to directly impact community enrichment programs for, or related to, financial literacy, home ownership opportunity, free or reduced tuition for vocational training schools, academic scholarships, seniors' and veterans' services, and arts and culture; or
3. the potential to directly impact youth and adult enrichment programs for, or related to, "earn while you learn" programs, paid internships, or summer youth programming.

The DECD commissioner must (1) receive and consider comments from the Community Investment Fund 2030 Board on funding for these projects, (2) provide quarterly expenditure reports to the board for the projects, and (3) hold public hearings for the projects before the board. (PA 21-2, JSS, §§ 475 & 488, eliminates these provisions and instead allows the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, federal American Rescue Plan Act (ARPA) funds, and available resources to provide grants for selected major projects to implement the state's Economic Action Plan. Under the act, the Community Investment Fund 2030 board must review and provide comments to DECD on these projects, rather than the projects funded from the \$125 million of reserved funds described above.)

The “Economic Action Plan,” also referred to as the “Economic Development Action Plan,” is Governor Lamont’s proposal to use a combination of state bonds, tax credits, private and municipal matching funds, and other funding streams to support specified economic development programs.

§ 113 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

Authorizes 15 school construction state grant commitments totaling \$393 million toward total project costs of \$637.7 million; reauthorizes two high school renovation projects with additional estimated project costs of \$119.7 million and an estimated state share of \$111.4 million

The act authorizes 15 school construction state grant commitments totaling \$393 million toward total estimated project costs of \$637.7 million. It also reauthorizes two high school renovation projects that have changed substantially in scope or cost (Windham High School and Bullard-Havens Technical High School), with additional estimated project costs of \$119.7 million and an estimated state share of \$111.4 million.

Under the state school construction grant program, the state reimburses towns and local districts for a percentage of eligible school construction costs through state GO bonds (with less wealthy municipalities receiving a higher reimbursement). The municipalities pay the remaining costs. School districts must begin project construction within two years of the grant commitment.

For each project authorized by the act, the table below shows the district, school, project type, estimates for total cost and state grant commitment, and state reimbursement rate.

2021 School Construction Grant Commitments

<i>District</i>	<i>School</i>	<i>Project Type</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>Reimbursement Rate</i>
North Branford	North Branford High School	New	\$66,242,390	\$29,100,282	43.93%
Norwalk	Cranberry Elementary School	New	45,000,000	10,125,000	22.50%
South Windsor	Pleasant Valley Elementary School	New	58,500,000	22,148,100	37.86%
Torrington	Torrington Middle & High School	New	159,575,000	100,308,845	62.86%*
West Haven	Washington Elementary School	New	38,803,926	26,052,956	67.14%
Danbury	Ellsworth Avenue School Annex	Extension/ Alteration	9,600,000	6,137,280	63.93%
Hartford	Betances Learning Lab Magnet School	Renovation	43,709,774	41,524,285	95.00%
Hartford	E. B. Kennelly School	Renovation	51,416,225	48,845,414	95.00%
Hartford	Fred D. Wish Museum School	Renovation	49,320,000	46,854,000	95.00%

<i>District</i>	<i>School</i>	<i>Project Type</i>	<i>Estimated Project Costs</i>	<i>Estimated Grant</i>	<i>Reimbursement Rate</i>
Killingly	Killingly Memorial School	Renovation	34,000,000	24,981,400	73.21%
Newington	Anna Reynolds Elementary School	Renovation	35,500,000	20,792,350	58.57%
Norwalk	Naramake Elementary School	Extension/ Alteration	3,500,000	1,137,500	32.50%
Westport	Coleytown Middle School	Renovation	32,372,235	6,820,830	21.07%
Regional District 1	Housatonic Valley Regional High School	Vo-Ag Equipment	319,533	255,626	80.00%
LEARN (New London area regional educational service center)	LEARN Ocean Avenue Academy	Special Education	9,851,000	7,880,800	80.00%
Totals			\$637,710,983	\$392,964,668	

*The act allows the project to qualify for an 85% reimbursement rate if certain conditions are met; see § 127 below.

Reauthorized Projects

PA 18-138 initially authorized the Windham High School renovation project with a total estimated project cost of \$71,670,200 and a 79.64% state reimbursement rate for the grant. The act authorizes a new total project estimated cost of \$112,329,500, which is an increase of \$40,659,300. Correspondingly, the state grant commitment increases from the original \$57,078,147 to \$89,459,214. (However, the act also allows the project to qualify for a 95% reimbursement rate if certain conditions are met; see § 122 below.)

PA 15-3, JSS, reauthorized the Bullard-Havens Technical High School extension and alteration project in Bridgeport (prior to that it was initially authorized by PA 05-6, JSS) with an estimated cost of \$60,383,000. The act reauthorizes a new estimated total project cost of \$139,447,195, which is an increase of \$79,064,195. Since this is a state high school, the state pays for 100% of the project.

EFFECTIVE DATE: Upon passage

§ 114 — WATER BOTTLE FILLING STATIONS

Requires water bottle filling stations to be included in all school building projects for new construction, renovation, or replacement on any project list DAS submits to the General Assembly beginning July 1, 2022

The act adds a requirement that water bottle filling stations be included in all school building projects for new construction, extension, major alteration, renovation, or replacement on any project list DAS submits to the General Assembly beginning July 1, 2022. It does this by prohibiting DAS from approving any school building project plan that does not include installing at least one water bottle filling station (1) per 100 students of the projected school building enrollment, (2) on each new floor or wing of the school building, and (3) in any food service area of the school building.

EFFECTIVE DATE: July 1, 2021

§ 115 — DAS TECHNICAL HIGH SCHOOL STATUS REPORT

Requires DAS, starting by January 1, 2023, to (1) biennially develop a status report on all current and pending school building projects for the Technical Education and Career System (TECS) and (2) submit it to the Education Committee

The act requires DAS, starting by January 1, 2023, to biennially develop a status report on all current and pending school building projects for TECS (formerly known as the technical high school system). The report must include the (1) costs associated with each TECS school building project, (2) anticipated date of the next project application for each TECS school, (3) projected start date of pending projects, and (4) completion dates of current school building projects. DAS must submit the report to the Education Committee.

EFFECTIVE DATE: July 1, 2021

§§ 116-119 & 121-128 — PROJECT EXEMPTIONS, WAIVERS, AND MODIFICATIONS

Exempts 21 school construction projects from certain statutory and regulatory requirements to allow them to, among other things, qualify for state reimbursement grants, receive higher reimbursement percentages for these grants, or receive a lower project withholding amount prior to completing an audit

The act exempts 21 school construction projects from various statutory and regulatory requirements to allow them to, among other things, (1) qualify for state reimbursement grants, (2) receive higher reimbursement percentages for these grants, or (3) receive a lower project withholding amount prior to completing an audit. These exemptions are referred to as “notwithstandings.” (PA 21-2, JSS, §§ 487 & 490, repeals three of these exemptions and modifies another.)

The table below describes the notwithstandings that the act grants and the provisions repealed by PA 21-2, JSS.

Notwithstandings for School Construction Projects

Section	Town	School and Project	Exemption, Waiver, or Other Change
116	Hamden	Spring Glen School, new construction	Waives any audit deficiencies if the costs do not exceed \$1,792,894
116	Hamden	Wintergreen Interdistrict Magnet School facility	Waives any audit deficiencies if the costs do not exceed \$1,315,012
116	Hamden	Hamden Middle School, new construction	Waives any audit deficiencies if the costs do not exceed \$2,940,200
117	New Britain	Chamberlain Elementary School, renovation	Allows change of project scope to include preschool facilities if the total project cost does not exceed \$75 million
118	New Britain	Holmes Elementary School, renovation	Waives the requirement to apply before June 30, 2020, to be on the 2021 priority list for the project with a maximum cost of \$55 million, if the town files an application by October 1, 2023 Increases the project reimbursement rate from 79.29% to 95% if (1) New Britain is an educational reform district on the act's effective date, June 30, 2021, and (2) the school building committee for the project meets the criteria set in § 120 of the act*
119**	New Britain	Jefferson Elementary School, renovation	Waives the requirement to apply before June 30, 2020, to be on the 2021 priority list for the project with a maximum cost of \$55 million if the town files an application before October 1, 2025, and the project is otherwise eligible under the program

Section	Town	School and Project	Exemption, Waiver, or Other Change
			Increases the project reimbursement rate from 79.29% to 95% if (1) New Britain is an educational reform district on the act's effective date, June 30, 2021, and (2) the school building committee for the project meets the criteria set in §120 of the act*
121	Ansonia & Derby	Regional school district project, new construction or renovation	Increases the project reimbursement rate to the highest rate of the two towns plus an additional 20% (rather than 10% as existing law provides) if the towns file an application within 10 years after establishing the regional district and they are otherwise eligible to receive assistance through the program (actual reimbursement rate will depend upon the year and whether the project is new construction or renovation)***
122	Windham	Windham High School renovation project	Increases the project reimbursement rate from 79.64% to 95% if (1) Windham is an educational reform district on the act's effective date, June 30, 2021, and (2) construction begins by June 30, 2022*
123	Brookfield	Elementary school, new construction	Waives requirement that all projects must be awarded after a publicly advertised invitation to bid, including notice on the state contracting portal, if the project is otherwise eligible under the program
124	West Haven	Washington Elementary School, new construction	Waives the standard building space requirements; reduces the project funds withholding percentage from 11% to 5% prior to completion of the required audit****
125**	West Haven	West Haven High School, renovation	Reduces the project funds withholding percentage from 11% to 5% prior to completion of the required audit; requires DAS to make a progress payment to the town equal to the difference between 11% and 5% of the reimbursement grant by September 1, 2021
126**	New Britain (state project)	Goodwin Technical High School, project unspecified	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$40 million if the application is filed by October 1, 2022, and the project is otherwise eligible under the program
127	Torrington	Torrington Middle and High School, new construction	Increases the project reimbursement rate from 62.86% to 85% if the project is otherwise eligible under the program*
128	Hartford	Eight projects: University High School of Science and Engineering; Capitol Preparatory Magnet School; R. J. Kinsella Magnet School; Environmental Sciences Magnet School at Mary Hooker; Hartford Public High	Waives any audit deficiencies (does not specify amounts)

Section	Town	School and Project	Exemption, Waiver, or Other Change
		School; Fisher Magnet School; Webster School; and Sport and Medical Sciences Academy	

* FY 2021 reimbursement rates are shown for reference; actual rates depend upon the year the application is submitted and the final determination of the project type (new or renovation)

** Repealed by PA 21-2, JSS, § 490

*** Of the two towns, Ansonia has the higher reimbursement rate for 2021: 77.5% for renovation and 67.5% for new construction

**** PA 21-2, JSS, § 487, repeals the project fund withholding provision

EFFECTIVE DATE: Upon passage

§ 120 — NEW BRITAIN SCHOOL BUILDING COMMITTEES

Requires specific membership of the New Britain building committee responsible for overseeing the school building projects at Holmes and Jefferson Elementary schools

The act requires specific membership of the New Britain building committee responsible for overseeing the school building projects at Holmes Elementary School and Jefferson Elementary School (see §§ 118 & 119 above; PA 21-2, JSS, § 490, repeals the Jefferson project authorization). In doing so, it supersedes (1) an existing law on committee membership and (2) any conflicting special act, municipal charter, local ordinance, home rule ordinance, or other ordinance. Beginning July 1, 2021, the act instead requires that the school building committee responsible for those schools be established with the following members:

1. three members appointed by the New Britain Common Council, one of whom must have experience in the construction industry;
2. two members appointed by the New Britain mayor; and
3. two members appointed by the New Britain Board of Education.

EFFECTIVE DATE: Upon passage

PA 21-176—HB 6687 Emergency Certification

AN ACT CONCERNING MEDICAL ASSISTANCE FOR CHILDREN AND ADULTS WITHOUT HEALTH CARE COVERAGE

SUMMARY: This act requires the Department of Social Services (DSS) to extend eligibility for medical assistance, subject to income limits and within available appropriations, to certain groups of people, regardless of immigration status, who do not otherwise qualify for health care coverage. The act extends this coverage to (1) children under age 9 and (2) women for 12 months after giving birth.

The act also requires the DSS commissioner to amend the Children's Health Insurance Program (CHIP) state plan to provide medical assistance for prenatal care through the "unborn child option." This is a state option that allows states to consider an unborn child a low-income child eligible for prenatal care coverage if other CHIP eligibility requirements are met.

Additionally, the act requires the Office of Health Strategy (OHS) executive director to study the feasibility of offering health care coverage for certain (1) income-eligible children ages 9 to 18, regardless of immigration status, and (2) adults with household income up to 200% of the federal poverty level (FPL) (see BACKGROUND). The executive director must report her findings to the Appropriations, Human Services, and Insurance and Real Estate committees by July 1, 2022.

Lastly, the act allows the DSS commissioner to (1) seek a state innovation waiver under section 1332 of the Affordable Care Act (ACA) or (2) enter into contractual agreements, including with other states, in accordance with established procedures, as needed to perform duties under the act. Section 1332 of the ACA allows states to waive certain ACA requirements in order to customize their health insurance systems to better meet state needs while retaining the ACA's basic protections.

EFFECTIVE DATE: October 1, 2021, except the report requirement is effective upon passage.

§§ 1 & 3 — CHILDREN UNDER AGE 9

The act requires the DSS commissioner, generally beginning January 1, 2023, to provide state-funded medical assistance, within available appropriations, to children under age 9, regardless of immigration status, with household incomes (1) up to 201% of FPL with no asset limit and (2) over 201% of FPL and up to 323% of FPL. Under the act, eligible children are those who do not otherwise qualify for (1) Medicaid, (2) CHIP, or (3) an offer of affordable, employer-sponsored insurance as defined in the ACA as an employee's dependent.

§ 2 — POSTPARTUM CARE FOR WOMEN

The act requires the DSS commissioner, on or after April 1, 2023, to provide state-funded medical assistance, within available appropriations, for postpartum care to women for 12 months after birth who (1) do not qualify for Medicaid due to immigration status and (2) have household incomes up to 263% of FPL.

§ 4 — UNBORN CHILD OPTION FOR PRENATAL CARE

The act requires the DSS commissioner to amend the CHIP state plan to provide medical assistance for prenatal care through the "unborn child option." This is a state option that allows states to consider an unborn child a low-income child eligible for coverage of prenatal care if other CHIP eligibility requirements are met. According to the federal Centers for Medicare and Medicaid Services, the requirement to meet other CHIP eligibility criteria applies to the child and not the mother.

The commissioner must provide medical assistance for prenatal care through this option by April 1, 2022. CHIP is jointly funded by the state and federal government and is administered by DSS according to federal requirements. The state provides CHIP coverage under HUSKY B, which covers children in families with household incomes between 196% and 318% of FPL. (PA 21-2, June Special Session (§ 344) limits eligibility under the unborn child option to families with household incomes at or below 258% of FPL, aligning it with eligibility for pregnant women under the state's Medicaid program.)

§ 5 — STUDY ON FEASIBILITY OF EXPANDING HEALTH CARE COVERAGE

The act requires the OHS executive director to study the feasibility of offering health care coverage for the following groups:

1. income-eligible children ages 9 to 18, regardless of immigration status, who are not otherwise eligible for other coverage (i.e., under Medicaid, CHIP, or an offer of affordable employer-sponsored insurance as defined in the ACA as an employee or employee's dependent) and
2. adults with household income up to 200% of FPL who do not otherwise qualify for other coverage (i.e., under medical assistance programs (e.g., Medicaid); affordable employer-sponsored insurance as defined in the ACA as an employee or employee's dependent; or health care coverage through the Connecticut Health Insurance Exchange due to household income).

The act requires the OHS director to conduct the studies in consultation with the Office of Policy and Management, DSS, the Connecticut Insurance Department, and the Connecticut Health Insurance Exchange.

The act requires the study on health care coverage for income-eligible children to include:

1. the age groups that would be provided medical assistance in each year, and the appropriations needed to do so;
2. income eligibility criteria and health care coverage consistent with assistance the state provides under Medicaid and CHIP; and
3. recommendations for identifying and enrolling eligible children.

The act requires the study on health care coverage for adults to include:

1. household income caps for adults who would be provided health care coverage in each year, and the appropriations needed to do so;
2. health care coverage consistent with medical assistance the state provides under Medicaid, generally, and HUSKY D, specifically; and
3. recommendations for identifying and enrolling eligible adults.

The act requires the OHS executive director to report on the studies to the Appropriations, Human Services, and Insurance and Real Estate committees by July 1, 2022.

BACKGROUND

Federal Poverty Level

The U.S. Department of Health and Human Services establishes the FPL annually. The table below shows the number of people in a household and the annual FPL amounts for 2021 at various percentages, rounded to the nearest dollar.

FPL Amounts at Various Percentages (2021)

Number of People in Household	100%	200%	201%	258%	263%	323%
1	\$12,880	\$25,760	\$25,889	\$33,230	\$33,874	\$41,602
2	\$17,420	\$34,840	\$35,014	\$44,944	\$45,815	\$56,267
3	\$21,960	\$43,920	\$44,140	\$56,657	\$57,755	\$70,931

PA 21-177—HB 6688

Emergency Certification

AN ACT CONCERNING A HIGHWAY USE FEE

SUMMARY: Beginning January 1, 2023, this act imposes a highway use tax (HUT) on every “carrier” for the privilege of operating, or causing to be operated, certain heavy, multi-unit motor vehicles on any highway (i.e., public road) in the state.

The HUT is calculated based on a vehicle’s weight and the number of miles driven in the state. The act establishes per-mile tax rates that increase based on vehicle gross weight, ranging from (1) 2.5 cents per mile for vehicles weighing 26,000-28,000 pounds (lbs.) to (2) 17.5 cents per mile for vehicles weighing more than 80,000 lbs. Revenue from the tax is directed to the Special Transportation Fund (STF) (see BACKGROUND).

Under the act, carriers must file returns and remit the tax to the Department of Revenue Services (DRS) on a monthly basis. The act requires carriers to obtain HUT permits from DRS and establishes procedures for cancelling, suspending, or revoking them. It also applies to the HUT various collection, enforcement, and appeals process provisions that apply to other taxes under existing law.

The act authorizes the DRS commissioner to adopt implementing regulations for the HUT and prohibits tax credits from being applied against the HUT.

EFFECTIVE DATE: Upon passage and applicable to calendar months beginning on or after January 1, 2023.

TAX BASE AND RATES

Carriers and Eligible Vehicles (§ 1(a) & 1(j))

The HUT applies to carriers operating “eligible motor vehicles,” which are those (1) with a gross weight of 26,000 lbs. or more and (2) in classes 8 through 13 of the Federal Highway Administration’s (FHWA) vehicle classification system (see table below). The act exempts from the HUT (1) the United States, the federal government, and the state or any of its political subdivisions and (2) motor vehicles carrying or transporting milk or dairy products to or from a dairy farm that holds a license to ship milk.

Under the act, “gross weight” is the light weight of a vehicle plus the weight of its load. (“Light weight” means the weight of an unloaded vehicle ordinarily equipped and ready for use, minus the driver’s weight.) In the case of a tractor-trailer unit, gross weight means the tractor’s light weight plus the (1) light weight of the trailer or semitrailer and (2) weight of the vehicle’s load.

FHWA Vehicle Classification and Tax Status

Not Subject to HUT		Subject to HUT	
Class	Vehicles	Class	Vehicles
1	Motorcycles	8	Single trailer, 3- or 4- axle trucks
2	Passenger cars	9	Single trailer, 5-axle trucks
3	Pickups, panels, and vans	10	Single trailer, 6+ axle trucks
4	Buses	11	Multi-trailer, 5 or fewer axle trucks
5	Single unit, 2-axle trucks	12	Multi-trailer, 6-axle trucks
6	Single unit, 3-axle trucks	13	Multi-trailer, 7+ axle trucks
7	Single unit, 4+ axle trucks		

The act requires each carrier to maintain, on a monthly basis, a list of all eligible motor vehicles it operated or caused to be operated in the month. Carriers must maintain these lists for at least four years and make them available to DRS upon request.

Tax Rate (§ 1(b))

The act requires carriers to determine their tax due on a monthly basis by (1) calculating the number of miles traveled by each eligible motor vehicle the carrier operated or caused to be operated in the state and (2) multiplying each vehicle's miles traveled by the rate corresponding to its gross weight. The rates range from 2.5 cents per mile to 17.5 cents per mile, as shown in the table below.

Highway Use Tax Rates

Gross Weight (lbs.)	Rate (cents per mile)	Gross Weight (lbs.)	Rate (cents per mile)
26,000-28,000	2.50	54,001-56,000	6.54
28,001-30,000	2.79	56,001-58,000	6.83
30,001-32,000	3.08	58,001-60,000	7.12
32,001-34,000	3.37	60,001-62,000	7.40
34,001-36,000	3.65	62,001-64,000	7.69
36,001-38,000	3.94	64,001-66,000	7.98
38,001-40,000	4.23	66,001-68,000	8.27
40,001-42,000	4.52	68,001-70,000	8.56
42,001-44,000	4.81	70,001-72,000	8.85
44,001-46,000	5.10	72,001-74,000	9.13
46,001-48,000	5.38	74,001-76,000	9.42
48,001-50,000	5.67	76,001-78,000	9.71
50,001-52,000	5.96	78,001-80,000	10.00
52,001-54,000	6.25	80,001 and over	17.50

HUT ADMINISTRATION***Returns (§ 1(c))***

Under the act, each carrier must file a monthly return with DRS in a form and with the information that the commissioner requires and pay the taxes owed. The returns and tax payments are due by the last day of the month following the month for which a carrier is filing a return. The act requires carriers to file returns and pay the tax by electronic funds

transfer in accordance with existing law.

Deposit and Recording of Revenue (§ 1(c) & 1(r))

The act requires the DRS commissioner to deposit HUT revenue into the STF (see BACKGROUND). This comports with existing law, which requires that, beginning July 1, 2015, all funds that the state receives or collects on account of, or derived from, the use of highways be credited to the STF (CGS § 13b-61(b)(19)).

At the close of each fiscal year, beginning with FY 23, the act authorizes the state comptroller to record as revenue for the fiscal year the amount DRS received from the HUT no later than five business days after the end of July following the end of the fiscal year.

HUT Permits (§ 1(d) & 1(e))

Application and Issuance. The act requires each carrier to apply to DRS for a HUT permit in the manner and with the information he prescribes. It prohibits carriers from operating, or causing to be operated, any eligible motor vehicle in the state without a HUT permit on or after January 1, 2023.

DRS must grant and issue a permit to a carrier upon receiving its fully completed application. The permit is (1) valid only for the carrier to which it is issued and the eligible motor vehicles the carrier operates or causes to be operated and (2) not assignable. Carriers must keep a copy of the permit in each eligible motor vehicle they operate or cause to be operated.

Suspension, Revocation, and Cancellation. Under the act, DRS must order a hearing if a carrier (1) fails to comply with any HUT provision or (2) files a return for four successive months indicating that none of the eligible motor vehicles that the carrier operated or caused to be operated used roads in the state. During the hearing, the carrier must show cause as to why its permit should not be (1) suspended or revoked for failing to comply with any HUT provision or (2) cancelled for filing returns showing no road use in Connecticut.

The commissioner must give written notice of the hearing's date, time, and location, personally or via registered or certified mail, at least (1) 10 days before a hearing for failure to comply with any HUT provision and (2) 30 days before a hearing on cancelling a permit following its nonuse. If the commissioner revokes or suspends a permit after a hearing, he must not restore it or issue a new permit to the carrier until he is satisfied that it will comply with the HUT. If he cancels a permit, he must not issue a new one until he is satisfied that the carrier will use roads in the state.

Tax Collection and Enforcement (§ 1(f)-1(n) & 1(p))

The act applies various collection, enforcement, and appeals process provisions to the HUT that apply to other taxes under existing law. They include the following:

1. The DRS commissioner may (a) impose a deficiency assessment and penalty; (b) impose record retention requirements on taxpayers and examine all of their records; (c) administer oaths, subpoena witnesses, and receive testimony; and (d) collect the tax and any penalties using the same methods for collecting unpaid admissions and dues taxes (i.e., tax warrants, liens against real property, and foreclosure against that property).
2. Carriers may (a) request a hearing from the commissioner on the amount of fees or related penalties they must pay and appeal the hearing decision to Superior Court if aggrieved and (b) apply for a refund if they believe they overpaid the HUT.

The table below lists the penalties in existing law that the act applies to the HUT. Additionally, any person that knowingly violates a HUT-related provision for which a penalty is not provided must be fined \$1,000.

Penalties Applicable to the HUT

Action	Penalty
Deficiency assessment	Amount of deficiency plus 1% monthly interest 10% of deficiency amount or \$50, whichever is greater, if the deficiency was due to negligence or intentional disregard 25% of the deficiency amount if the deficiency was due to fraud or an attempt to evade
Return made by DRS commissioner when no return has been filed	10% of the tax due or \$50, whichever is greater, plus 1% monthly

Action	Penalty
	interest
Willful failure to pay tax, file return, keep records, or supply information	Up to one year of imprisonment, fine of up to \$1,000, or both, in addition to any other penalty provided by law
Willful delivery or disclosure to DRS commissioner of false or fraudulent documents	Class D felony (i.e., up to five years' imprisonment, fine of up to \$5,000, or both), in addition to any other penalty provided by law
Willful failure by a person, other than a carrier, that is required on the carrier's behalf to collect, truthfully account for, and pay the HUT	Total amount of tax evaded, not collected, or not accounted for and paid, including any penalty or interest attributable to the above violations Applies in addition to other penalties the law provides

BACKGROUND

Special Transportation Fund

The STF is a dedicated fund used to finance the state's transportation infrastructure program and operate the departments of Motor Vehicles and Transportation (CGS § 13b-68). The law requires that specified tax revenue (e.g., fuel taxes and a portion of sales and use tax revenue) and various transportation-related fees, fines, and charges be credited to the STF. By law, STF revenue is pledged to special tax obligation (STO) bonds issued for transportation projects through DOT's capital program (CGS §§ 13b-74 to 13b-77), and its resources must be used first to pay off STO bond debt service.

Both the state constitution and the general statutes contain a "lockbox" provision, which preserves the STF as a perpetual fund; requires that the fund be used exclusively for transportation purposes, including paying transportation-related debt; and requires that any funding sources directed to the STF by law continue to be directed there, so long as the law authorizes the state to collect or receive them (Conn. Const., art. III, § 19; CGS § 13b-68(b)).

PA 21-178—SB 1081

Appropriations Committee

AN ACT CONCERNING THE INTEREST RATE RELATING TO TEACHERS' RETIREMENT SYSTEM COST-OF-LIVING ALLOWANCES AND RESERVING CERTAIN LOTTERY FUND REVENUE FOR THE CONNECTICUT TEACHERS' RETIREMENT FUND BONDS SPECIAL CAPITAL RESERVE FUND

SUMMARY: Existing law links the cost of living adjustments (COLA) for Teachers' Retirement System (TRS) members to the Social Security benefit COLA, subject to specified maximums based on the Teachers' Retirement Fund's (TRF) investment returns. This act reduces the investment return thresholds used to determine the maximum COLAs from 8.5% to 6.9% and 11.5% to 9.9%, respectively. In doing so, it aligns these thresholds to the TRF's 6.9% assumed rate of return approved by the Teachers' Retirement Board as part of the fund's 2019 restructuring.

Under the act, members who joined TRS before July 1, 2007, may receive a maximum COLA of 1.5% if the total return on the TRF's assets in the preceding fiscal year is less than 6.9%, rather than 8.5%. For members who joined on or after July 1, 2007, the maximum COLA is 1% if returns are less than 6.9%, rather than 8.5%; 3% if returns are between 6.9% and 9.9%, rather than between 8.5% and 11.5%; and 5% if returns are greater than 9.9%, rather than 11.5%.

Existing law establishes a regionalization subaccount in the General Fund's regional planning incentive account to fund recommendations from the Regionalization Task Force created under the FY 20-21 budget act. Prior law directed to this subaccount revenue that the Connecticut Lottery Corporation (CLC) makes from online lottery games, in excess of the amount equal to the debt-free college program. The act specifies that this online lottery revenue is directed to the subaccount only after payment to the Connecticut Teachers' Retirement Fund Bonds Special Capital Reserve Fund (SCRF). Existing law pledges CLC lottery revenue to refill this SCRF if its funding level falls below the required minimum capital reserve amount. PA 19-117, § 82, established the fund to secure outstanding TRF pension obligation bonds.

EFFECTIVE: July 1, 2021, for the COLA provision and upon passage for the lottery revenue provision.

PA 21-186—SB 1080

Appropriations Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE TEACHERS' RETIREMENT SYSTEM

SUMMARY: This act makes various changes to the statutes governing the Teachers' Retirement System (TRS). Among other things, the act expands the definition of "disabled" for disability benefits (§ 1) and conforms the minimum distribution age to federal law by increasing it from age 70 ½ to age 72 (§ 2). The minimum distribution age is the age when TRS members must begin receiving benefits.

The act also:

1. requires formal retirement applications for Plan C or Plan D to include the fixed period of time selected by the member and any other documents the Teachers' Retirement Board (TRB) requires (§ 1);
2. requires voluntary TRS contributions to come from pre-tax dollars and be paid out in a lump sum within three months of retirement (§ 3);
3. changes TRB operations, including the quorum requirements and chief administrator's title, and replaces the term "normal cost" with "actuarially determined employer contribution" as it relates to the board determining the amount necessary to meet the actuarial cost of current service and unfunded liability (§ 4);
4. eliminates obsolete language about transferring between state retirement programs and clarifies how members may complete these transfers (§ 5);
5. establishes a repayment process for reemployed retired teachers who make more than the maximum allowed amount (i.e., the "45% rule") (§ 6);
6. establishes a process for members to apply for a disability allowance (§ 8); and
7. requires TRB to establish rollover accounts for retiring members (§ 9).

The act also makes several minor and conforming changes, including requiring, when members appeal a TRB decision that impacts them, that the appeal include the statute section that provides the benefit to which the member is claiming he or she was entitled to but was denied.

EFFECTIVE DATE: July 1, 2021

§ 1 — EXPANDED “DISABLED” DEFINITION

The act expands the definition of “disabled” for the purposes of determining disability retirement. By law, “disabled” is the inability to engage in substantial gainful activity due to a medically determinable impairment that can be expected to continue indefinitely or be fatal. The act (1) allows a disability to be due to a medically determinable impairment that is permanent or expected to last for 12 continuous months, in addition to impairments that are indefinite or fatal as under existing law, and (2) includes as a disability the inability to volunteer or work full- or part-time in a public or nonpublic school in any state due to one of these indefinite, fatal, permanent, or continuous impairments.

By law and unchanged by the act, during the first 24 months when a member is receiving a disability allowance, “disabled” is the inability to perform the usual duties of his or her occupation due to impairment.

§ 1 — FORMAL RETIREMENT APPLICATIONS

By law, TRS members must choose a benefit payment structure from a list of actuarially determined plans before retiring. Two of these plans, Plan C and Plan D, allow TRS beneficiaries to take a reduced benefit in exchange for certain payments to their beneficiaries. Plan C allows a participant to choose a time period of guaranteed payments (e.g., 15 years). If the participant dies prior to the time elapsing, the remaining payments are paid to his or her beneficiary. Plan D allows a participant to take a reduced benefit to guarantee that a coparticipant (i.e., beneficiary) will receive a percentage of his or her monthly benefit for life if the participant dies before the coparticipant.

The act requires a “formal application of retirement” to include (1) the fixed period of time selected by the member under Plan C or the coparticipant’s share designated under Plan D, if applicable, and (2) any other documents TRB requires.

§ 2 — MANDATORY MINIMUM DISTRIBUTION AGE

In accordance with federal law, the act increases the minimum distribution age when a participant must begin receiving benefits from age 70 ½ to 72. Under the act, participants must begin receiving benefits by April 1 following the calendar year when (1) they turn age 72 or (2) if they retire after age 72, following their retirement. The change is applicable to those turning 72 on or after January 1, 2020.

§ 3 — VOLUNTARY CONTRIBUTIONS

By law, TRS members may voluntarily contribute to the TRS, which is then paid out as an annuity or lump sum upon retirement. If the participant elects the lump sum, the act requires it to be paid within three months of retirement unless TRB delays it due to extenuating circumstances. If TRB does delay payment, it must notify the member in writing and include the nature of the extenuating circumstances and an estimate of when it will be paid. Prior law did not set a deadline for lump sum payments.

The act also requires these voluntary contributions to be made by after-tax payroll deduction.

§ 4 — TRB OPERATIONS

The act provides that a majority of TRB members constitute a quorum for transacting business instead of the greater of (1) a majority of members who are present or (2) six members, as under prior law. By law, there are 14 members of the teachers’ retirement board: three ex-officio members (i.e., the Office of Policy and Management secretary, state treasurer, and education commissioner) or their designees, five public members, two retired teachers, and four active teachers.

The act also (1) requires the board to establish an operational budget and (2) renames the board’s secretary as “chief administrator,” allows the board to establish this position’s title, and specifies that it is an administrative officer position.

§ 5 — TRANSFERS BETWEEN STATE PENSION SYSTEMS

By law, individuals may not be members of more than one state retirement system (i.e., an individual cannot simultaneously earn credit as an active member of TRS and the State Employee Retirement System (SERS)). The act (1) eliminates obsolete language about transferring between state retirement programs and (2) clarifies how members may complete such a transfer.

Under the act, SERS or alternate retirement system members can purchase TRS service credit, provided they withdraw all funds from any other retirement system. This includes forfeiting all earnings, employee funds, and employer contributions. The act provides an exception for Social Security and nonregular military retirement systems.

§ 6 — REEMPLOYMENT OF RETIRED TEACHERS

By law, a retired teacher receiving benefits generally may not continue to teach. However, the law allows teachers to resume work, provided they earn no more than 45% of the assigned position's maximum salary. Under the act and existing law, teachers receiving more than 45% must reimburse the TRB for any excess earnings. (Existing law provides other exemptions to these post-retirement reemployment limitations, such as teaching in a teacher shortage area.)

The act establishes a reimbursement process by requiring repayments to come from the member's next retirement benefit payment. Under the act, the payment must be all or part of a member's benefit, starting with the next immediate benefit payment. The act allows members to request an alternative payment method to reimburse the board, provided the board finds it agreeable.

The act prohibits retired members from reverting to active status (i.e., contributing to the TRS to earn more retirement credit) after retiring, except they may suspend retirement for reemployment as described above.

§ 8 — DISABILITY ALLOWANCE

By law, a member is eligible for a disability allowance if he or she (1) becomes disabled as a result of his or her duty as a teacher or (2) becomes disabled for any reason (including non-service related reasons) and has five or more years of public school service.

The act requires an active member seeking a disability allowance to submit a formal application to the board that includes the following:

1. the member's birth certification or a notarized statement supported by evidence the board finds satisfactory;
2. service records, if the board requires them to determine salary rates or creditable service years;
3. a physician's statement of health, including medical reports and office notes;
4. a marriage certificate, if applicable;
5. an employer's statement about work performance, attendance records, and any other information about the member's disability;
6. the member's statement outlining the effect of his or her impairment on the ability to do his or her job; and
7. any other documentation the board requires.

For formal applications filed on or after July 1, 1986, upon a finding by the board that extenuating health circumstances caused a delay, the application may be deemed to have been filed up to three months earlier than its actual filing date.

§ 9 — ROLLOVER ACCOUNTS

The act requires the TRB to establish a rollover account for each active, inactive, and disabled member who submits a formal retirement application. Any member may make a rollover contribution to the account of any pre-tax assets from an eligible retirement plan (i.e., IRA or certain other eligible pre-tax retirement plans) within two months prior to the retirement date in the application. The board is prohibited from accepting rollover contributions after the deadline.

Beginning with retirements on or after September 1, 2021, any amount in a member's rollover account must be distributed to him or her in the form of an actuarially equivalent life annuity, using the annuity rates adopted by the board for the selected retirement date and plan option. If the member dies prior to retirement, the accumulated rollover funds must be distributed under the terms of his or her payment plan option.

The act requires TRB to adopt policies and procedures ensuring prudent and efficient operation of rollover accounts, including those for applications and payments. The accounts are non-interest bearing, and rollover funds are not considered contributions for the purposes of calculating benefits and contribution limits. Rollover funds can only be used for the distributions described above and cannot be applied towards purchasing service credit.

PA 21-7—SB 817

*Aging Committee***AN ACT CONCERNING SENIOR CENTERS AND SENIOR CRIME PREVENTION EDUCATION**

SUMMARY: This act establishes a 14-member statewide senior center working group to develop a coordinated plan for senior centers and municipal services for seniors. It also requires the Commission on Women, Children, Seniors, Equity and Opportunity, within available appropriations, to assist senior centers and assign or appoint necessary personnel to do so.

By law, municipalities must appoint a municipal agent for the elderly to help seniors learn about community resources and file for benefits. The act expands the list of potential appointees to include senior center staff members. Prior law limited potential appointees to (1) members of a municipal agency that serves the elderly or (2) municipal residents with a demonstrated interest in the elderly or who have been involved in aging programs.

The act also authorizes any one or more municipalities, or private organizations that serve older adults and are designated to act as agents of one or more municipalities, to establish a “multipurpose senior center,” which is a community facility that organizes and provides a broad spectrum of senior services, including recreational activities and health (including mental and behavioral health), social, nutritional, and educational services (42 U.S.C. § 3002).

Additionally, the act expands the scope of the state’s Community Response Education Program to include resources for community programs and education on senior sexual assault and abuse safety, prevention, and risk reduction. This program, within available appropriations, offers certain resources to neighborhoods and municipalities that are notified that a registered sex offender is living there or plans to do so.

Lastly, the act makes technical changes.

EFFECTIVE DATE: October 1, 2021, except the provision on the Community Response Education Program takes effect July 1, 2021.

§ 4 — STATEWIDE SENIOR CENTER WORKGROUP*Membership*

The act establishes a 14-member statewide senior center working group to develop a coordinated plan for senior centers and municipal services for older adults. The group’s members must include:

1. the aging and disability services and social services commissioners, or their designees;
2. the executive director of the Commission on Women, Children, Seniors, Equity and Opportunity;
3. two representatives of the Connecticut Association of Senior Center Personnel, appointed by the Senate majority leader, who may be legislators;
4. one representative of the Connecticut Association of Municipal Agents for the Elderly, appointed by the governor;
5. one representative of the Connecticut Local Administrators of Social Services, appointed by the House minority leader and who may be a legislator;
6. five representatives of senior centers, with one each from the state’s five elderly planning and services areas, two each appointed by the House speaker and Senate president, and one appointed by the House majority leader, all of whom may be legislators;
7. one representative of a nonprofit senior center, appointed by the governor; and
8. one representative, who may be a legislator, from a National Institute of Senior Centers (NISC)-accredited senior center, appointed by the Senate minority leader.

Appointing authorities must make initial appointments by October 31, 2021, and fill any vacancies. The commission’s executive director serves as the working group’s chairperson and must hold the first meeting by November 30, 2021.

The commission’s administrative staff serve as the working group’s administrative staff.

Duties

The act requires the working group to:

1. develop an annual plan to support and develop senior centers and municipal services for older adults, including identifying training needs and coordinating existing resources;
2. evaluate the feasibility of implementing standards for delivering core services and make recommendations for these standards, including those allowing for parity of core services across municipalities while maintaining service delivery flexibility;

3. consult with the five area agencies on aging and other agencies;
4. facilitate coordination and communication among senior centers and municipal services for older adults with executive branch departments, including the departments of aging and disability services, housing, mental health and addiction services, public health, social services, and transportation, as well as with community agencies and initiatives impacting older adults;
5. develop and provide access to best practices and procedures for senior centers and municipal services for older adults; and
6. recommend any necessary appropriations or legislative changes to the legislature's Aging, Housing, Human Services, Planning and Development, Public Health, and Transportation committees.

Report

By January 1, 2023, the working group must report its findings and recommendations to the Aging, Housing, Human Services, Planning and Development, Public Health, and Transportation committees. The working group terminates when it submits the report on January 1, 2023, whichever is later.

§ 3 — COMMISSION ASSISTANCE TO SENIOR CENTERS

The act requires the Commission on Women, Children, Seniors, Equity and Opportunity, within available appropriations, to provide assistance to senior centers and assign or appoint necessary personnel to do so. Assistance may include:

1. establishing and maintaining a list of senior centers and municipal services for older adults, as well as a list of resources for their staff;
2. developing technical assistance for the staff, directly or by referral to experts;
3. communicating regularly with the staff about local, state, and federal support and services that interest them; and
4. facilitating the statewide senior center working group, as described above.

§ 2 — MULTIPURPOSE SENIOR CENTERS

Under the act, a multi-purpose senior center may provide the following services:

1. nutrition services,
2. health and wellness programs,
3. employment assistance,
4. intergenerational initiatives,
5. community service and civic engagement opportunities,
6. public benefits counseling,
7. socialization and educational opportunities,
8. transportation,
9. peer counseling,
10. financial and retirement counseling,
11. arts and recreation programs, and
12. case management services.

§ 5 — COMMUNITY RESPONSE EDUCATION PROGRAM

The act expands the allowable scope of the state's Community Response Education Program to include resources for:

1. police departments and municipal officials to provide programs on senior citizen sexual assault and abuse safety, prevention, and risk reduction and
2. educating seniors, in addition to families and children as under existing law, on preventing and avoiding sexual abuse and assault.

Under existing law, the Court Support Services Division (in conjunction with experts in related fields) administers the program, within available appropriations, to help neighborhoods, parents, and children learn how to better protect themselves from sexual assault and sexual abuse. The act specifies that neighborhoods include senior centers or other facilities serving or housing seniors.

PA 21-55—sSB 975

Aging Committee

AN ACT STRENGTHENING THE BILLS OF RIGHTS FOR LONG-TERM CARE RESIDENTS AND AUTHORIZING THE USE OF RESIDENT TECHNOLOGY FOR VIRTUAL VISITATION AND VIRTUAL MONITORING

SUMMARY: This act makes various changes affecting long-term care facility residents. Principally, it:

1. adds to the nursing home patients' bill of rights (see BACKGROUND) the right to treat their living quarters as their own home and extends these rights to residents of managed residential facilities (e.g., assisted living facilities);
2. allows nursing home residents to use technology of their choosing that facilitates virtual monitoring or virtual visitation and establishes related notification, use, and consent requirements;
3. requires residents to pay for the technology and its installation, maintenance, operation, deactivation, and removal;
4. requires nursing homes to provide residents with free internet access, electricity, and a power source for virtual monitoring or virtual visitation technology, under certain conditions;
5. generally grants nursing homes immunity from civil, criminal, or administrative liability related to residents' use of this technology;
6. exempts from virtual monitoring technology requirements, with certain exceptions, (a) mobile telephones used primarily for phone communication or (b) tablets not used for virtual monitoring (hereafter "mobile phones and tablets");
7. allows the Office of the Long-Term Care Ombudsman to develop and provide on its website standard consent and notification forms for the use of virtual monitoring technology; and
8. allows the Department of Public Health (DPH) commissioner to adopt implementing regulations for the act's nursing home virtual monitoring and virtual visitation provisions.

EFFECTIVE DATE: July 1, 2021, except the provisions on virtual monitoring and virtual visitation in nursing homes take effect October 1, 2021.

§§ 1 & 2 — NURSING HOME PATIENTS' BILL OF RIGHTS

The act adds to the nursing home patients' bill of rights, which applies to patients in nursing homes, residential care homes, and chronic disease hospitals. For these patients, the act adds the right to treat their living quarters as their own home. It also specifies that they have no fewer rights than other state residents, subject to rules designed to protect other patients' privacy, health, and safety at the facility. Under the act, this includes the right to:

1. associate and communicate privately with people whom the patient chooses and
2. purchase and use technology that the patient chooses, including technology that facilitates virtual visitation with family and others, as long as the technology's use and operation does not violate any individual's right to privacy under state or federal law.

The act also extends these rights to residents of managed residential communities (e.g., assisted living facilities) under their bill of rights, which is generally similar to the nursing home patients' bill of rights.

Under existing law, the nursing home patients' bill of rights grants patients the right to be encouraged and assisted in exercising their rights as a patient and citizen, including:

1. being fully informed about their rights by state and federal advocacy programs and
2. voicing grievances and recommending changes to facility staff or outside representatives without restraint, discrimination, coercion, or reprisal.

The act expands this right to also include the right to access representatives of the Office of the Long-Term Care Ombudsman and DPH.

§ 3 — VIRTUAL MONITORING AND VIRTUAL VISITATION IN NURSING HOMES

The act allows nursing home residents to use technology of their choosing that facilitates virtual monitoring or virtual visitation and establishes related notification, use, and consent requirements.

Under the act, "technology" means a device capable of remote audio or video communications that may include recording capabilities. A "resident representative" is a person who is the resident's (1) legally appointed health care representative, guardian, or conservator; (2) designee, as indicated in a signed written document in the resident's facility records; or (3) legally liable relative or other responsible party who is not a facility employee or contractor.

Roommate Notice and Consent

If a nursing home resident intends to use technology for virtual monitoring in a shared living situation, the act requires the resident or the resident's representative to provide advanced notice to the roommate or the roommate's representative specifying the type and location of the technology, its intended use and hours of operation, and whether it can record audio or video or be activated remotely.

The resident or the resident's representative must also obtain the roommate's or representative's consent to use virtual monitoring technology. If the roommate withdraws consent, the resident or resident's representative must stop using the virtual monitoring technology until consent is obtained.

Under the act, if the roommate continues to refuse consent, the nursing home must work with the resident on an alternative, including transferring the resident to another room with a roommate who has agreed to consent to such monitoring. The nursing home must do this only if an appropriate room is available and the resident is able to pay any price difference.

Resident Notification to Facility

Under the act, the resident or resident's representative must file a signed, written notice with the facility and a copy of the roommate's consent, if applicable, at least seven days before installing or using the virtual monitoring technology. The notice must:

1. identify the type of technology and its intended use, hours of use, and location in the resident's room or living unit;
2. state whether the technology is capable of recording audio or video or being remotely activated or controlled;
3. acknowledge that the resident is responsible for purchasing, installing, maintaining, repairing, operating, deactivating, and removing the technology; and
4. include a waiver of all civil, criminal, and administrative liability for the nursing home.

The resident or resident's representative must also notify the nursing home in writing within seven days after a roommate or roommate's representative withdraws his or her consent for the technology's use.

Internet Access

The act requires nursing home facilities to provide residents free internet access, electricity, and a power source for virtual monitoring or virtual visitation technology. The nursing home must do so under the following conditions:

1. the nursing home includes the cost of providing internet access in cost reports that it files with the Department of Social Services (DSS) for Medicaid reimbursement;
2. the cost is reimbursed to the facility if the department determines it is eligible for reimbursement under DSS's fair rent rate;
3. the DSS commissioner uses any available federal funding for COVID-19-related expenses to provide nursing homes grants to make these internet infrastructure upgrades; and
4. the nursing home may assess a prorated portion of any unreimbursed cost of these upgrades to any private-pay resident who uses this technology.

Residents may also procure their own internet. Private-pay residents who do so cannot be charged for the cost of the nursing home's internet infrastructure upgrades.

Nursing Home Policies and Procedures

The act authorizes nursing homes to set policies and procedures for using virtual monitoring technology that address:

1. placement of technology devices in a conspicuously visible, stationary location in the resident's room or living quarters, except for mobile phones and tablets;
2. restrictions on the technology's use to record video or audio outside the resident's room or living quarters or in any shared common space;
3. compliance with applicable federal, state, and local life, safety, and fire protection requirements;
4. limitations on the technology's use for virtual monitoring when its use will interfere with resident care or privacy unless the resident, any roommate, or their representatives consent to its use;
5. the ability to limit the technology's use in the event of a disruption to the facility's internet service; and
6. actions that the nursing home may take for a resident's or resident representative's failure to comply with applicable federal, state, and local laws or facility policy in using the technology and the process for a resident to appeal these actions.

Exemption for Mobile Phones and Tablets

The act's requirements for virtual monitoring technology do not apply to mobile phones and tablets, except for requirements related to (1) nursing home policies and procedures on the use of this technology; (2) civil, criminal, and administrative liability for nursing homes; (3) nursing home notification requirements; (4) long-term care ombudsman notification and consent forms; and (5) DPH regulations.

Nursing Home Immunity From Liability

Under the act, a nursing home is immune from any civil, criminal, or administrative liability for:

1. violations of any individual's privacy rights under state or federal law caused by a resident's use of technology;
2. damage to a resident's technology, including malfunction not caused by the nursing home's negligence; and
3. instances when the audio or video produced by a resident's technology is inadvertently or intentionally disclosed to, or intercepted or used by, an unauthorized third party.

Facility Notice Requirements

The act requires nursing homes to place a conspicuous notice:

1. at the facility's entrance indicating that virtual monitoring or virtual visitation technology may be in use in some resident rooms or living quarters and
2. on the door of a resident's room or living quarters where this technology may be used, except for mobile phones and tablets.

Notification and Consent Forms

The act authorizes the long-term care ombudsman, in consultation with DPH and nursing home representatives, to develop and provide standard forms on its website for:

1. residents' notice to a nursing home of their intent to install and use virtual monitoring technology;
2. roommate consent forms for residents who wish to use virtual monitoring technology that may capture audio or video of a roommate; and
3. resident notice to the nursing home that a roommate has withdrawn consent for using virtual monitoring technology.

Use of Recordings and Images

Under the act, the technology and any recordings or images obtained from it must be used by the resident and any person communicating with or monitoring the resident in a manner that does not violate an individual's right to privacy under state or federal law.

BACKGROUND

Patients' Bill of Rights

Existing law establishes a patients' bill of rights for nursing home, residential care home, and chronic disease hospital patients. It contains a broad and detailed set of rights an individual must be fully informed of before or upon admission to the facility and during the patient's stay. Among other things, patients have the right to (1) be free from abuse and neglect, (2) participate in the planning of their care, (3) manage their own financial affairs, and (4) have their grievances resolved promptly (CGS § 19a-550). Federal nursing home law contains provisions generally similar to state law concerning these rights (42 U.S.C. § 1395i-3(c) and 42 C.F.R. § 483.10).

PA 21-69—SB 56*Aging Committee***AN ACT DETERRING AGE DISCRIMINATION IN EMPLOYMENT APPLICATIONS**

SUMMARY: This act makes it a discriminatory employment practice for an employer or the employer's agent to request or require a prospective employee's age, birth date, or school attendance or graduation dates on an initial employment application unless it is (1) for a bona fide occupational qualification or need or (2) required by state or federal law. The discriminatory employment practices law covers employers with at least three employees, including the state and its political subdivisions (CGS § 46a-51(10)).

By law, individuals aggrieved by a discriminatory practice may file a complaint alleging discrimination with the Commission on Human Rights and Opportunities (CGS § 46a-82).

EFFECTIVE DATE: October 1, 2021

PA 21-84—HB 6458*Aging Committee**Planning and Development Committee***AN ACT LOWERING THE AGE OF ELIGIBILITY FOR PROPERTY TAX RELIEF FOR SENIOR CITIZENS AND ESTABLISHING A TASK FORCE TO PROTECT SENIOR CITIZENS FROM FRAUD**

SUMMARY: This act expands eligibility for the local option Elderly Tax Freeze Program (see BACKGROUND) by decreasing the program's minimum age requirement from 70 to 65 years. However, the act allows a municipality, by vote of its legislative body, to set the program's minimum age requirement at older than 65 years. A municipality that voted to limit program eligibility to individuals ages 70 and older before October 1, 2021, is not required to take another vote unless it seeks to lower the program's minimum age requirement.

Additionally, the act establishes a 10-member task force to study ways to protect seniors from fraud. The task force must report its findings and recommendations to the Aging and Human Services committees by January 1, 2022. The task force terminates on that date, or the date it submits the report, whichever is later.

Lastly, act makes technical and conforming changes.

EFFECTIVE DATE: Upon passage for the task force provisions and October 1, 2021, for the tax freeze program provisions, which are applicable to assessment years beginning on or after this date.

TASK FORCE

The act establishes a 10-member task force to study ways to protect seniors from fraud and requires the study to include available planning services for Medicaid applicants.

Under the act, task force members include:

1. one member with expertise in fraud perpetrated against seniors and one member with expertise in Medicaid planning for seniors, both appointed by the House speaker;
2. two members appointed by the Senate president pro tempore;
3. four members, one each appointed by the House and Senate majority and minority leaders; and
4. the social services and aging and disability services commissioners or their designees.

The act requires appointing authorities to make initial appointments within 30 days after the act's passage and fill any vacancies. Appointed members may be legislators.

Under the act, the House speaker and Senate president pro tempore must select the task force chairpersons from among the task force members. The chairpersons must schedule the first meeting, which must be held no later than August 27, 2021.

The administrative staff of the Aging Committee must serve as the task force's administrative staff.

BACKGROUND

Elderly Tax Freeze Program

Under this program, towns may freeze the property taxes on a home whose owner-occupant or his or her spouse meets the minimum age requirement and has been a state resident for at least one year. The freeze continues for a surviving spouse who is at least age 62 when the homeowner dies. Homeowners must also meet the state's Circuit Breaker Program income limits (currently, \$45,800 for a married couple and \$37,600 for an individual). Towns may also impose asset limits for eligibility and place a lien on the property.

PA 21-160—HB 6457

Aging Committee

AN ACT CONCERNING ACCESS TO RECORDINGS AND IMAGES FROM TECHNOLOGY USED BY NURSING HOME RESIDENTS FOR VIRTUAL VISITATION AND VIRTUAL MONITORING

SUMMARY: This act requires a nursing home to give its employee, or the employee of a contractor providing services at the home, access to a resident's virtual monitoring or virtual visitation technology under the following conditions:

1. the employee is the subject of a proposed disciplinary action by the nursing home based on evidence obtained from the technology;
2. the nursing home grants the access for the employee to defend him- or herself against the disciplinary action;
3. the employee and nursing home treat any recordings or images obtained from the resident's technology as confidential and do not further disseminate them except as required by law; and
4. any copy of a recording or image used in the proposed disciplinary action is returned to the resident who provided it when the employee no longer needs it to defend against the action.

The act also allows the long-term care ombudsman, without consulting the nursing home, to ask a resident about the existence of recordings or images taken from virtual monitoring or virtual visitation technology that could corroborate an abuse or neglect allegation.

Additionally, the act allows a resident, or resident representative, to voluntarily release recordings or images taken from virtual monitoring or virtual visitation technology if doing so does not infringe on another person's privacy rights under state or federal law. It prohibits a nursing home, or its agent or employee, from soliciting or requesting such recordings or images from a resident or resident representative except to investigate an abuse or neglect allegation based upon them.

If the Department of Public Health initiates a complaint investigation based on a recording or image, the act allows the department to provide a copy of it to the nursing home that is the subject of the investigation.

Under the act, "technology" means a device capable of remote audio or video communications that may include recording capabilities. A "resident representative" is a person who is the resident's (1) legally appointed health care representative, guardian, or conservator; (2) designee, as indicated in a signed written document in the resident's facility records; or (3) legally liable relative or other responsible party who is not a facility employee or contractor.

EFFECTIVE DATE: October 1, 2021

PA 21-194—SB 973

Aging Committee

AN ACT STRENGTHENING THE VOICE OF RESIDENTS AND FAMILY COUNCILS

SUMMARY: This act requires state agencies to inform the (1) state long-term care ombudsman and (2) Commission on Women, Children, Seniors, Equity and Opportunity executive director about legislative proposals or new or revised regulations on long-term care facility living and care conditions. They must do this within three days after submitting a proposal to the legislature or posting a notice of intent on the eRegulations System proposing a regulation.

For proposed regulations, other than those that are emergency or technical, the act requires the ombudsman and executive director to immediately inform the Statewide Coalition of Presidents of Residents Councils and family councils

that the agency is required to hold a public hearing upon the request of at least 15 people within 14 days after the notice of intent is posted on the eRegulations System.

It requires state agencies and legislative committees of cognizance to accept testimony in a manner and format that provides for the greatest input from resident and family council members, when it is practicable and permissible under the agency's or committee's rules. Under the act, this includes remote testimony via audio or audio-video technology.

The act also requires any state task force on long-term care facility care or living conditions that is appointed by the legislature or a state agency to include as members representatives of (1) resident councils; (2) family councils; and (3) the chairpersons and ranking members of the Aging Committee, or their designees. The task force chairperson must schedule meetings in a way that provides for the greatest input from resident and family council members, in a similar manner as described above.

Under the act, long-term care facilities include nursing homes and assisted living facilities. The act defines "resident councils" as those elected and run by long-term care facility residents that bring concerns about resident living and care conditions to facility management. "Family councils" are those comprised of family members of long-term care facility residents that bring concerns on resident living and care conditions to facility management.

EFFECTIVE DATE: Upon passage

PA 21-44—sSB 891

*Banking Committee***AN ACT CONCERNING THE EZEQUIEL SANTIAGO FORECLOSURE MEDIATION PROGRAM AND OTHER ALTERNATIVES TO FORECLOSURE**

SUMMARY: This act extends the Ezequiel Santiago Foreclosure Mediation Program (see BACKGROUND) for six years until June 30, 2029. Prior law required the program to sunset on June 30, 2023. The act also modifies program requirements by (1) requiring mortgagees and mediators to include information about COVID-19-related foreclosure alternatives in certain reports; (2) repealing a requirement that the chief court administrator report on the program to the Banking Committee by March 1, 2023; and (3) repealing obsolete provisions related to the program. It also allows mediators to conduct pre-mediation meetings and mediation sessions virtually, using a virtual platform the mediator approves.

The act also establishes an emergency lien assistance program within the Connecticut Housing Finance Authority's (CHFA) Emergency Mortgage Assistance Program (EMAP). This new program provides loans to homeowners who are facing foreclosure due to liens from (1) municipal water or sewer charges, (2) municipal tax debt, or (3) condominium or common interest association assessments and fines.

In addition to establishing the lien assistance program, the act expands the existing EMAP program by allowing homeowners to apply for and receive emergency mortgage assistance payments if (1) their mortgage is in forbearance or (2) they are facing foreclosure or delinquency on a reverse mortgage or home equity conversion mortgage (HECM). For both EMAP and the new emergency lien assistance program, the act prohibits CHFA from disqualifying applicants solely because they previously discharged debt through bankruptcy and did not reaffirm it.

The act allows CHFA to establish a component loan program with Connecticut-based banks, which may include loan guarantees, if it determines additional funding is necessary for emergency payments under the above programs.

Lastly, the act makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021

§§ 1-5 — EZEQUIEL SANTIAGO FORECLOSURE MEDIATION PROGRAM*Virtual Mediation Sessions*

Under prior law, mediation sessions were generally conducted in person. The act allows the mediator to (1) hold sessions virtually or (2) allow a party or party's counsel to appear virtually at an in-person mediation session.

In deciding whether to hold a virtual mediation session or allow a party or counsel to appear virtually, the mediator may consider (1) what each party and its counsel wants and its technological and physical capabilities and (2) the mediation program's objectives. The act also makes conforming changes, including allowing meeting participants to join by teleconference.

Reporting Requirement Repealed

The act eliminates a requirement that the chief court administrator submit a report to the Banking Committee by March 1, 2023, summarizing mediation session details and outcomes.

Mortgagee Reports

Existing law requires the mortgagee to provide certain information to the mortgagor and mediator within a specified deadline prior to mediation. As part of this, prior law gave the mortgagee the option to include a history of its foreclosure avoidance efforts with respect to the mortgagor. The act instead makes this mandatory, but it requires this disclosure only for actions the mortgagee has done voluntarily. For federally backed mortgages, it also requires mortgagees to provide their history of compliance with any requirement to notify mortgagors of loss mitigation options or foreclosure alternatives, including those required or made available by any federal authority in response to the COVID-19 public health and civil preparedness emergencies declared by the governor.

Mediator Reports

By law, a mediator must file a report with the court after each mediation session. This report must contain certain information, such as the extent to which the mortgagee and mortgagor are complying with the program's requirements and

a general description of the foreclosure alternative the mortgagor is requesting.

The act adds additional information that must be reported. Specifically, the report must include the following:

1. for federally backed mortgages, the mortgagee's history of compliance with any obligation to notify the mortgagor of loss mitigation or foreclosure alternatives, including any required or made available by federal authorities in response to COVID-19, and
2. the mortgagee's history of voluntary foreclosure avoidance efforts.

§§ 6-14 — EMERGENCY LIEN ASSISTANCE PAYMENTS

The act requires CHFA to, within available funds, provide emergency lien assistance payments to homeowners. As under the EMAP program, a "homeowner" is the owner-occupant of one- to four-family residential real estate, including individual common interest association units. Under the act, a "lien" is a lien on real property due to debt from municipal tax, water, or sewer charges or condominium or common interest association assessments and fines.

Under the act, as under existing law for the EMAP program, any necessary and related administrative and operation expenses CHFA incurs while implementing the program may be paid out from program funds.

The act incorporates emergency lien assistance payments into CHFA's EMAP program, including by applying similar review and application procedures.

Applications

The act allows homeowners to apply for emergency lien assistance payments if (1) they have received notice of a lienholder's intent to foreclose or, (2) as CHFA determines, they are delinquent by 60 days or more on the debt secured by the lien, or anticipate that they will be based on financial hardship beyond their control (i.e., a significant reduction of aggregate family household income or increase in expenses that could not be alleviated by liquidating assets).

Homeowners must apply for a loan on a form CHFA provides and complete and sign the application under penalty of false statement. (By law, false statement is a class A misdemeanor, see [Table on Penalties](#) (CGS § 53a-157b).)

Homeowners must also disclose all (1) assets and liabilities, whether singly or jointly held, and (2) household income from all sources, according to the same calculations and procedures as individuals applying for EMAP. Therefore, assets include the sum of savings and checking accounts; stocks; bonds; securities; capital investments; pensions and retirement funds valued at more than \$100,000; personal property; real property equity (including the property subject to the lien); and lump sum additions, such as inheritances and insurance payments.

Approval Process and Foreclosure Exception

As with existing EMAP applications, CHFA must determine an individual's eligibility for emergency lien assistance payments within 30 days of receiving the application. As under existing law for EMAP applications, the act prohibits a judgment of foreclosure from being entered during this 30-day period.

The act prohibits CHFA from providing emergency lien assistance payments unless it finds that the homeowner's principal residence is the real property securing the lien, and the homeowner:

1. is delinquent on the applicable fees or taxes, and the lienholder intends to foreclose;
2. is a Connecticut resident suffering financial hardship and unable to make payments on the debt;
3. has a reasonable prospect of bringing the debt current and resuming regular payments to the lienholder after getting emergency lien assistance payments;
4. applied for assistance and disclosed all necessary assets and liabilities, as described above;
5. has insufficient income or net worth, based on their financial statement, to make regular payments to the lienholder;
6. has a reasonable prospect of repaying the emergency lien assistance within a reasonable amount of time;
7. has not mortgaged the real property for commercial or business purposes;
8. has not previously received CHFA lien assistance unless the homeowner brought the underlying debt current and is not delinquent on regular payments to the lienholder for 18 consecutive months afterwards; and
9. is not in default under his or her mortgage for reasons other than payment delinquency.

CHFA must also find that the (1) homeowner meets any other procedural requirements it establishes and (2) lienholder is not otherwise prevented by law from foreclosing.

Notification to Lienholders

The act requires CHFA, within eight business days after receiving an application, to notify all lienholders listed on the

application.

Emergency Lien Payment Loans

For approved applications, the act requires CHFA to make emergency lien assistance payments directly to the lienholder for the lesser of (1) the full amount due on each eligible lien secured by the homeowner's real property or (2) the amount due and payable under the lien for the 36 months immediately after it became due. The payment amount may include all arrearages and reasonable costs and attorney's fees incurred by the lienholder and related to any foreclosure action.

Any amount CHFA pays to a lienholder becomes a loan made by CHFA to the homeowner. It must be evidenced by any documents CHFA requires and is subject to repayment and interest under the same terms as EMAP loans (i.e., interest is based upon the cost of the funds to the state determined by the treasurer, in consultation with CHFA). Interest accrues when repayment is required to begin.

Repayment

The act requires CHFA to enter into an agreement with an approved applicant for monthly loan repayments, including interest, after the emergency payments end. However, if a homeowner's total housing expenses, including projected repayments, is greater than 35% of his or her aggregate family income, then the act defers repayment until the ratio falls below that threshold.

The act, presumably, requires homeowners to make monthly payments to the authority in at least the amount they would have paid towards liens. By law, EMAP requires homeowners to make monthly payments of at least the amount they would have paid towards the mortgage.

As with EMAP loans, the authority must establish written procedures to periodically review a homeowner's financial circumstances to determine repayment amounts.

Loans Secured by Lien

Repayment under the act is secured by a mortgage on the homeowner's real property, but it does not take priority over any other mortgages or liens in effect when it is recorded. As with EMAP loans, CHFA may subordinate a lien assistance loan if it is required for the homeowner to obtain a home improvement loan to preserve the property.

Misrepresentation and Failure to Receive Funds

As with existing EMAP procedures, any emergency lien assistance applicant who misrepresents financial or pertinent information may be denied assistance and required to immediately pay back the loan in full.

Additionally, a lienholder may foreclose after providing CHFA 15 days' notice if (1) it does not receive the full amount of an emergency lien assistance payment from CHFA within 30 days of its scheduled due date or (2) the homeowner fails to observe the lien's terms, covenants, and conditions.

In both of these circumstances, a lienholder may proceed with enforcement or foreclosure actions, as applicable, without further restriction or requirement.

Inadequate Funding

As with EMAP, if there is inadequate funding for emergency lien assistance payments, the act (1) requires CHFA to notify lienholders and stop accepting applications and (2) allows lien foreclosures to proceed normally.

§ 14 — COMPONENT LOAN PROGRAM

The act allows CHFA to establish a component loan program in collaboration with Connecticut-based banks if it determines that additional funding is needed for emergency mortgage or lien payments under the EMAP or lien program described above. It must do so in consultation with the treasurer, comptroller, representatives from Connecticut-based banks, and a state banking industry association.

The component program may include loan guarantees. Under the act, loans issued through the component program must be used to provide emergency mortgage or lien assistance payments.

CHFA must notify the treasurer of its intent to establish this component program, and the treasurer must (1) advise

CHFA on the state's ability to provide loan guarantees and (2) recommend loan guarantee guidelines.

Under the act, a Connecticut-based bank is a bank or out-of-state bank that has deposit-taking branches in Connecticut.

BACKGROUND

Ezequiel Santiago Foreclosure Mediation Program

By law, this program brings together judicial branch mediators; lenders; and borrowers or owner-occupants, as applicable. If an eligible borrower or owner-occupant files an appearance and requests mediation, the lender must participate. It is available to (1) owner-occupants of one- to four-family residential real property who use it as their primary residence and (2) religious organizations. The property must be in Connecticut, and the owner-occupant must be either the borrower under a mortgage on the property or a permitted successor-in-interest (i.e., someone who, among other things, has title to the property due to certain events such as divorce or the borrower's death).

PA 21-62—HB 5610

Banking Committee

AN ACT REQUIRING A STUDY BY THE CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY, ESTABLISHING A WORKING GROUP TO STUDY CERTAIN ISSUES CONCERNING FINANCING FOR POST-SECONDARY EDUCATION AND ESTABLISHING THE ALLIANCE DISTRICT TEACHER LOAN SUBSIDY PROGRAM

SUMMARY: This act requires the Connecticut Higher Education Supplemental Loan Authority (CHESLA) to establish an Alliance District Teacher Loan Subsidy Program to subsidize interest rates on CHESLA loans to eligible teachers employed in alliance districts (see BACKGROUND), subject to available funding. The act establishes a separate account to hold program funds.

Additionally, it expands the types of education assistance programs that CHESLA may offer to include other forms of financial assistance, in addition to grants and loans as under prior law. The act also makes a conforming change to a provision on CHESLA's authority to establish guidelines, criteria, and procedures for its education assistance program.

It requires CHESLA to study (1) how and whether to expand access to its loan programs to additional student loan borrowers, including those who have been previously denied a loan, and (2) how its student loans compare in certain respects to those of other lenders.

The act also establishes a 12-member post-secondary education financing working group to (1) assist CHESLA in preparing the report described above and (2) study and recommend ways to improve access to, and equity in, financing post-secondary education.

It also makes conforming changes.

EFFECTIVE DATE: July 1, 2021, except the loan study and working group provisions are effective upon passage.

§§ 3 & 4 — ALLIANCE DISTRICT TEACHER LOAN SUBSIDY PROGRAM

Under the act, CHESLA must enter into a memorandum of agreement with the education commissioner to establish the program's eligibility criteria and administrative guidelines. The authority must also establish a separate, non-lapsing account to hold program funds required by law to be deposited there, including any state appropriation or bond sale proceeds.

The act establishes requirements for the program's eligibility criteria, administrative guidelines, and account expenditures.

Eligibility Criteria and Administrative Guidelines

The act requires the loan subsidy program eligibility criteria and guidelines to address at least the following:

1. applicant eligibility,
2. interest rate subsidies and principal limits on authority loans subject to the loan subsidy program,
3. the process for verifying applicants' employment, and
4. the requirement that an interest rate subsidy through the program terminates for a subsidy recipient who no longer

meets the program's employment requirements during the loan's term.

Account Expenditure Guidelines

The act requires CHESLA to use the funds in the program's account to subsidize loans under the program. In addition, CHESLA must spend account funds to cover reasonable and necessary expenses for the program's administration, the issuance of authority loans to refinance one or more eligible loans, and maintenance of a reserve to cover any losses from issuing authority loans.

By law and unchanged by the act, "authority loans" are education loans by CHESLA or CHESLA loans from the proceeds of bonds to fund education loans. "Eligible loans" are loans in repayment that were issued by (1) CHESLA or (2) another private or governmental lender to finance college or university attendance.

§ 1 — CHESLA LOAN STUDY

The act requires CHESLA to study:

1. the feasibility and implications of expanding access to its loan programs to additional student loan borrowers, including those with a high debt-to-income ratio, low credit score, insufficient credit history, or who have been previously denied a loan; and
2. the underwriting standards used by other student loan lenders for public and private student loans, and any difference in pricing and interest rates between these other student loan products and those CHESLA offers.

In consultation with the working group described below, CHESLA must report its findings to the Banking Committee by January 1, 2022.

§ 2 — POST-SECONDARY EDUCATION FINANCING WORKING GROUP

Under the act, in addition to assisting CHESLA in preparing the report described above, the working group must study and recommend ways to improve access to, and equity in, education financing for post-secondary education. The working group must report its findings and recommendations to the Banking Committee by January 1, 2022, when it terminates.

The working group consists of the following members:

1. the chairpersons and ranking members of the Banking Committee;
2. the banking commissioner or his designee;
3. the CHESLA executive director or her designee;
4. one each appointed by the House speaker and Senate majority leader, both of whom must represent student loan borrowers;
5. one appointed by the Senate president pro tempore, who represents a Connecticut bank;
6. one appointed by the House majority leader, who represents a Connecticut credit union; and
7. one each appointed by the House and Senate minority leaders, both of whom must represent an in-state higher education institution.

Appointing authorities must (1) make their initial appointments within 30 days after the act's passage and (2) fill any vacancies.

The House speaker and the Senate president pro tempore must select the working group's chairpersons. The chairpersons must schedule the first meeting, which must be held within 60 days after the act passes.

The act requires the Banking Committee's administrative staff to serve as the working group's administrative staff.

BACKGROUND

Alliance Districts

Alliance districts are the 30 school districts that have the lowest achievement, as rated by the state's accountability index, plus the three districts that were previously among the lowest 30 when the program started in FY 13 (CGS § 10-262u).

For FYs 18-22, the alliance districts are: Ansonia, Bloomfield, Bridgeport, Bristol, Danbury, Derby, East Hartford, East Haven, East Windsor, Groton, Hamden, Hartford, Killingly, Manchester, Meriden, Middletown, Naugatuck, New Britain, New Haven, New London, Norwalk, Norwich, Putnam, Stamford, Thompson, Torrington, Vernon, Waterbury, West Haven, Winchester, Windham, Windsor, and Windsor Locks.

PA 21-101—sHB 6494

Banking Committee

Housing Committee

AN ACT CONCERNING THE DOWN PAYMENT ASSISTANCE PROGRAM, AFFORDABILITY INCENTIVE ZONES AND BONDS OF BOARD MEMBERS AND OTHER EMPLOYEES OF THE CONNECTICUT HOUSING FINANCE AUTHORITY

SUMMARY: This act (1) requires the Connecticut Housing Finance Authority (CHFA), by October 1, 2021, to establish certain guidelines for issuing loans under its homeownership loan program (also called the “Downpayment Assistance Program”) and (2) allows CHFA to establish affordability incentive zones under the program to incentivize home purchases in municipalities that are subject to the affordable housing appeals procedure (see BACKGROUND).

The act requires the guidelines to allow CHFA, subject to existing limitations, to provide loans to borrowers with a debt-to-income ratio up to the highest ratio allowed for residential mortgage loans by the Federal Housing Administration, Federal National Mortgage Association (Fannie Mae), and Federal Home Loan Mortgage Corporation (Freddie Mac). The guidelines must also allow CHFA to consider (1) an application regardless of the borrower’s credit score and (2) nontraditional credit references, such as proof of employment or rental and utility payments.

The act requires loans under the program to include customary and reasonable closing costs if the (1) borrower requests it and (2) loan amount, including the closing costs, does not exceed the maximum allowed loan amount under CHFA’s procedures and guidelines. By law and excluding loans for condominium conversions, the total loan amount generally cannot exceed 25% of the home’s acquisition cost, or value after rehabilitation if that is greater.

The act also allows the chairperson of CHFA’s board of directors to procure an insurance product in lieu of a blanket bond to cover CHFA’s executive director, employees, and board members.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the provision on insurance product coverage is effective July 1, 2021.

AFFORDABILITY INCENTIVE ZONES

The act authorizes CHFA to expand access to the homeownership loan program in affordability incentive zones by using different lending guidelines than those used for buying homes in other areas. These may include (1) increasing eligibility limits for a home’s purchase price or the maximum loan amount or (2) decreasing the loan’s interest rate.

If CHFA decides to establish zones, the act allows a municipality that is subject to the affordable housing appeals procedure and not already designated as an affordability incentive zone to ask CHFA, in writing, to be considered one. At its discretion, CHFA may grant a request after considering available program funding.

CHFA INSURANCE PRODUCT COVERAGE

Prior law required each CHFA board member to execute an individual surety bond for at least \$50,000, and the executive director to execute one for \$100,000, unless the board’s chair executes a blanket bond covering all CHFA employees, board members, and the executive director. The act allows the chair to procure an equivalent insurance product in lieu of a blanket bond.

Similar to the surety bonds, the insurance product must be (1) conditioned upon the faithful performance of the duties of the offices covered, (2) issued by a company (in this case, an insurer) authorized to do business in Connecticut, (3) paid for by CHFA, and (4) filed with the office of the Secretary of the State. The act also eliminates a requirement that the attorney general approve the bonds.

BACKGROUND

Affordable Housing

By law, the Department of Housing (DOH) annually publishes a list of housing stock in each municipality that qualifies as affordable housing under the Affordable Housing Land Use Appeals Procedure (CGS §§ 8-30g(k) & 8-37qq(a)(2)(D)). Under CGS § 8-30g, municipalities where at least 10% of housing is deemed affordable are generally exempt from the law’s appeals procedure.

Affordable housing stock that counts toward the 10% includes: (1) certain types of government-assisted housing, (2) housing financed by CHFA mortgages, (3) housing subject to deeds and conditions restricting its sale or rental to low- and

moderate-income people, and (4) mobile homes or accessory apartments subject to certain deed restrictions.

Homeownership Loan Program

This CHFA-administered program provides, based on financial need, a low-interest loan or deferred loan to help purchase a home or rehabilitate a one-to-four-family home, so long as the loan recipient lives in one of the units. The program uses resources allocated by the State Bond Commission to DOH.

PA 21-130—sSB 890

Banking Committee

Judiciary Committee

AN ACT CONCERNING STUDENT LOAN SERVICERS

SUMMARY: This act requires federal student loan servicers to annually register with the Department of Banking (DOB), rather than obtain licensure as prior law required (§§ 1, 3 & 4) (see BACKGROUND). The act sets a \$900 fee for both registrations and renewals.

Generally, the act subjects registrants to requirements similar to those for licensees under existing law, but it excludes registrants from certain enforcement provisions. (It retains the law's licensure requirement for private student loan servicers which, under the act, are student loan servicers responsible for servicing non-federal student education loans (i.e., "private student education loans").)

Under the act, a "federal student loan servicer" services federal student education loans to student borrowers under a contract with the U.S. Department of Education (ED). A "federal student education loan" is a loan ED owns that was either (1) made through the William D. Ford Federal Direct Loan Program or (2) purchased by ED as authorized by federal law. Servicing loans includes receiving scheduled periodic payments, applying payments to principal and interest, and performing other associated administrative tasks. (PA 21-190, § 1, expands "servicing" to also include (1) maintaining account records and communicating with the borrower when scheduled periodic payments are not required and (2) interacting with a borrower to facilitate a loan's servicing.)

The act also allows student loan borrowers, classes of student loan borrowers, or legal representatives of either to bring a lawsuit against a student loan servicer for violations of Connecticut's requirements for these servicers (§ 17).

Lastly, the act makes (1) numerous technical and conforming changes, particularly for the transition from a license to a registration (§§ 1, 2 & 4-16), and (2) a minor change specifying that "change of control" of a student loan servicer, whether federal or private, is a change that causes majority ownership, voting rights, or control to be held by a different control person or group of control persons (§ 5).

EFFECTIVE DATE: July 1, 2021, except the private right of action provision takes effect October 1, 2021.

§§ 3-5, 8-10 & 16 — FEDERAL STUDENT LOAN SERVICERS

Registration (§§ 3-5)

Scope and Fee. The act requires anyone that acts, directly or indirectly, as a federal student loan servicer to register with DOB on the Nationwide Mortgage Licensing System and Registry (NMLS, see BACKGROUND) and in the form the banking commissioner prescribes. As under existing law for private student loan servicers, the act exempts from registration banks and credit unions, their wholly owned subsidiaries, and operating subsidiaries where the owners are wholly owned by the bank or credit union.

The act sets the registration and renewal fee at \$900 and requires registrants to pay to NMLS any other required fees or charges. As under existing law for licenses, a registration is not transferable or assignable.

Duration. Under the act, a registration takes effect once it is filed on the system, and it remains effective until it is expired, surrendered, revoked, or suspended. Registrations generally expire at the close of business on December 31 of the year of their filing, except that registrations filed on or after November 1 expire at the close of business on December 31 the following year. A registration renewal request must be filed on the system between November 1 and December 31 of the year the registration expires.

The act requires each registrant to notify the DOB commissioner in writing if a contract it has with ED expires or is revoked or terminated. This must occur within seven days after the event. Under the act, a registration based solely upon an expired, revoked, or terminated ED contract also expires as of the date of that event.

Service of Process. The act requires each registrant to appoint an agent to accept service of process in Connecticut on its behalf and deems service made upon the agent service upon the registrant.

If an agent cannot be located with reasonable diligence or the registrant failed to appoint one, the act allows service to be made upon a registrant's control person (e.g., a partner, senior executive, or shareholder with 10% of each class of the corporation's securities).

Designated Liaison. The act requires each registrant to designate someone to communicate on its behalf with the DOB commissioner. The registrant must (1) provide the liaison's contact information when registering and (2) notify the commissioner of a change in liaison or information within 10 days after it occurs.

Commissioner Authority (§§ 3, 5, 8-10 & 16)

Investigations and Examination. As is the case for all DOB licensees, the act allows the DOB commissioner, for registration status purposes, to access records, information, or evidence such as (1) criminal, civil, and administrative history information; (2) personal history and experience information, such as credit reports; and (3) other records or information relevant to the investigation.

The act allows the DOB commissioner to suspend, revoke, or refuse to renew a registration if a fact or condition exists that would have precluded registration if it existed at the time of registration filing.

The act also authorizes the commissioner to conduct investigations and examinations of registrants, as he currently may for licensees, to (1) determine compliance with the student loan servicer law or (2) investigate violations or complaints. This includes the ability to access certain records, examine a servicer or associated person, or legally require testimony or document production.

As with licensees, the act requires registrants to pay the commissioner the actual cost of an examination he conducts. But unlike existing law for licensees, if a registrant fails to pay the cost within 60 days of demand, the registrant's credential is not suspended.

Action Against Violators. The act allows the DOB commissioner, as he may under existing law for other department licensees, to take action against a registrant if it appears that:

1. someone violated, is violating, or is about to violate the student loan servicers law;
2. someone knew or should have known that the person's act or omission contributed to a violation of the student loan servicers law; or
3. the registrant or certain associated persons (including employees) committed fraud, engaged in dishonest activities, or made a misrepresentation.

Civil Penalties. The act authorizes the DOB commissioner to assess a civil penalty of up to \$100,000 per violation on anyone that acts as a federal student loan servicer for 30 days or more without being registered (§ 3 and CGS § 36a-50(a)(2)). It allows for the same penalty on registrants that do the following:

1. act under a name or place of business that is not named in the registration;
2. use a name other than the legal name, unless disapproved by the commissioner, or a commissioner-approved fictitious name;
3. maintain more than one place of business under the same registration; or
4. fail to timely provide advance notice in NMLS or obtain the commissioner's approval before changing a control person, other than for a change of certain people that is not due to an acquisition or a change of control.

Under the act, the penalty may not be assessed until after notice and an opportunity for a hearing. Unlike existing law for licensees, the act does not authorize the commissioner to automatically suspend a registration for these violations.

Registrant Responsibilities (§§ 5, 6 & 15)

The act requires registrants to abide by many of the same requirements that originally applied to them as licensees, including the following:

1. properly changing registrant information in the NMLS (e.g., name, office address);
2. filing information on NMLS, or notifying the commissioner in writing if filing is not possible, about certain developments with the registrant or a control person, branch manager, or qualified individual (e.g., bankruptcy filing or restructuring, certain criminal indictments, or action by a governmental agency or a state's attorney general); and
3. providing their NMLS unique identifier in solicitations and advertisements and maintaining solicitations and

advertisements for two years.

Additionally, under existing law, licensees must (1) maintain records of each student loan transaction for at least two years after the final loan payment or the loan's assignment, whichever occurs first, and (2) if the DOB commissioner requests, make the records available or send them to the commissioner. The act applies these requirements to registrants and specifies that, for both licensees and registrants, these requirements do not apply if federal law, a federal student loan agreement, or an ED contract requires otherwise.

In addition to licensure fees, existing law allows the commissioner to collect assessments from certain licensed entities, including student loan servicers, to help meet the department's expenses. The act does not apply this assessment to registrants.

Prohibited Acts (§ 7)

The act generally applies to federal student loan servicer registrants the same list of prohibited actions that apply to private student loan servicer licensees. These actions include such things as defrauding or misleading borrowers, using unfair or deceptive practices, fraudulently obtaining property, or knowingly or recklessly applying loan payments or providing inaccurate information to a credit bureau that ends up harming a borrower's credit.

Two of the law's prohibited acts are failing to (1) establish, enforce, and maintain policies and procedures to supervise employees, agents, and operations and achieve compliance with student loan servicing requirements and (2) comply with DOB student loan servicing standards. The act exempts servicers from needing to do these things if they must do otherwise under a federal law, federal student loan agreement, or contract with ED.

§ 17 — LAWSUITS

Bringing an Action

The act allows student loan borrowers, classes of similarly situated student loan borrowers, or legal representatives of either to bring a lawsuit in Superior Court for violations of state student loan servicer requirements. They may bring the action before exhausting any administrative remedies.

The act exempts the following from being subject to an action: banks and credit unions, their wholly owned subsidiaries, and operating subsidiaries where the owners are wholly owned by the bank or credit union. (These entities are exempt from licensing and registration as student loan servicers (see above).)

Relief

Under the act, if a court finds that a student loan servicer committed the alleged violations, it may award actual damages, reasonable attorney's fees, court costs, punitive damages, property restitution, and appropriate equitable relief.

The act also allows a court to award treble damages to a prevailing borrower if it finds that the servicer engaged in conduct that substantially interferes with (1) the borrower's right to an alternative payment arrangement, loan forgiveness, cancellation, or discharge of the loan or (2) another financial benefit set out in the borrower's promissory note or applicable federal law and regulations.

These remedies are in addition to any other remedies state or federal law provide.

BACKGROUND

Related Acts

PA 21-138, § 19, contains a similar provision about what constitutes a "change of control" for student loan servicers.

PA 21-190, §§ 1 & 2, adds identical definitions for private and federal student education loans and their servicers and exempts servicers from needing to establish certain policies and comply with DOB servicing standards if they must do otherwise under a federal law, federal student loan agreement, or contract with ED.

NMLS

NMLS is a license and registration system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the mortgage and other finance services industry.

Related Case: Pennsylvania Higher Education Assistance Agency (PHEAA) v. Perez

The legislature established a licensing requirement for student loan servicers in 2015 (PA 15-162). PHEAA, a servicer of federal student loans made by ED, obtained a student loan servicer license under Connecticut law. PHEAA later challenged DOB examination efforts to obtain certain loan documents that were owned by ED and in its possession. In 2020, the Connecticut federal district court ruled that enforcement of DOB's licensing authority over federal student loan servicers is preempted and enjoined DOB from requiring PHEAA to follow its licensing authority (457 F.Supp.3d 112 (D. Conn. 2020)).

PA 21-131—sHB 6372*Banking Committee***AN ACT EXEMPTING FROM EXECUTION CERTAIN FUNDS IN A JUDGMENT DEBTOR'S ACCOUNT**

SUMMARY: By law, a creditor may obtain a court-ordered judgment against someone who owes him or her money (i.e., the debtor) and have an execution issued by the court served on any financial institution where the debtor has an account. This act changes how, and how much, money is protected from a bank execution.

Prior law (1) required financial institutions to exempt from execution the account balance, up to \$1,000, if readily identifiable electronic direct deposits from exempt sources or wages were made to the account in the previous 60 days (see BACKGROUND) and (2) allowed a debtor to protect up to \$1,000 by filing an exemption from execution (i.e., the "wildcard" exemption) (CGS § 52-352b(r)).

Prior law required debtors to claim the wildcard exemption with the court. The act instead requires financial institutions to apply the wildcard exemption by exempting up to an aggregate of \$1,000 in an account from execution if the debtor does not have readily identifiable electronic direct deposits from wages or exempt sources during the look-back period, or if deposits from those sources are less than \$1,000. If a financial institution applies the wildcard exemption, the act prohibits an individual from petitioning the court to claim it in response to a levy of execution.

The act also eliminates the \$1,000 cap for direct deposits from exempt sources, but it retains the cap for wages. (Under federal law, the \$1,000 cap has no legal effect with respect to certain federal benefits.) Thus, the act requires financial institutions to leave in the debtor's account the full amount of any funds directly deposited into it from exempt sources in the last two months.

The act also makes minor changes, including conforming the 60-day look-back period in state law to the two-month look-back period prescribed by federal law (31 C.F.R. § 212.3).

EFFECTIVE DATE: October 1, 2021

BACKGROUND*Exempt Sources*

Federal or state laws exempt from execution recent deposits made from the following sources:

1. federal veterans' benefits;
2. Social Security benefits, including retirement, survivors' and disability benefits;
3. supplemental security income benefits;
4. certain exempt benefits paid by the federal Railroad Retirement Board or Office of Personnel Management;
5. certain exempt unemployment compensation benefits; and
6. child support payments processed and received pursuant to federal law (31 C.F.R. § 212.2 and CGS § 52-367b).

PA 21-136—SB 831*Banking Committee***AN ACT CONCERNING COMMERCIAL MORTGAGE LOAN ORIGINATORS**

SUMMARY: This act excludes from the state's overtime pay requirements (time and one-half after 40 hours a week) commercial mortgage loan originators considered to be highly compensated employees under federal regulations. The law already excludes highly compensated mortgage loan originators from the requirements.

Under federal regulations, a highly compensated employee is someone with total annual compensation of at least \$107,432, whose primary duty includes office or non-manual work, and who customarily and regularly performs exempt duties or responsibilities of an executive, administrative, or professional employee as identified in regulation. The regulations exempt these individuals from the minimum wage and overtime pay requirements of the federal Fair Labor Standards Act (29 C.F.R. § 541.601).

The act applies to individuals who for, or with the expectation of, compensation or gain for themselves or their employer (1) accept an application for a commercial mortgage loan (i.e., one not primarily for personal, family, or household use) or (2) offer or negotiate a commercial mortgage loan's terms.

EFFECTIVE DATE: October 1, 2021

PA 21-138—sSB 848

Banking Committee

AN ACT IMPLEMENTING THE DEPARTMENT OF BANKING'S RECOMMENDED CHANGES TO THE BANKING STATUTES CONCERNING FINANCIAL INSTITUTIONS AND CONSUMER CREDIT LICENSES

SUMMARY: This act makes the following changes in the state's banking statutes:

1. allows a Connecticut or out-of-state bank with less than \$10 billion in assets to receive public deposits by meeting certain federal community bank leverage ratio (CBLR) requirements (§ 2);
2. codifies a federal law that allows someone to temporarily act as a mortgage loan originator while applying for a Connecticut license (§§ 5 & 6);
3. exempts certain people from lead generation licensure if they only incidentally perform these activities (§ 6);
4. authorizes the Department of Banking (DOB) to regulate individuals offering shared appreciation mortgages (§ 5);
5. limits when a "change of control" occurs for certain licenses (§§ 7-10, 12-14 & 18-19);
6. expands the definition of "consumer debtor" to include anyone who owes a municipal debt resulting from property tax, instead of only personal property tax, thus subjecting real property tax debt buyers to state consumer collection laws (§ 16);
7. requires a consumer collection agency license applicant that is solely engaged in debt buying to show a positive tangible net worth (existing law requires those not solely engaged in debt buying to show tangible net worth of at least \$50,000) (§ 17);
8. eliminates the requirement that the DOB commissioner endorse a Connecticut credit union's amended certificate of incorporation (§ 4);
9. exempts certain money transmitter license applicants from audit requirements, and limits the type of required financial statements for applicants that are subsidiaries of a parent company (§ 11); and
10. allows a Connecticut bank that is a subsidiary of a holding company to submit a consolidated audit without the commissioner's approval under certain circumstances (§ 1).

The act also makes many technical, minor, and conforming changes, including one to clarify that a "retail seller" under the retail installment sales financing laws includes sellers using installment loan contracts (§ 15).

EFFECTIVE DATE: October 1, 2021

§ 2 — COMMUNITY BANK LEVERAGE RATIO

The act allows banks that opt into the CBLR capitalization requirements (see BACKGROUND) to receive public deposits without also meeting certain risk-based capital standards required by prior law. (Different requirements generally apply to new banks and uninsured banks.)

Under the act, these banks are eligible for public deposits by maintaining (1) a tier 1 leverage ratio of greater than 9% and (2) segregated eligible collateral of at least 10% of uninsured deposits. A "tier 1 leverage ratio" is the ratio of certain equity and reserves (e.g., cash reserves) to risk-weighted assets and liabilities. Existing law allows banks to receive public deposits by:

1. maintaining eligible collateral of at least 25% of their uninsured public deposits;

2. for banks with a tier 1 leverage ratio of at least 6% and a risk-based capital ratio of at least 12%, maintaining 10% eligible collateral of uninsured deposits; or
3. for banks with a tier 1 leverage ratio of less than 5% or a risk-based capital ratio of less than 10%, maintaining at least 110% eligible collateral of uninsured public deposits.

The act correspondingly incorporates into existing public depository laws banks that opt into CBLR, by:

1. requiring CBLR banks with a 9% or less tier 1 leverage ratio to transfer eligible collateral to the trust department of a financial institution that is not owned or controlled by the bank or a holding company that owns or controls it, or to a federal reserve or home loan bank;
2. requiring CBLR banks with a tier 1 leverage ratio greater than 9% to transfer eligible collateral to their own trust department or one of another financial institution, or to a federal reserve or home loan bank; and
3. for CBLR banks with tier 1 leverage ratios greater than 9% that are under formal regulatory orders unrelated to capital, asset quality, earnings, or liquidity, allowing them to lower the minimum eligible collateral amount from 110% to 50% of uninsured deposits.

The act also changes the collateral transfer requirements for other banks. Under prior law, banks and out-of-state banks had to transfer eligible collateral to their own trust department or one of another financial institution, or to a federal reserve or home loan bank, if they had a tier 1 leverage ratio of at least 5% or a risk-based capital ratio of at least 10%. Under the act, banks must complete this transfer if they meet both minimums.

§§ 5 & 6 — TEMPORARY AUTHORITY FOR MORTGAGE LOAN ORIGINATORS

The act codifies a federal law that allows an individual to temporarily act as a mortgage loan originator while applying to DOB for a Connecticut license (P.L. 115-174, § 106). By law, mortgage loan originators take residential mortgage loan applications or offer or negotiate the terms of these loans.

Qualifications

Under the act, to qualify for the temporary authority, an applicant must be employed by a Connecticut-licensed mortgage lender, correspondent lender, or broker.

Applicants employed by a Connecticut-licensed lender or broker must be registered in the Nationwide Mortgage Licensing System and Registry (NMLS, see BACKGROUND) as a loan originator during the year immediately before submitting, as part of the application process, (1) certain information the law requires on personal history and experience and (2) an authorization for credit and background checks (see below). Applicants licensed in another state as a mortgage loan originator must maintain a unique identifier through the NMLS and be licensed during the 30 days immediately before submitting the same information.

By law, unchanged by the act, licensure applicants must submit information on their identity, including personal history and experience; authorizations for credit and criminal background checks; and information on administrative, civil, or criminal findings (CGS § 36a-488).

Additional Requirements for Exercising Temporary Authority

The act prohibits a licensure applicant from exercising temporary authority if he or she:

1. had a loan originator license application denied, or a license revoked or suspended in another jurisdiction;
2. was subject to or served with a cease and desist order in another jurisdiction or by the federal Bureau of Consumer Financial Protection regarding NMLS compliance; or
3. was convicted of a crime that would preclude licensure under existing law, such as fraud or money laundering (CGS § 36a-489).

Duration of Temporary Authority

Under the act, temporary authority to act as a mortgage loan originator begins the day an eligible individual submits his or her Connecticut license application and ends when:

1. the applicant withdraws the application, or the DOB commissioner denies it;
2. the DOB commissioner issues the license; or
3. 120 days pass after the application's submission, if the application is incomplete.

Compliance With State Law

Under the act, anyone who acts with temporary authority as a mortgage loan originator, or employs such an individual, is subject to state laws to the same extent as if the person or employee was a licensed mortgage loan originator in the state.

§ 6 — LEAD GENERATOR LICENSE EXEMPTION

The act extends the mortgage lead generator licensure exemption to bank or credit union affiliate employees who have certain other credentials and perform lead generation activities only incidentally to their regulated activities by referring leads to the bank or credit union.

By law, a lead generator is a mortgage professional who receives or expects compensation or gain for providing information identifying new customers for residential mortgage loans (CGS § 36a-485). DOB licenses lead generators, but the law provides several exemptions, including for federally insured banks and credit unions and their subsidiaries, certain other licensed mortgage professionals, consumer reporting agencies, and lead generator employees.

The act extends the exemption to federally insured bank and credit union affiliates' employees who:

1. are registered or licensed with a state or federal regulator to perform securities brokerage, investment advisory, or insurance sales activities and
2. perform lead generation services by referring leads to the bank or credit union for which they work.

Under the act, a bank or credit union affiliate is an entity that is controlled by or under common control with the bank or credit union. This means the bank or credit union must:

1. own, control, or have the power to vote more than 50% of any of the affiliate's voting securities classes, either directly or through one or more persons;
2. control the election of the majority of the affiliate's directors or trustees; or
3. exercise a controlling influence over the affiliate's management or policies.

§ 5 — SHARED APPRECIATION MORTGAGES

The act makes "shared appreciation agreements" residential mortgage loans, thus (1) subjecting them to existing law's residential mortgage requirements and (2) generally requiring individuals making or offering them to be licensed and regulated by DOB.

Under the act, a shared appreciation agreement is a nonrecourse obligation in which money is advanced to a consumer in exchange for (1) an equity interest in residential real estate or (2) a future obligation to repay under certain circumstances, such as a transfer of ownership, maturity date, borrower's death, or other circumstance outlined and explicitly agreed to.

By law, DOB licenses and regulates several entities that offer or conduct business involving residential mortgages, including mortgage lenders, correspondent lenders, originators, servicers, brokers, and lead generators. Residential mortgage loan licensees are subject to reporting, oversight, advertising, and bond requirements, among others. Licensees are generally subject to the DOB commissioner's investigation and examination authority and may face penalties for violating state banking laws.

§§ 7-14 & 18-19 — CHANGE OF CONTROL

By law, DOB-issued consumer credit licenses are not transferable or assignable. Licensees must file an advance change notice and receive the commissioner's approval before changing a control person, excluding changing a director, general partner, or executive officer, not due to an acquisition or other change of control.

The act specifies that for certain licenses a "change of control" is a change that causes a licensee's majority ownership, voting rights, or control to be held by a different control person or group of control persons. Consequently, it does not involve minor ownership changes. The definition applies to the following license categories: mortgage lender, correspondent lender, broker, or servicer; lead generator; sales finance; small loan; check cashing; money transmission; debt adjuster or negotiator; consumer collection; and student loan servicer.

§ 4 — AMENDMENTS TO CONNECTICUT CREDIT UNION CERTIFICATES OF INCORPORATION

The act eliminates the requirement that the DOB commissioner endorse an amendment to a Connecticut credit union's certificate of incorporation. It does so by requiring the (1) credit union to file a copy of the certificate of amendment, instead of the original, with the commissioner and (2) commissioner to approve the amendment if it meets existing statutory criteria, rather than endorse the original and return it to the credit union. By law, an amendment is effective upon the filing of its

original certificate with the secretary of the state.

§ 11 — MONEY TRANSMITTER LICENSE APPLICANT AUDITING REQUIREMENTS

The act exempts a money transmitter license applicant from needing to submit audited financial statements to the commissioner if the applicant has operated for one year or less. Instead, the applicant must only submit an initial statement of condition.

The act also requires initial applicants that are a wholly-owned subsidiary of a parent company to include with the application the parent company's most recent audited consolidated annual financial statements. Prior law required them to include (1) either this information or the most recent audited consolidated annual financial statement, and (2) the most recent audited unconsolidated financial statement, including the balance sheet with receipts and disbursements for the prior year.

§ 1 — CONNECTICUT BANK AUDIT REQUIREMENTS

To meet annual audit requirements, the act allows a Connecticut bank that is a subsidiary of a holding company to submit a signed, consolidated audit report of the holding company in lieu of that of the bank without the commissioner's approval, which prior law required. But it allows the commissioner, for good cause, to require an individual audit report for the bank instead.

BACKGROUND

CBLR

Federal regulations require most banks to meet minimum capital requirements, which include having a tier 1 capital ratio of 6% and a leverage ratio of 4% (12 C.F.R. § 324.10). However, banks with less than \$10 billion in assets and that meet other requirements (e.g., leverage ratio greater than 9%) may instead use CBLR to meet the minimum capital requirements (12 C.F.R. § 324.12).

NMLS

NMLS is a license and registration system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators for the mortgage and other finance services industry (CGS § 36a-2).

Related Act

PA 21-130, § 5, includes substantially similar "change of control" provisions for student loan servicer licensees.

PA 21-143—sSB 941

Banking Committee

Judiciary Committee

AN ACT CONCERNING THE ASSIGNMENT OF CERTAIN PROPERTY, TAX, WATER AND SEWER LIENS

SUMMARY: This act imposes new restrictions on entities that acquire the right to enforce real property liens securing specified delinquent tax, sewer, and water charges (i.e., lien assignees). The act applies to liens for delinquent:

1. real property taxes (§ 1) and any other liens that by law may be enforced using the same procedure as applies to these taxes (e.g., statutory special taxing district assessments, see CGS § 7-328);
2. sewer benefit assessments or sewer use and connection charges imposed by municipal water pollution control authorities or regional sewer authorities (§§ 2, 3 & 6); and
3. water charges imposed by municipal water companies and regional water authorities (§§ 4 & 5).

The act makes any lien assignment executed on or after July 1, 2022, unenforceable unless memorialized in a written contract between the assignee and municipality or authority. The contract must include the disclosure and other provisions the act specifies.

Under the act:

1. the assignee must provide (a) a written payoff statement upon request and (b) written notices before beginning a foreclosure;
2. all aspects of a foreclosure, sale, or other disposition (e.g., costs, venue, and terms) must be commercially reasonable (the act does not define “commercially reasonable”); and
3. the assignee is liable for any act deemed an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (see BACKGROUND).

The act also makes minor, technical, and conforming changes, including eliminating, for municipal sewer and sewerage system charges, provisions on costs and attorney’s fees being taxed and collected any time after payment demand.

EFFECTIVE DATE: October 1, 2021

REQUIRED CONTRACT PROVISIONS

General Provisions

For assignments executed on or after July 1, 2022, the act specifies the provisions that must be included in the contract between the assignee and municipality or authority. The provisions must:

1. specify how the assignee will provide its contact information to the property owner, including an address and telephone number;
2. indicate the earliest and latest dates by which the assignee must begin a foreclosure or suit on the debt or how to determine the dates, except as may be impacted by a payment arrangement, bankruptcy petition, or other circumstance (but the assignee may not begin a foreclosure suit within one year after the lien was purchased);
3. specify the attorney’s fee structure and rates that the assignee may claim against the property owner or owners and ban using an attorney or law office that is owned by, employs, or contracts with anyone having an interest in the assignee;
4. confirm that the property owner for which the lien has been filed is a third-party beneficiary entitled to enforce the contract’s covenants and responsibilities;
5. prohibit the assignee from assigning the lien without the municipality’s prior written consent;
6. specify the detail and frequency of reports provided to the municipality’s tax collector on the status of the assigned liens;
7. confirm that the assignee is not ineligible to be assigned the liens because of occupational safety and health law violations;
8. incorporate the act’s disclosure requirements (see below); and
9. include any additional terms to which the parties agree, consistent with applicable law.

Disclosures

The contract must disclose:

1. all resolved and pending arbitration and litigation matters in which the assignee or any of its principals have been involved within the last 10 years, except foreclosure actions involving liens purchased from or assigned by governmental entities;
2. all criminal proceedings that the assignee or any of its principals have ever been the subject of;
3. any interest in the subject property held by the assignee or any of its principals, officers, or agents; and
4. each instance in which the assignee or any of its principals was found to have violated a state or local ethics law, regulation, ordinance, code, policy, or standard, or to have committed any other offense arising from submitting proposals or bids for, or performing work on, a public contract.

PAYOFF STATEMENTS

The act requires an assignee to provide a payoff statement (i.e., a statement showing the unpaid balance and accruing interest) in the same manner that a mortgagee must provide one to a mortgagor in a mortgage foreclosure situation.

By law, a mortgagee, upon the written request of the mortgagor, the mortgagor’s attorney, or other authorized agent, must provide a written payoff statement or reinstatement payment statement to the person requesting one. The mortgagee

must do so by the date specified in the request, as long as the request date is at least seven business days after the written request's date of receipt (CGS § 49-10a).

FORECLOSURE REQUIREMENTS

By law, the assignees have the same powers and rights to enforce an assigned lien as the municipality, the municipality's tax collector, or the authority had, which include the right to enforce the lien through foreclosure. The act requires assignees to provide notices to the property owner and other specified interest parties when foreclosing on a lien.

Written Notice to Holders of First or Second Security Interests

Under the act, at least 60 days before beginning a foreclosure action, the assignee must send written notice, by first class mail, to the holders of all first or second security interests on the property that were recorded before the taxes or charges became delinquent.

The notice is effective on the date it is provided and must include:

1. the amount of unpaid debt owed to the assignee as of the notice's date;
2. the amount of any attorney's fees and costs incurred by the assignee in enforcing the lien as of the notice's date;
3. a statement of the assignee's intention to foreclose the lien if these amounts are not paid to the assignee within 60 days after the date on which notice is provided;
4. the assignee's contact information (e.g., name, address, telephone number, and email address, if any); and
5. instructions on acceptable ways to make a payment.

When sending this notice, the assignee may use the name and mailing address last recorded for the holder of the interest. If the holder of the interest is a plaintiff in a pending related court case to enforce the interest, the assignee must instead provide the written notice to the plaintiff's attorney.

Written Notice to Mortgage Owners and Holders

The act increases the amount of time that an assignee has to notify the owner about a property tax lien assignment. Under prior law, within 30 days after the assignment the assignee had to provide written notice to any holder of a mortgage (i.e., mortgagee) on the subject property, provided the holder was of record as of the assignment date. The act increases the notification period to within 60 days after the assignment and requires that the notice also go to the owner (presumably the property owner).

The act also extends this same notice requirement to the assignment of liens securing unpaid sewer benefit assessments, sewer use and connection charges, or water charges.

As is the case for tax lien assignments, the notice must include information to identify the:

1. property subject to the lien;
2. name and addresses of the assignee; and
3. amount of unpaid taxes, interest, and fees being assigned as of the date of the assignment (presumably, "tax" means unpaid assessments or charges, as applicable).

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

PA 21-46—sSB 2

Committee on Children

Appropriations Committee

AN ACT CONCERNING SOCIAL EQUITY AND THE HEALTH, SAFETY AND EDUCATION OF CHILDREN

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Generally allows minors to request and receive as many outpatient mental health treatment sessions as necessary without a parent's or guardian's consent or notification

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Requires the OEC commissioner to develop and implement a plan to expand the Birth-to-Three Program to provide early intervention services to certain children

§ 29 — SCHOOL READINESS LIAISON

Requires the local or regional board of education of any school district that serves a town without a school readiness council to designate a school readiness liaison

§ 30 — TASK FORCE TO STUDY CHILDREN'S NEEDS

Establishes a 25-member task force to study the (1) comprehensive needs of children in the state and (2) extent to which educators, community members, and local and state agencies are meeting them

BACKGROUND

§ 1 — YOUTH SUICIDE PREVENTION TRAINING PROGRAM

Requires the Youth Suicide Advisory Board (YSAB) and Office of the Child Advocate (OCA) to jointly administer a youth suicide prevention training program in local and district health departments

The act requires the YSAB and the OCA to jointly administer an evidence-based youth suicide prevention training program in each local and district health department and offer it at least once every three years, starting by July 1, 2022. YSAB and OCA may contract with a nongovernmental entity that provides evidence-based suicide prevention training to administer the program.

The training program must (1) provide certification in Question, Persuade and Refer (QPR) Institute Gatekeeper Training (i.e., an educational program designed to teach lay and professional individuals who work with youth the warning signs of a suicide crisis and how to respond) and (2) use a training model that allows participants with valid certification to train other individuals, including members of the public.

The act requires each local and district health department director to determine the program's eligibility criteria. Program participants must be from the following groups in each health district:

1. local and district health department employees,
2. youth service bureau employees,
3. school employees,
4. youth-serving organization employees and volunteers,
5. youth athletic activity employees and volunteers,
6. municipal social service agency employees,
7. paid municipal or volunteer fire department members, and
8. local police department members.

The act allows school employees to participate in the training program as part of an in-service training program provided by local and regional boards of education under existing law.

Under the act, an "evidence-based" training program is one that:

1. incorporates methods shown to be effective for the intended population through scientifically based research, including statistically controlled evaluations or randomized trials;
2. can be successfully replicated in the state with a set of procedures; and
3. achieves sustained, desirable outcomes and, when possible, has been determined to be cost-beneficial.

EFFECTIVE DATE: July 1, 2021

§§ 2-9 — MENTAL HEALTH TRAINING AND EDUCATION FOR HEALTHCARE PROFESSIONALS

Expands continuing education requirements for certain healthcare professions to include specified mental health and suicide prevention training

Beginning by January 1, 2022, the act expands the continuing education requirements for certain healthcare professionals to include at least two hours of training and education on (1) screening for post-traumatic stress disorder, suicide risk, depression, and grief and (2) suicide prevention training (i.e., "required training and education").

Except as noted below, the requirement applies (1) during the first license or certification renewal period, as applicable, and (2) at least once every six years after that.

This requirement applies to:

1. physician assistants;
2. physical therapists;
3. occupational therapists and occupational therapy assistants;
4. registered nurses and licensed practical nurses;
5. behavior analysts;
6. certified community health workers; and
7. emergency medical responders, emergency medical technicians, or emergency medical instructors.

The act also requires two hours of this training for nurse's aides as part of their registration requirements.

The act specifies that the youth suicide prevention training program it establishes (see above) may satisfy the suicide prevention training requirement for some of these healthcare professionals. This applies to physical therapists, occupational therapists and occupational therapist assistants, nurse's aides, behavior analysts, certified community health workers, emergency medical responders, and emergency medical technicians.

EFFECTIVE DATE: July 1, 2021

Physician Assistants (§ 2)

The act requires physician assistants to complete the required training and education through a program administered by the American Association of Physician Assistants, a hospital or other licensed health care institution, or a regionally accredited higher education institution. (The act specifically requires two contact hours, which total 100 minutes.) Physician assistants applying for license renewal must sign a statement on a DPH-prescribed form attesting that they have satisfied the requirements.

The act requires licensees to (1) retain attendance records or completion certificates demonstrating compliance for at least three years following the year in which they completed the continuing education and (2) submit the records or certificates to DPH for inspection within 45 days after the department requests them.

Physical Therapists (§ 3)

Existing law requires physical therapists to complete at least 20 hours of continuing education during each registration period (i.e., the 12-month period for which a license has been renewed). Under the act, this continuing education must also include the act's required training and education (1) during the first license renewal period for which continuing education is required (i.e., for the second license renewal) and (2) every six years after that.

Occupational Therapists and Occupational Therapy Assistants (§ 4)

The act requires occupational therapists and occupational therapy assistants to complete the mental health training or education as an additional requirement for license renewal when applicable. (By law, licenses must be renewed every two years.) The training or education must be offered or approved by the Connecticut Occupational Therapy Association, a hospital or other licensed health care institution, or a regionally accredited higher education institution.

Registered Nurses and Licensed Practical Nurses (§ 5)

The act requires actively practicing registered nurses (RNs) and licensed practical nurses (LPNs) to complete two contact hours (i.e., 100 minutes) of the required training and education. Qualifying continuing education courses include in-person and online courses offered or approved by:

1. the American Nurses Association,
2. the Connecticut Hospital Association,
3. the Connecticut Nurses Association or Connecticut League for Nursing,
4. a specialty nursing society or an equivalent organization in another jurisdiction,
5. a hospital or other health care institution,
6. a regionally accredited academic institution, or
7. a state or local health department.

The act also requires each RN and LPN applying for license renewal to sign a statement on a DPH-prescribed form attesting that he or she has satisfied the continuing education requirements. Each licensee must (1) retain attendance records or completion certificates demonstrating compliance for at least three years after the year in which the continuing education was completed and (2) submit the records or certificates to DPH for inspection within 45 days after the department requests them.

Nurse Aides (§ 6)

The act requires nurse aides to complete the required training and education as part of their existing minimum 100-hour training program requirement. The suicide prevention training must be offered or approved by the same entities as required for RNs and LPNs (see above). (However, the act provides that the youth suicide prevention training program it establishes (see § 1 above) also satisfies the suicide prevention training requirement.)

Behavior Analysts (§ 7)

The act requires behavioral analysts to complete the mental health training or education as an additional requirement for licensure renewal. The training or education must be offered or approved by the Connecticut Association for Behavior Analysis, a hospital or other licensed health care institution, or a regionally accredited higher education institution.

Certified Community Health Workers (§ 8)

Under the act, certified community health workers must include the mental health and suicide prevention training as part of the existing minimum 30-hour continuing education requirement for license renewal every three years. The training must be provided by the Community Health Worker Advisory Body or providers the body approves.

Emergency Medical Services (EMS) Personnel (§ 9)

The act requires emergency medical responders, emergency medical technicians, or EMS instructors seeking certification renewal to complete mental health and suicide prevention training. Emergency medical responders and technicians must complete the training within the six years before the certification renewal. For instructors, the requirement applies during the first renewal period and at least once every six years after that. (PA 21-121, § 95, extends these

requirements to advanced EMTs seeking certification renewal and removes the separate requirement for EMS instructors to take this training.)

The law already requires paramedics to complete mental health first aid training as part of their licensing application.

§ 10 — OUTPATIENT MENTAL HEALTH TREATMENT FOR MINORS

Generally allows minors to request and receive as many outpatient mental health treatment sessions as necessary without a parent's or guardian's consent or notification

By law, a psychiatrist, a psychologist, an independent social worker, or a marital and family therapist may provide outpatient mental health treatment to a minor without the consent or notification of a parent or guardian at the minor's request under certain conditions. Prior law required a mental health provider to notify the minor that a parent's or guardian's consent, notification, or involvement was required to continue treatment after the sixth session, unless it was seriously detrimental to the minor's well-being.

The act generally allows minors to request and receive as many outpatient mental health treatment sessions as necessary without the consent or notification of a parent or guardian. A provider may notify a parent or guardian of treatment provided without the minor's consent or notification if the (1) provider determines that notification or disclosure is necessary for the minor's well-being, (2) treatment provided to the minor is solely for mental health and not for a substance use disorder, and (3) minor is given an opportunity to object to the notification or disclosure.

The act requires the provider to document his or her determination regarding the notification or disclosure and any objections expressed by the minor in the minor's clinical record. The provider may disclose to a minor's parent or guardian the following information about the treatment:

1. diagnosis;
2. treatment plan and progress;
3. recommended medications, including risks, benefits, side effects, typical efficacy, dose, and schedule;
4. psychoeducation about the minor's mental health;
5. referrals to community resources;
6. coaching on parenting or behavioral management strategies; and
7. crisis prevention planning and safety planning.

The act also requires a provider to release a minor's entire clinical record to another provider upon the request of the minor or the minor's parent or guardian.

EFFECTIVE DATE: July 1, 2021

§§ 11-13 — SCHOOL DISTRICT PROFESSIONAL DEVELOPMENT AND SOCIAL-EMOTIONAL LEARNING

Requires local and regional boards of education to integrate social-emotional learning principles and practices throughout their school district's professional development program components

Beginning with the 2021-2022 school year, the act requires local and regional boards of education to integrate social-emotional learning principles and practices throughout their school district's professional development program components. It similarly requires boards to include this integration as a goal in the district's statement of educational goals. Under existing law, each board must (1) make available, at no cost, at least 18 hours of individual and small group professional development each school year for certified employees and (2) develop a statement of educational goals for the district with the participation of specified stakeholders (e.g., parents).

Existing law also requires local and regional boards of education to establish professional development and evaluation committees to, among other things, develop, evaluate, and annually update the district's professional development plan for certified employees. The act requires that the plan's development consider priorities and needs related to student social-emotional learning. It also specifies that existing law's requirement to consider priorities and needs related to student outcomes applies specifically to student academic outcomes.

EFFECTIVE DATE: July 1, 2021

§ 14 — PARENT-TEACHER CONFERENCES AND VIRTUAL LEARNING

Requires school districts to (1) allow parents to attend any parent-teacher conference remotely and (2) conduct additional conferences during specified virtual learning periods

Existing law requires local and regional boards of education to implement written policies and procedures to encourage parent-teacher communication. Among other things, they must require school districts to conduct two flexible parent-teacher conferences each school year.

Beginning with the 2021-2022 school year, the act requires that these policies and procedures also require districts to do the following:

1. offer parents the option of attending a parent-teacher conference by telephone, video conference, or other conferencing platform;
2. conduct one additional parent-teacher conference (a) during a period when the district provides virtual learning for more than three consecutive weeks and (b) every six months after that if sessions continue to be provided virtually; and
3. request from each student's parent the name and contact information of someone who may be contacted if the parent cannot be reached to schedule one of these additional parent-teacher conferences. (PA 21-2, June Special Session (JSS), § 390, replaces "virtual learning" with "remote learning.")

Beginning January 1, 2022, the policies and procedures must also require teachers to do the following:

1. provide parents with a copy of a State Department of Education (SDE)-developed community resources document (see § 15 below) before conducting a parent-teacher conference required by the act (i.e., a conference conducted during certain virtual learning periods, see above) and
2. report to the school principal, school counselor, or other school administrator designated by the board of education if, after three attempts, the teacher is unable to contact a student's parent in order to schedule a parent-teacher conference required by the act.

In the latter case, the principal, counselor, or administrator must contact the student's emergency contact to determine the student's and family's health and safety.

EFFECTIVE DATE: July 1, 2021

§ 15 — COMMUNITY RESOURCES DOCUMENT

Requires SDE to develop and annually update a document for local and regional boards of education that provides students and families with information on community resources

The act requires SDE, by December 1, 2021, to develop and annually update a document for local and regional boards of education that provides information on educational, safety, mental health, and food insecurity resources and programs available for students and their families. The document must include:

1. providers of these resources and programs, including SDE, the Department of Children and Families, the Department of Mental Health and Addiction Services, the United Way of Connecticut, and local food banks;
2. descriptions of relevant resources and programs each provider offers, including any program that provides laptops, public Internet access, or home Internet service to students;
3. each provider's, resource's, and program's contact information; and
4. relevant websites.

SDE must electronically distribute the document annually to each local and regional board of education.

EFFECTIVE DATE: Upon passage

§§ 16-18 — VIRTUAL LEARNING

Requires the SDE commissioner to develop and update virtual learning standards; allows local and regional boards of education to authorize virtual learning for students in grades 9-12

Virtual Learning Standards and Policy (§§ 16 & 17)

The act requires the SDE commissioner to develop, and update as necessary, standards for virtual learning (i.e., instruction by means of one or more Internet-based software platforms as part of an in-person or remote learning model). It specifies that the standards must not be deemed regulations. (PA 21-2, JSS, §§ 391 & 392, replaces "virtual learning" with "remote learning" and eliminates the reference to in-person learning.)

The act also allows local and regional school boards, starting with the 2021-2022 school year, to authorize virtual learning for students in grades 9-12 if the boards:

1. provide instruction that complies with SDE's standards and
2. adopt a policy on student attendance requirements that (a) complies with SDE guidance and (b) counts the

attendance of any student who spends at least half of the day during virtual instruction engaged in virtual classes or meetings, activities on time-logged electronic systems, and turning in assignments.
Under the act, virtual learning must be considered an actual school session as long as it complies with SDE's standards.

Excused and Unexcused School Absences (§ 18)

The act requires the State Board of Education to change its definition of the terms “excused absence” and “unexcused absence” by July 1, 2021, to exclude a student’s engagement in virtual classes or meetings, activities on time-logged electronic systems, and completion and submission of assignments. The exclusion applies if the engagement accounts for at least half of the school day for which virtual learning is authorized. (PA 21-2, JSS, § 393, replaces “virtual learning” with “remote learning.”)

EFFECTIVE DATE: Upon passage, except that the requirement that virtual learning be considered an actual school session is effective July 1, 2021.

§ 19 — MENTAL HEALTH WELLNESS DAYS

Requires local or regional boards of education to allow any student in grades kindergarten through 12 to take two mental health wellness days during the school year

Beginning with the 2021-2022 school year, the act requires local or regional boards of education to allow any student enrolled in grades kindergarten through 12 to take two mental health wellness days during the school year on which he or she need not attend school. However, a student may not take these mental health wellness days during consecutive school days.

EFFECTIVE DATE: July 1, 2021

§ 20 — SCHOOL LUNCH DEBT

Requires local and regional boards of education to include specified measures in their policies or procedures for collecting unpaid school meal charges, including a procedure for communicating with parents or guardians about available resources and a prohibition against publicly identifying or shaming a child

Beginning with the 2021-2022 school year, the act requires local and regional boards of education to include the following in policies or procedures for collecting unpaid school meal charges applicable to employees and third-party vendors who provide school meals:

1. a prohibition on publicly identifying or shaming a child for unpaid meal charges, including (a) delaying or refusing to serve the child a meal, (b) designating a specific meal, or (c) taking any disciplinary action;
2. a declaration of a child’s right to purchase one meal (which may exclude a la carte items) for any school breakfast, lunch, or other feeding; and
3. a procedure for communicating with parents or guardians about collecting a child’s unpaid meal charges, including (a) information on local food pantries, (b) applications for free or reduced-price meals and the Department of Social Services’ Supplemental Nutrition Assistance Program, and (c) a link to the school district’s website that lists any community services available to town residents.

If a child’s unpaid meal charges equal or exceed the cost of 30 meals, the act requires the local or regional school board to refer the child’s parent or guardian to the board’s local homeless education liaison. The act also allows boards to accept gifts, donations, or grants from any public or private source to pay off unpaid meal charges.

EFFECTIVE DATE: July 1, 2021

§ 21 — VISITATION OF CHILD IN DCF CARE AND CUSTODY

Requires the DCF commissioner to develop a remote visitation policy and ensure opportunities for virtual visitation of children in the department’s custody during a pandemic or communicable disease outbreak

Virtual Visitation Requirement

By law, the DCF commissioner must ensure that children in the department’s care and custody receive visits from their parents and siblings, unless the court orders otherwise.

Under the act, in the event of a pandemic or communicable disease outbreak resulting in a declaration of a public health emergency by the Governor or a declaration of a national emergency by the President of the United States, the child must be given opportunities to communicate with his or her parents and siblings by telephone, video, or other conferencing platform instead of in-person visitation for the duration of the emergency.

The commissioner must ensure that opportunities for these visits occur as often as reasonably possible, based on the child's best interest, as is the case for in-person visits under existing law.

Remote Visitation Policy Related to Communicable Diseases

The act requires the DCF commissioner, by January 1, 2022, to develop a policy to temporarily stop in-person visitation, on a case-by-case basis, if (1) a child or his or her parent or sibling is seriously ill due to a communicable disease and (2) visitation could result in at least one participant contracting the disease during the visit.

The policy must require that the child is provided an opportunity to communicate with his or her parents and siblings by telephonic, video, or other conferencing platform instead of an in-person visit. The act requires the commissioner to define the terms "seriously ill" and "communicable disease" in the visitation policy.

EFFECTIVE DATE: July 1, 2021

§ 22 — DCF SOFTWARE APPLICATION

Requires the DCF commissioner to develop and maintain a software application for reporting on computers and mobile devices certain incidents and communications regarding children in the department's custody

The act requires the DCF commissioner, by February 1, 2022, to develop and maintain a software application for use on computers and mobile devices to facilitate (1) reporting nonemergent incidents to DCF by mandated reporters and (2) communication between children in the commissioner's care and custody and social workers assigned to them.

EFFECTIVE DATE: July 1, 2021

§ 23 — DCF WRITTEN REMOVAL NOTICE AND LIST

Requires the DCF Commissioner to provide written notice regarding legal representation to the parent or guardian of a child with a complaint of neglect or abuse

By law, if the DCF commissioner receives a complaint of child abuse or neglect, at the first face-to-face contact with the child's parent or guardian, DCF must provide a written notice explaining certain matters in plain language. (The act appears to suspend this requirement until October 1, 2021.)

Under the law, among other things, the notice must state that the parent or guardian is entitled to seek the representation of an attorney and have an attorney present when a DCF representative questions them. The act specifies that this includes any meeting conducted to determine whether the child should be removed from the home.

In addition to the written notice, the act also requires DCF to provide these parents or guardians with a list of free and low-cost legal services providers through which they may obtain legal advice.

As is the case under existing law for the written notice, the act requires DCF to (1) make reasonable efforts to ensure that the list is written in a manner and language that the parent or guardian can understand and (2) request the parent or guardian to sign and date the notice as evidence of receiving the list.

EFFECTIVE DATE: July 1, 2021

§ 24 — EARLY INTERVENTION SERVICES FEES

Prohibits the OEC commissioner from charging a fee for early intervention services to the parents or legal guardians of eligible children

Prior law required the OEC commissioner to establish and periodically revise a schedule of fees for providing early intervention services to eligible children. The act eliminates this requirement and instead prohibits the commissioner from charging a fee for early intervention services to the parents or legal guardians of eligible children.

Prior law required the commissioner to develop and implement procedures to hold a recipient harmless for the impact of pursuit of payment for early intervention services against lifetime insurance limits. The act limits this requirement to services rendered prior to its passage.

EFFECTIVE DATE: Upon passage

§ 25 — PLANNING AND PLACEMENT TEAM MEETINGS

Makes various changes regarding planning and placement team (PPT) meetings, including (1) expanding parental notification requirements, (2) providing for birth-to-three service coordinator participation, (3) establishing notification requirements related to the initial meeting, and (4) requiring developmental delay monitoring

Expansion of Parental Notification Requirements

By law, a local or regional board of education responsible for providing special education and related services to a child or pupil generally must provide written notice to the child's parent or guardian or to a pupil who is an emancipated minor before (1) proposing to, or refusing to, initiate or change the child's or pupil's identification, evaluation, or educational placement or (2) providing free appropriate public education to the child or pupil. The law also gives the parent, guardian, or pupil, upon request, the right to meet with a member of the planning and placement team (PPT) before the referral team meeting.

Under existing law, the pupil or his or her parent, guardian, or surrogate parent ("caregiver") must (1) be given at least five-days' notice before any PPT meeting; (2) have the right to be present at and participate in all portions of a meeting at which an educational program for the child or pupil is developed, reviewed, or revised; and (3) have the right to have certain professionals present and participate. During any meeting at which an educational program for the child or pupil is developed, the act additionally gives the pupil or caregiver the right to have each recommendation made in the child or pupil's Birth-to-Three individualized transition plan addressed by the PPT.

Birth-to-Three Service Coordinator PPT Participation

The act also gives the pupil or caregiver the right to have the child or pupil's Birth-to-Three service coordinator, if any, attend and participate in any part of the meeting at which an educational program for the child or pupil is developed, reviewed, or revised. It maintains the right to have advisors and school paraprofessionals attend and participate in these meetings, but no longer requires them to be present.

Additional Notification Requirements

The act expands the information that the responsible local or regional board of education must give the caregiver or pupil at each initial PPT meeting. Under existing law, the boards must tell them about physical restraint and seclusion laws and regulations. Under the act, during the meeting at which an educational program for the child or pupil is developed, the local or regional board of education must also inform them of their right to have:

1. the child or pupil's Birth-to-Three service coordinator attend and participate in all portions of the meeting and
2. each recommendation made in the transition plan by the service coordinator addressed by the PPT.

Monitoring Developmental Delay

Required Monitoring. The act requires each local or regional board of education to monitor the development of each child who has been (1) referred for a registration on a mobile application designated by the OEC commissioner (see § 27 below), in partnership with the child's caregiver, or (2) provided a form for the child's caregiver to complete and submit to the board of education that screens for developmental and social-emotional delays using a validated screening tool, such as the Ages and Stages Questionnaire and the Ages and Stages Social-Emotional Questionnaire, or its equivalent.

PPT Meeting. If, based on this monitoring, a child is suspected of having a developmental delay, the board must schedule a PPT meeting with the caregiver to identify services for which the child may be eligible, including a preschool program under Part B of the Individuals with Disabilities Act.

Reminders. If a caregiver of a child referred for a registration on the mobile application or provided such a screening form, fails to complete the registration or complete and submit the form after six months, the board must send that person a reminder, in the form and manner determined by the board, to do so. The board must send another reminder after one year from the referral or provision of the form if the registration remains incomplete or the form is not submitted.

EFFECTIVE DATE: July 1, 2021

§ 26 — BIRTH-TO-THREE COORDINATOR DISCIPLINARY PROTECTIONS

Extends job protections available to boards of education PPT members to cover Birth-to-Three service coordinators or qualified personnel concerning PPT meetings or transition plans

Existing law prohibits local or regional boards of education from disciplining, suspending, terminating, or otherwise punishing any PPT member employed by the board who discusses or makes recommendations about providing special education and related services for a child during a PPT meeting. The act extends this protection to Birth-to-Three service coordinators or qualified personnel concerning PPT meetings or transition plans.

EFFECTIVE DATE: July 1, 2021

§ 27 — DEVELOPMENTAL AND SOCIAL-EMOTIONAL DELAY SCREENINGS

Expands developmental and social-emotional delay screenings by requiring the OEC commissioner to designate a mobile application for eligible children and their families to continue the screenings

Existing law generally requires each eligible child (see below) and his or her family to receive (1) a multidisciplinary assessment, (2) a written individualized family service plan, and (3) a review of the individualized family service plan within set time frames.

The act expands this by requiring that within two months after a child is determined ineligible to participate in preschool programs under Part B of the Individuals with Disabilities Act, the child and his or her family receive a referral to register for a mobile application designated by the OEC commissioner to continue screening for developmental and social-emotional delays in partnership with the child's local or regional board of education. Under the act, a screening form using a validated screening tool, such as the Ages and Stages Questionnaire and the Ages and Stages Social-Emotional Questionnaire, or its equivalent, must be provided to any family upon request for completing and submitting the form.

Eligible Child

By law, an “eligible child” is a child up to age 36 months, who is not eligible for special education and related services and who needs early intervention services because he or she is (1) experiencing a significant developmental delay as measured by standardized diagnostic instruments and procedures or (2) diagnosed as having a physical or mental condition that has a high probability of resulting in developmental delay (CGS § 17a-248(4)).

EFFECTIVE DATE: July 1, 2021

§ 28 — BIRTH-TO-THREE PROGRAM EXPANSION

Requires the OEC commissioner to develop and implement a plan to expand the Birth-to-Three Program to provide early intervention services to certain children

The act requires the OEC commissioner, by July 1, 2022, to develop and implement a plan to expand the Birth-to-Three Program to provide early intervention services to any child who:

1. is enrolled in the program;
2. turns age three between May 1 and the first day of the next school year commencing July 1; and
3. is eligible for preschool programs under Part B of the federal Individuals with Disabilities Act (however, the services must end when the child starts participating in the preschool program).

The act authorizes the commissioner to adopt implementing regulations. (PA 21-02, June Special Session, §§ 419-421, makes a conforming change to reflect the new definition of “eligible children” under this act; and generally extends to these children certain group and individual health insurance coverage for medically necessary early intervention services.)

EFFECTIVE DATE: Upon passage

§ 29 — SCHOOL READINESS LIAISON

Requires the local or regional board of education of any school district that serves a town without a school readiness council to designate a school readiness liaison

For the school year starting July 1, 2022, and each school year thereafter, in any school district that serves a town that has not convened or established a local or regional school readiness council, the act requires the district's local or regional board of education to designate a school readiness liaison.

The liaison must (1) be an employee of the school district and (2) serve as an informational resource for parents of children transitioning from the Birth-to-Three program to enrollment in a public elementary school in the school district.

EFFECTIVE DATE: July 1, 2021

§ 30 — TASK FORCE TO STUDY CHILDREN'S NEEDS

Establishes a 25-member task force to study the (1) comprehensive needs of children in the state and (2) extent to which educators, community members, and local and state agencies are meeting them

The act establishes a 25-member task force to study the (1) comprehensive needs of children in the state and (2) extent to which educators, community members, and local and state agencies are meeting those needs.

Task Force Duties

The task force must:

1. identify children's needs using certain tenets of the whole child initiative developed by the Association for Supervision and Curriculum Development;
2. recommend new programs or changes to existing programs operated by educators or local or state agencies to better address children's needs;
3. recognize any exceptional efforts to meet the comprehensive needs of children by educators, local or state agencies, and community members (i.e., any individual or private organization that provides services or programs for children);
4. identify and advocate for funds and other resources required to meet the needs of children in the state;
5. identify redundancies in existing services or programs for children and advocate for eliminating the redundancies; and
6. assess all publicly available data concerning the identified needs and collect, or make recommendations for the state to collect, any data that is not being collected by educators, community members, or local or state agencies.

The task force must identify children's needs using the tenets that each student:

1. enters school healthy and learns about and practices a healthy lifestyle;
2. learns in an environment that is physically and emotionally safe for students and adults;
3. is actively engaged in learning and is connected to the school and broader community;
4. has access to personalized learning and is supported by qualified, caring adults; and
5. is challenged academically and prepared for success in college or further study and for employment and participation in a global environment.

Membership and Appointing Authorities

The task force must consist of the following 25 members:

1. two appointed by the House speaker, one of whom is an educator employed by a local or regional board of education and one of whom is a licensed social worker working with children;
2. two appointed by the Senate president pro tempore, one of whom is a representative of the board of directors of the Association for Supervision and Curriculum Development affiliate in the state, and one of whom is a representative of a higher education institution in the state;
3. one appointed by the House majority leader, who is a school administrator employed by a local or regional board of education;
4. one appointed by the Senate majority leader, who is a chairperson of a local or regional board of education;
5. one appointed by the House minority leader, who is a director or employee of a private nonprofit organization in the state that provides services or programs for children;
6. one appointed by the Senate minority leader, who is a director or employee of a private nonprofit organization in the state that provides health-related services or programs for children;
7. the Agriculture, Children and Families, Developmental Services, Early Childhood, Economic and Community Development, Education, Housing, Labor, Mental Health and Addiction Services, Public Health, Social Services, and Transportation commissioners or their designees;

8. the healthcare advocate, or his designee;
9. the Commission on Human Rights and Opportunities executive director, or her designee;
10. the Technical Education and Career System superintendent, or his designee;
11. the chief court administrator, or his designee; and
12. the director of Special Education Equity for Kids of Connecticut, or the director's designee.

All initial appointments must be made within 30 days after the act passes. The appointing authority must fill any vacancy within 30 days after the vacancy. Task force chairpersons may fill a vacancy if it is not filled by the appointing authority. Members of the General Assembly may serve on the task force.

The House speaker and the Senate president pro tempore must select the chairpersons of the task force from among its members. The chairpersons must schedule and hold the task force's first meeting within 60 days after the act passes.

The Children's Committee administrative staff must serve as administrative staff of the task force.

Reporting Requirements

The act requires the task force to submit a report on its findings and recommendations to the Children's Committee by January 1, 2022. The task force terminates when it submits the report or January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 21-95 (§§ 9-11) contains the same provisions on social-emotional learning (§§ 11-13 of this act).

PA 21-64—sHB 6113

Committee on Children

AN ACT REQUIRING THE PROVISION OF INFORMATION CONCERNING CHILD SEXUAL ABUSE

SUMMARY: This act requires the Governor's Task Force on Justice for Abused Children, in collaboration with a national association of adult survivors of child abuse, to do the following by December 1, 2021:

1. develop instructional guidelines for youth coaches on best practices for appropriate interaction with youth athletes;
2. develop child sexual abuse informational guidelines that describe (a) abusers' grooming techniques, (b) victim behavior, and (c) methods for contacting the appropriate authorities, and (d) methods for victims to tell a parent or other adult if abuse has occurred; and
3. make both sets of guidelines available on the department's website.

The act also requires certain municipalities, businesses, and nonprofit organizations operating youth athletic activities ("operators") and youth camp licensees, starting January 1, 2022, to distribute a copy of the child sexual abuse informational guidelines to each participant's parent or guardian upon enrollment or registration. Under the act, youth athletic activity operators must, by January 1, 2022, and annually thereafter, distribute a copy of the best-practices instructional guidelines to their youth coaches.

Under the act, the instructional and informational guidelines may be distributed by electronic mail.

EFFECTIVE DATE: Upon passage

DEFINITIONS

Operator

Under the act, an "operator" is any municipality, business, or nonprofit organization that conducts, coordinates, organizes or otherwise oversees any youth athletic activity. It does not include any of these entities, whether or not compensated, that solely provide access to or use of a field, court, or other recreational area.

Youth Athletic Activity

The act defines “youth athletic activity” as an organized athletic activity involving participants aged seven through 19 who:

1. (a) engage in, or practice or prepare for, an organized athletic game or competition against another team, club, or entity or (b) attend an organized athletic camp or clinic that trains, instructs, or prepares such participants and
2. pay a fee to participate in such organized athletic game or competition or attend such camp or clinic, or whose fee is sponsored by a municipality, business, or nonprofit organization.

It does not include any college or university athletic activity or one that is incidental to a nonathletic program or lesson.

Youth Camp

Under the act, “youth camp” means any regularly scheduled program or organized group activity advertised as a camp or operated only during school vacations or on weekends by a person, partnership, corporation, association, the state, or a municipal agency for recreational or educational purposes. To qualify as a youth camp, the program or activity must accommodate at least five children from ages three to 16 who are (1) not bona fide personal guests in an individual’s private home and (2) living apart from their relatives, parents, or legal guardian at least three full or partial days per week unless a relative or guardian is a camp employee.

It does not include classroom-based summer instructional programs, public or private schools’ summer educational programs, licensed child care centers, or drop-in programs administered by a nationally chartered boys’ and girls’ club for children who are at least age six.

Youth Coach

Under the act, a “youth coach” is anyone who (1) holds or is issued a coaching permit by the State Board of Education or (2) volunteers or is paid to act as a youth athletic activity’s head coach, manager, instructor, or the assistant to such positions.

PA 21-82—sHB 6417

Committee on Children

Appropriations Committee

AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES OF YOUTH CAMPS AND YOUTH SPORTS COACHES, TRAINERS AND INSTRUCTORS

SUMMARY: Starting October 1, 2022, this act requires youth camps licensed by the Office of Early Childhood (OEC) to require prospective employees age 18 or older to submit to comprehensive background checks if they are applying for positions that provide care or involve unsupervised access to any child in the youth camp.

Similarly, the act requires certain municipalities, businesses, and nonprofit organizations operating youth athletic activities (“operators”), starting October 1, 2022, to require prospective employees or volunteers to submit to comprehensive background checks if they are at least age 18 and applying for a position as coach, instructor, or athletic trainer.

The act establishes standards for these background checks, including specifying who may conduct them, what databases must be checked, the frequency of the checks, the exemptions from the requirements; the crimes that are generally disqualifying; the required protocols when a criminal record or certain convictions are found; notification requirements and associated penalties for failure to report; and record retention requirements.

EFFECTIVE DATE: October 1, 2021

COMPREHENSIVE BACKGROUND CHECKS FOR YOUTH CAMP EMPLOYEES

Background Check Options

The act provides two options to meet the background check requirement. Under the first option, the background check must include the following:

1. a criminal history records check conducted by (a) the State Police Bureau of Identification in accordance with existing law or (b) searching the electronic criminal record system for convictions maintained on the Judicial Department's website matching the prospective employee's name and birth date;
2. a check of the state child abuse registry;
3. a check of the state sex offender registry; and
4. a search of the National Sex Offender Registry public website maintained by the U.S. Department of Justice.

Alternatively, a third-party provider of national criminal history record checks may conduct a background check through a centralized database using the prospective employee's fingerprints. The provider must be on the list of providers OEC publishes on its website.

Release of Information

Under the act, prior to conducting a child abuse registry check, (1) the youth camps must submit to OEC a form signed by the prospective employee authorizing the release of personal information and (2) OEC must submit this signed form to the Department of Children and Families (DCF). The act requires OEC to prescribe the form.

Provisional Employment

Under the act, prospective employees may begin working on a provisional basis while the comprehensive background check is pending. Their work must always be supervised by an employee who was subjected to the comprehensive background check within the previous five years.

Exemptions for Certain Visa Holders

The act exempts prospective employees who hold J-1, H-1B, or R-1 visas issued by the U.S. Department of State from the background check requirement.

Frequency of Background Checks

Under the act, licensees must require any youth camp employees holding a position that requires providing care to a child or involves unsupervised access to a child to submit to the act's comprehensive background check within five years after their hiring date and at least once every five years after that. The act specifies that licensees are not prohibited from requiring these employees to submit to a comprehensive background check more than once every five years.

Record Retention

The act requires licensees to maintain, and make available upon OEC's request, any documentation associated with a comprehensive background check for at least five years from the date the (1) background check was completed, if the subject of the comprehensive background check was not hired, or (2) employment ended, if the licensee had hired the subject of the comprehensive background check.

OEC Enforcement Powers

The act expressly authorizes the OEC commissioner to (1) refuse to license a person to establish, conduct, or maintain a youth camp; (2) suspend or revoke the license; or (3) take any other action authorized under regulation, if the person who establishes, conducts, or maintains the youth camp or an employee in a position connected with providing care to a child or involving unsupervised access to a child has been convicted in this state or any other state of certain felonies.

This applies to a felony involving the following:

1. use, attempted use, or threatened use of physical force against another person;
2. cruelty to persons;
3. injury or risk of injury to or impairing morals of children;
4. abandonment of children under age six;
5. any felony where the victim is a child under age 18;
6. sexual assault in a spousal or cohabitating relationship;
7. 1st, 2nd, 3rd, or 4th degree sexual assault;
8. 3rd degree sexual assault with a firearm; or

9. 1st degree aggravated sexual assault.

Under the act, the OEC commissioner may also take the enforcement actions described above if the person has a criminal record in this state or any other state that the commissioner reasonably believes renders the person unsuitable to establish, conduct, or maintain or be employed by a youth camp.

Under the act, the OEC commissioner's refusal to issue a license must be in accordance with the statutes that apply to post-conviction hiring.

Notification by Licensee to OEC of Certain Criminal Convictions

The act requires any person licensed to establish, operate, or maintain a youth camp to notify the OEC commissioner if the licensee or youth camp employee is convicted of any of the crimes listed above and is employed in a position connected with providing care to a child or involving unsupervised access to a child. The licensee or employee must notify OEC immediately upon learning about the conviction.

Penalty for Failure to Notify

Under the act, failure to comply with the notification requirement (1) may result in license suspension or revocation or the imposition of any action authorized by regulation and (2) subjects the licensee to a civil penalty of up to \$100 per day for each day after the licensee learned of the conviction, up to \$4,500 total.

COMPREHENSIVE BACKGROUND CHECKS FOR YOUTH SPORTS COACHES, TRAINERS, AND INSTRUCTORS

Starting October 1, 2022, the act requires certain municipalities, businesses, and nonprofit organizations operating youth athletic activities ("operators") to require prospective employees or volunteers to submit to a comprehensive background check if they are age 18 or older and applying for a position as coach, instructor, or athletic trainer.

The act applies this requirement to youth athletic activities organized for participants age 19 and under.

Background Check Options

To meet the background check requirement, the act provides two options similar to those for the youth camps (see above), except that for the second option the third-party provider of national criminal history record checks must conduct it in accordance with the national industry background check standards established by the United States Olympic and Paralympic Committee.

Release of Information

For each check of the state child abuse registry conducted in accordance with this provision, an operator must submit to DCF an authorization for the release of personal information signed by the prospective employee or volunteer.

Provisional Employment

The act generally allows prospective employees and volunteers to begin working on a provisional basis while the background check is pending. This work must always be supervised by an employee or volunteer who was subjected to the comprehensive background check within the previous five years.

Frequency of Background Checks

The act requires employees and volunteers in these positions to submit to the same background checks at least once every five years.

It also specifies that it does not prohibit an operator from requiring an applicant for a position as a coach, instructor, or athletic trainer to submit to comprehensive background checks more often than once every five years.

Exemptions

The act exempts from the comprehensive background check requirement the following applicants for a position as a coach, instructor, or athletic trainer for a youth athletic activity:

1. employees or volunteers of a youth athletic activity operator in the state who have not been separated from employment as a youth athletic activity coach, instructor, or athletic trainer in the state for more than 180 days and have successfully completed the comprehensive background check in the previous five years and
2. intramural or interscholastic athletic coaches employed by a local or regional board of education, so long as the board satisfies the state and national criminal history records checks requirements for board employees under existing law.

Criminal Record or Conviction Result

The act establishes conditions under which operators may not employ someone or accept them as a volunteer, youth athletic activity coach, instructor, or athletic trainer.

Under the act, if the comprehensive background check results in a finding that a person who applied for the position has (1) been convicted in this state or any other state of any of the felony crimes listed above (see “OEC Enforcement Powers” above) or (2) a criminal record in this state or any other state that the operator reasonably believes may render the person unsuitable for the position, the operator must not employ the person or accept them as a volunteer if it determines that he or she is not suitable for the position after considering the following:

1. the nature of the crime and its relationship to the position for which the person has applied,
2. information pertaining to the degree of rehabilitation of the convicted person, and
3. the time elapsed since the conviction or release.

Definitions

Operator. By law, an “operator” is any municipality, business, or nonprofit organization that conducts, coordinates, organizes, or otherwise oversees any youth athletic activity. It does not include any of these entities, whether or not compensated, that solely provide access to, or use of, a field, court, or other recreational area.

Youth Athletic Activity. Under existing law, a youth athletic activity is an organized athletic activity involving participants who:

1. (a) engage in, or practice or prepare for, an organized athletic game or competition against another team, club, or entity or (b) attend an organized athletic camp or clinic that trains, instructs, or prepares these participants and
2. pay a fee to participate in such an organized athletic game or competition or attend such a camp or clinic, or whose fee is sponsored by a municipality, business, or nonprofit organization.

It does not include any college or university athletic activity, or one that is incidental to a nonathletic program or lesson.

Under prior law, youth athletic activities participants were ages seven through 19. The act additionally applies its background check provisions to youth athletic activities in which participants are under age seven.

PA 21-116—sHB 6510

Committee on Children

Public Health Committee

AN ACT REQUIRING THE PROVISION OF INFORMATION CONCERNING CHILDREN’S BEHAVIORAL AND MENTAL HEALTH RESOURCES IN HOSPITAL EMERGENCY DEPARTMENTS AND SCHOOLS

SUMMARY: This act requires the Department of Children and Families (DCF), by December 1, 2021, to develop a document for each mental health region describing the behavioral and mental health evaluation and treatment resources available to children. DCF must do so in consultation with the Behavioral Health Partnership Oversight Council (BHPOC), the Mental Health and Addiction Services and Public Health departments, and DCF’s Youth Suicide Advisory Board.

Under the act, BHPOC must (1) distribute the documents electronically to each licensed hospital with an emergency department and to each local and regional board of education and (2) make them available on the council’s website.

Starting by December 1, 2022, the act requires DCF to annually review and update the documents as necessary. DCF must provide any updated documents to BHPOC, who must then distribute and make them available in the manner described

above.

The act also requires hospital emergency departments, starting on January 1, 2022, to provide a copy of the applicable documents to the parents or guardians of each child upon the child's discharge from the emergency department.

It also requires each local and regional board of education to (1) distribute the applicable document to parents and guardians and certain students starting January 1, 2022, and (2) make the document available on its website by that date.

EFFECTIVE DATE: Upon passage, except the provisions on board of education distribution is effective July 1, 2021.

DOCUMENT DESCRIBING AVAILABLE RESOURCES

Under the act, each document must provide information on mental health evaluation and treatment resources available to children in their respective mental health region.

The documents must also contain contact information for the National Suicide Prevention Lifeline and a list of evaluation and treatment providers, including mobile crisis intervention services providers. The list must include the providers' physical locations, if applicable; types of services offered; and contact information.

EMERGENCY DEPARTMENTS' DISTRIBUTION

Under the act, hospital emergency departments must provide a child's parent or guardian with the DCF documents that pertain to the mental health region where the (1) department is located and (2) child lives, if different, so long as the child lives in the state.

The emergency departments must provide copies of the documents:

1. in printed form or through the child's patient chart in the hospital's electronic health record system, if the chart was created before the date of the child's discharge, and
2. by email to the parent or guardian's email address, if the parent or guardian chooses this.

SCHOOL BOARDS' DISTRIBUTION

The act requires each local and regional board of education to:

1. make the DCF document described above pertaining to its region available on its website by January 1, 2022, and
2. starting January 1, 2022, distribute it to (a) any student taking a course in health and safety and (b) the parents and guardians of each student in the school district, at least semiannually, in September and May.

PA 21-140—sSB 872

Committee on Children

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' RECOMMENDATIONS FOR REVISIONS TO THE STATUTES CONCERNING CHILDREN

SUMMARY: This act makes various changes in the laws governing the Department of Children and Families (DCF). It:

1. removes an obsolete reference to DCF (§ 1);
2. eliminates a comprehensive strategic planning requirement and instead requires the department to submit certain federally required reports to the legislature (§§ 2-3);
3. eliminates a requirement that DCF, in collaboration with other agencies, biennially submit a progress report and recommendations on implementing the Connecticut Children's Behavioral Health Plan to the Appropriations and Children's committees (§ 4);
4. repeals obsolete language regarding one-time reporting mandates that have been met (§ 4);
5. repeals a provision requiring DCF to report on the number of cases in which a child identifies an adult with a significant relationship with the child as a permanency resource when developing or revising a permanency plan (§ 5);
6. requires DCF to establish standards for qualified residential treatment programs (QRTPs) (§§ 6-8);
7. adds a licensed health care professional to the State Advisory Council (SAC) on Children and Families (§ 9);
8. repeals a reporting requirement on administrative case reviews (§ 10); and
9. makes other technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions removing obsolete DCF references and eliminating the comprehensive plan requirements are effective July 1, 2021, and the provision adding a member to the SAC on Children and Families is effective October 1, 2021.

§§ 2-3 — DCF STRATEGIC PLAN REPORTING REQUIREMENTS

The act repeals provisions requiring DCF to develop and regularly update a single, comprehensive strategic plan and report to the legislature on updates to it. Prior law required DCF to (1) develop and update the plan with assistance from the State Council on Children and Families and in consultation with representatives of children and families served by the department, service providers, advocates, and other interested parties; (2) post the plan and updates on its website; and (3) hold regional meetings on the plan to ensure public input.

The act instead requires DCF to submit reports required under federal law by the Administration for Children and Families (ACF) in order to receive federal funding. Under the act, these reports include (1) the Child and Family Services Plan, (2) the Annual Progress and Services Report, (3) the Final Report of the Child and Family Services Review, and (4) any Program Improvement Plan. It requires the State Council on Children and Families to review and comment on these reports, rather than on the strategic plan.

Prior law required DCF to submit the strategic plan and updates to the governor and legislature. The act instead requires DCF to submit the reports described above to the Children's and Appropriations committees and the State Advisory Council for Children and Families within 30 days after ACF approves them.

§ 5 — PERMANENCY REPORT

State and federal laws require DCF to establish and periodically revise permanency plans for children in its care or custody (e.g., abused or neglected children). DCF defines “permanency” as, among other things, having an enduring family relationship that ensures lifelong connections to extended family, siblings, and other significant adults, as well as family history and traditions, race and ethnic heritage, culture, religion, and language.

The act repeals a provision requiring DCF to annually report to the Children's and Judiciary committees on the number of cases in which a child has identified an adult with a significant relationship with the child as a permanency resource when developing or revising the permanency plan.

§§ 6-8 — QUALIFIED RESIDENTIAL TREATMENT PROGRAMS

Definitions

Under the act and federal law, a “QRTP” is an accredited program for children with serious emotional or behavioral disorders or disturbances that, among other things, (1) has a trauma-informed treatment model, (2) has licensed clinical staff available 24 hours per day and seven days per week, and (3) facilitates family member participation in the child's treatment program, when appropriate (42 U.S.C. 672(k)(4)).

A “qualified individual” is a trained professional or licensed clinician who is not a state employee, or who is not connected to or affiliated with any setting in which children are placed by the state (42 U.S.C. 675a(c)(1)).

Adoption of QRTP Standards

The act requires the DCF commissioner to adopt regulations establishing standards for QRTPs and qualified individuals. Under the act, DCF standards must include (1) staffing at QRTPs, (2) the care and treatment of children cared for or boarded in QRTPs, (3) training and qualifications required for a qualified individual, and (4) documentation requirements.

The act does not establish a deadline for the commissioner to establish the standards but allows her to implement policies and procedures consistent with these provisions while in the process of adopting them in regulations. The commissioner must publish notice of intention to adopt regulations on the eRegulations System within 20 days after implementing the policies and procedures.

QRTP Initial Assessment and Placement Determination

Starting by the earlier of July 1, 2021, or the date ACF approves DCF's Connecticut Family First Prevention Plan, the act requires a child in DCF custody who is placed in a QRTP to be assessed by a qualified individual within 30 days after the placement. The qualified individual must:

1. assess the child's strengths using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary of Health and Human Services;
2. determine whether the child's needs can be met by family members (e.g. relatives or fictive kin caregivers) or through placement in a foster family, and if the needs cannot be met, identify a setting that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the child's permanency plan goals; and
3. develop a list of child-specific short-term and long-term mental and behavioral health goals.

The act requires the qualified individual to work with the child's family permanency team while doing the assessment.

Under the act, if the qualified individual determines that a child should not be placed with family members or in a foster family, he or she must provide a written explanation specifying the reasons why. However, a shortage or lack of available foster families is not an acceptable reason for this determination. If the qualified individual determines that a child should be placed in a QRTP, he or she must specify in writing (1) why this placement will provide the child with the most effective and appropriate level of care in the least restrictive environment and (2) how the placement is consistent with the child's permanency plan goals.

The act requires the qualified individual to submit this assessment to the DCF commissioner.

QRTP Court Review

Starting by the earlier of July 1, 2021, or the date ACF approves DCF's Connecticut Family First Prevention Plan, the act requires the DCF commissioner to file a motion to review the qualified individual's assessment with the Superior Court that has venue over the assessment. The commissioner must do this within 35 days after the child's placement in a QRTP, provided the child has not been discharged.

The act requires the court, within 15 days, to (1) review the assessment findings and determination made upon the child's initial placement in a QRTP and (2) determine whether the child's needs can be met through placement with a foster family. If the child's needs cannot be met through a foster family placement, the court must determine whether a QRTP (1) provides the most effective and appropriate level of care for the child in the least restrictive environment and (2) is consistent with the child's permanency plan goals. Under the act, this determination's purpose is only to allow DCF to receive federal reimbursement for the child's care.

Additionally, at any hearing held regarding a child remaining in a QRTP placement, the act requires DCF to submit evidence that:

1. ongoing assessment of the child's strengths and needs continues to support the determination that these needs cannot be met through a foster family placement;
2. placement in the QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment; and
3. the placement is consistent with the child's permanency plan goals.

The act also requires DCF to submit evidence documenting (1) the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to require the treatment or services and (2) DCF's efforts to prepare the child to return home or to be placed with a family member, legal guardian, adoptive parent, or in a foster family.

§ 9 — STATE ADVISORY COUNCIL ON CHILDREN AND FAMILIES (SAC)

By law, the SAC on Children and Families makes recommendations to DCF about programs, legislation, and other matters to improve services, among other things. The act increases the council's membership from 19 to 20 by adding a licensed health care professional with expertise in children's health, appointed by the Governor.

§ 10 — ADMINISTRATIVE CASE REVIEWS

The act eliminates a requirement for DCF to submit, within available appropriations, an annual report to the Children's Committee on:

1. the results of Connecticut's comprehensive objective reviews (internal qualitative reviews), including any

- recommendations contained in the reviews and any steps DCF took to implement them;
2. aggregate data from each administrative case review, including any information on the strengths and deficiencies of its case review process; and
 3. steps DCF took to address department-wide deficiencies.
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PA 21-77—sSB 1020

Commerce Committee

AN ACT ESTABLISHING A REGIONAL ECONOMIC DEVELOPMENT PILOT PROGRAM

SUMMARY: This act requires the Department of Economic and Community Development (DECD) to establish, within available resources, a pilot program to provide matching grants to regional economic development corporations implementing economic development programs in DECD-designated distressed municipalities. To qualify for the program, corporations must represent at least four municipalities, including one distressed municipality, but the DECD commissioner may allow a corporation that represents fewer than four municipalities to participate in the program at his discretion.

The act allows the DECD commissioner to award up to \$10 million in total grants to participating corporations but no more than \$5 million for any single grant. The department (1) may enter into a personal service agreement with an outside person, firm, corporation, or other entity to operate the program and (2) cannot accept new program applications after June 30, 2026.

The act also specifies (1) information corporations must include in program applications; (2) factors the department, or an outside operator, must consider when evaluating program applications; and (3) reporting requirements for participating corporations and the DECD commissioner.

EFFECTIVE DATE: July 1, 2021

PILOT PROGRAM APPLICATIONS

Under the act, regional economic development corporations seeking to participate in the program must apply in the manner DECD prescribes. At a minimum, applications must include the following:

1. the location of the applicant's principal place of business,
2. a description of the economic development program for which the matching grant will be used,
3. the amount and funding source the applicant wants DECD to match, and
4. any other information the department deems necessary.

EVALUATION OF PILOT PROGRAM APPLICATIONS

The act requires DECD, or an outside operator, to consider at least the following factors when evaluating applications:

1. the applicant's description of the proposed economic development program;
2. the applicant's resources and record of implementing economic development programs in its region; and
3. the proposed program's potential impact on the workforce in the applicant's region.

PILOT PROGRAM REPORTING REQUIREMENTS

The act requires program participants to report annually to DECD beginning no later than two years after receiving funding. The report must (1) describe the progress of the corporation's department-funded economic development program and (2) include any additional information the DECD commissioner deems necessary. Beginning January 15, 2022, the commissioner must report annually to the Commerce Committee on the pilot program's operation and effectiveness.

PA 21-94—sHB 6603

Commerce Committee

Planning and Development Committee

AN ACT CONCERNING TOURISM

SUMMARY: This act allows two or more municipalities to jointly appoint one representative to a regional tourism board of directors. Under the act, the jointly appointed representative (1) is deemed present for each appointing municipality for purposes of a quorum at a board meeting and (2) may vote for each appointing municipality. By law, the state has three regional tourism districts (Eastern, Central, and Western). Regional tourism district boards consist of one representative from each municipality within the district, appointed by the municipality's legislative body (or board of selectmen if the legislative body is a town meeting).

The act also adds a representative of the Connecticut Tourism Coalition to the Connecticut Tourism Council, which increases the council's membership from 29 to 30. The act requires that the coalition's representative be appointed by the governor and, as with other gubernatorial appointees, serve a four-year term. By law, the council is within the Department of Economic and Community Development (DECD) for administrative purposes only. Among other things, it must (1) evaluate DECD's biennial strategic marketing plan for culture and tourism and (2) annually report to the Commerce Committee on the plan and the state's tourism promotion efforts.

Lastly, the act establishes a 15-member task force to study the shortage of employees in various tourism-related businesses in the state (e.g., shoreline businesses and marine trades). The task force must report its findings and recommendations to the Commerce Committee by January 1, 2022. It terminates on this date or when it submits its report, whichever is later.

EFFECTIVE DATE: Upon passage, except that the provision allowing for joint appointments to regional tourism boards of directors is effective October 1, 2021.

TASK FORCE

Under the act, the task force consists of 15 members: (1) two appointees each by the governor, House speaker, Senate president pro tempore, and House and Senate majority and minority leaders and (2) the DECD commissioner or his designee. Appointing authorities must make their initial appointments by July 28, 2021, and fill any vacancies. Members appointed by legislative leaders may be legislators.

The act requires the House speaker and Senate president pro tempore to select the task force's chairpersons from among its members. The chairpersons must schedule the task force's first meeting, which must be held by August 27, 2021. The Commerce Committee's administrative staff must serve as the task force's administrative staff.

The act requires the task force to create an inventory and timeline of tourism industry employment opportunities and a mechanism for advertising these opportunities. It must also review the most efficient, cost-effective, and reliable transportation available to individuals seeking these opportunities. The task force must consult with (1) tourism-related businesses about the inventory and timelines; (2) public and private schools, local and regional chambers of commerce, and the Connecticut Tourism Council about advertising; and (3) the Department of Transportation about transportation availability.

PA 21-119—sHB 6607

Commerce Committee

Judiciary Committee

AN ACT INCENTIVIZING THE ADOPTION OF CYBERSECURITY STANDARDS FOR BUSINESSES

SUMMARY: This act prohibits the Superior Court from assessing punitive damages against a covered entity for a data breach of personal or restricted information if the covered entity meets certain cybersecurity requirements. The protection does not apply if the covered entity's failure to implement reasonable cybersecurity controls resulted from gross negligence or willful or wanton conduct.

Under the act, "covered entities" are businesses accessing, maintaining, communicating, or processing personal or restricted information in or through systems, networks, or services located inside or outside the state.

The act's provisions do not:

1. affect or limit the process of granting certification in class actions;
2. affect or limit existing statutory requirements for (a) state contractors that receive confidential information and (b) Connecticut businesses that maintain computerized personal information and suffer security breaches; or
3. limit the authority of the attorney general or the Department of Consumer Protection commissioner to seek administrative, legal, or equitable relief allowed by law.

EFFECTIVE DATE: October 1, 2021

PROTECTION AGAINST PUNITIVE DAMAGES

Under the act, when a civil action alleges that a data breach resulted from a covered entity's failure to implement reasonable cybersecurity controls, the court may not assess punitive damages if the covered entity created, maintained, and complied with a written cybersecurity program containing administrative, technical, and physical safeguards for protecting

personal or restricted information. To qualify for this protection, these cybersecurity programs must (1) meet specified design requirements and (2) conform to an industry-recognized cybersecurity framework.

CYBERSECURITY PROGRAM DESIGN REQUIREMENTS

To qualify for the act's protection against punitive damages, a covered entity's cybersecurity program must be designed to protect the security and confidentiality of personal and restricted information. The program must specifically protect this information against (1) threats or hazards to its security or integrity and (2) unauthorized access and acquisition that would cause material risk of identity theft or other fraud.

The act requires that the scale and scope of a covered entity's cybersecurity program be based on the (1) entity's size and complexity, and the nature and scope of its activities; (2) sensitivity of the information to be protected; and (3) cost and availability of tools to improve information security and reduce vulnerabilities.

INDUSTRY-RECOGNIZED CYBERSECURITY FRAMEWORKS

Under the act, an industry-recognized cybersecurity framework includes the most current version of:

1. one or any combination of six specifically recognized frameworks (see table below);
2. one of the following federal laws and regulations (for entities subject to them or regulated by the state or federal government): (a) the security requirements of the Health Insurance Portability and Accountability Act of 1996, (b) Title V of the Gramm-Leach-Bliley Act of 1999, (c) the Federal Information Security Modernization Act of 2014, or (d) the security requirements of the Health Information Technology for Economic and Clinical Health Act; or
3. the "Payment Card Industry Data Security Standard" in combination with one of the acceptable frameworks listed in the table below.

Industry-Recognized Cybersecurity Frameworks

<i>Publisher</i>	<i>Framework</i>
National Institute of Standards and Technology	"Framework for Improving Critical Infrastructure Cybersecurity" Special Publication (SP) 800-171 SP 800-53 and 800-53a
Federal Risk and Management Program	"FedRAMP Security Assessment Framework"
Center for Internet Security	"Center for Internet Security Critical Security Controls for Effective Cyber Defense"
International Organization for Standardization and the International Electrotechnical Commission	"ISO/IEC 27000-series"

The act requires a covered entity to conform with revisions or amendments to these frameworks, laws, and regulations within six months after the revised document is published or the laws or regulations are amended, as applicable.

DEFINITIONS

Businesses

Under the act, a covered entity's business type may include an individual or a sole proprietorship, partnership, firm, corporation, trust, limited liability company or partnership, joint stock company, joint ventures, associations, or other legal entities through which for-profit or non-profit business is conducted.

Data Breach

The act defines a "data breach" as unauthorized access to and acquisition of computerized data that (1) compromises the security or confidentiality of personal or restricted information owned by or licensed to a covered entity and (2) causes a material risk of identity theft or other fraud to a person or property (or reasonably is believed to have caused or will cause such risk). The definition specifically excludes:

1. employees or agents of a covered entity acquiring personal or restricted information in good faith for the purposes of the entity, so long as the entity does not unlawfully use this information or subject it to further unauthorized disclosure, or
2. the acquisition of this information pursuant to a (a) search warrant, (b) subpoena or other court order, or (c) regulatory state agency's order or duty.

Personal and Restricted Information

Under the act, “personal information” means an individual’s first name or initial and last name in combination with one or more of the following:

1. social security, taxpayer identification, Internal Revenue Service-issued identity protection personal identification, driver’s license, state identification card, passport, or military identification numbers, or other commonly used government-issued identification numbers;
2. credit or debit card numbers; financial account numbers in combination with required security codes, access codes, or passwords that would permit access to these accounts;
3. medical information about an individual’s medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional;
4. health insurance policy or subscriber identification numbers, or unique identifiers health insurers use to identify individuals; or
5. biometric information that can identify an individual using his or her unique physical characteristics, including a fingerprint, voice print, or retina or iris image.

Personal information also includes user names or e-mail addresses in combination with passwords or security questions and answers that would permit access to online accounts. However, the definition excludes publicly available information lawfully available to the general public from federal, state, or local government records or widely distributed media.

“Restricted information” means any unencrypted, unredacted, or unaltered information about an individual that, alone or in combination with other information (including personal information as described above), (1) can be used to distinguish or trace the individual’s identity or is reasonably linked or linkable to an individual and (2) is likely to result in a material risk of identity theft or other fraud to a person or property if breached. The definition excludes personal or publicly available information.

PA 21-166—sHB 6602

Commerce Committee

Appropriations Committee

AN ACT CONCERNING THIRD-PARTY DELIVERY SERVICES FOR RESTAURANTS

SUMMARY: This act prohibits third-party food delivery services (e.g., Grubhub, Uber Eats, DoorDash, etc.) from:

1. falsely suggesting a relationship (i.e., sponsorship, endorsement, or affiliation) with a food service establishment by using the establishment’s likeness, registered trademark, or intellectual property and
2. using their proprietary marketplace (e.g., website or mobile application) to take orders and arrange for the delivery of a food service establishment’s products without first obtaining the establishment’s written consent.

The act allows a food service establishment to bring an action in Superior Court to recover the greater of \$5,000 or actual damages when (1) a third-party delivery service uses its likeness or (2) it appears on a third-party delivery service’s proprietary marketplace in violation of the act. It allows the court to award punitive damages and other equitable relief as it deems appropriate.

Lastly, the act bars contracts between third-party delivery services and food service establishments, entered into on and after October 1, 2021, from including a provision, clause, or covenant requiring an establishment to hold harmless the delivery service or its independent contractors or agents for any damages or harm they cause.

Under the act, “third-party delivery service” means a company, organization, or entity, outside of a food establishment’s operation, that facilitates online ordering or delivery services to customers. A “marketplace” is a third-party’s proprietary online communication platform where customers can (1) view and search food service establishments’ menus and (2) place orders through the third-party’s website or mobile application that the establishment, third-party delivery service, or the service’s independent contractors deliver.

EFFECTIVE DATE: October 1, 2021

PA 21-188—sSB 3
Commerce Committee

AN ACT CONCERNING DIVERSE ECONOMIC OPPORTUNITY, WORKER PROTECTIONS AND SMALL BUSINESS REVITALIZATION

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EFFECTIVE DATE: Upon passage, unless otherwise noted.

§ 1 — STRANDED TAX CREDIT PROGRAM EXPANSION

Expands the state's stranded tax credit program by allowing businesses to exchange stranded R&D tax credits for human capital investments

By law, businesses can exchange accumulated (i.e., stranded) research and development (R&D) tax credits for undertaking certain in-state capital projects. The act (1) allows businesses to do the same for making human capital investments and (2) makes various conforming changes to the stranded tax credit program. Among other things, human capital investment credits exchanged under the act count against existing law's \$50 million aggregate cap on exchanging stranded credits.

As under the state's human capital investment tax credit program (CGS § 12-217x(a)), the act defines "human capital investment" as:

1. in-state job training for in-state workers;
2. in-state work education programs (e.g., public high school programs and work education-diversified occupations programs);
3. worker training and education for in-state workers that in-state higher education institutions provide;
4. donations or capital contributions to in-state higher education institutions for improvements or technology advancements;

5. planning, site preparation, construction, renovation, or acquisition of in-state facilities to establish a child care center that will be primarily used by the children of in-state workers;
6. subsidies to in-state workers for in-state child care; and
7. contributions to the Individual Development Account Reserve Fund.

Existing law provides a 5% corporation tax credit for these human capital investments (CGS § 12-217x).

EFFECTIVE DATE: July 1, 2021, and applicable to income years beginning January 1, 2021.

§ 2 — PRIORITY APPLICANTS FOR ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE

Requires the DECD commissioner to prioritize applicants for economic development assistance that demonstrate a willingness to make jobs available to individuals meeting certain criteria

The act requires the Department of Economic and Community Development (DECD) commissioner to prioritize applicants for economic development financial assistance that demonstrate a willingness to make jobs available to certain individuals. These individuals include individuals with disabilities or who are:

1. unemployed;
2. low-income (i.e., whose family income is less than 300% of the federal poverty level for the previous calendar year);
3. dislocated workers (as defined in the federal Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128));
4. training for nontraditional employment (i.e., occupations or fields in which employees from one gender comprise less than 25% of total employees);
5. veterans (i.e., members of the armed services or those discharged or released under honorable conditions from the U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force and any reserve component of these branches, including the Connecticut National Guard performing duty under Title 32 of the U.S. Code (e.g., certain Homeland Security missions));
6. minorities (i.e., whose race is non-white or ethnicity is Hispanic or Latino, as defined by the federal Office of Management and Budget for use by the U.S. Census Bureau); or
7. women.

The act gives the DECD commissioner discretion to determine whether applicants have demonstrated a willingness to make jobs available to the individuals described above. It also requires that any assistance (i.e., DECD-approved grants, loans, loan guarantees, or a combination of these) provided be consistent with state or regional economic development strategies.

EFFECTIVE DATE: October 1, 2021

§ 3 — DECD REPORT ON HOSPITALITY INDUSTRY RECOVERY

Requires the DECD commissioner, in consultation with the DRS commissioner, to report on the hospitality industry's recovery from the COVID-19 pandemic

The act requires the DECD commissioner, in consultation with the Department of Revenue Services (DRS) commissioner, to periodically report to the Commerce Committee on the hospitality industry's recovery from the COVID-19 pandemic. The first report is due by July 1, 2021, and subsequent reports are due on a fiscal quarterly basis until June 30, 2022. The reports may include regional assessments on this topic.

§ 4 — CI PLAN FOR INCREASING FUNDING THROUGH CERTAIN FEDERAL SMALL BUSINESS RESEARCH PROGRAMS

Requires CI, in consultation with specified entities, to develop and implement a plan to increase the total funding provided to Connecticut businesses through the federal small business innovation research and small business technology transfer programs

The act requires Connecticut Innovations, Inc. (CI), in consultation with DECD, CTNext, and the Connecticut Center for Advanced Technology, to develop and implement a plan to increase the total funding provided to Connecticut businesses through the federal (1) small business innovation research program and (2) small business technology transfer program.

Beginning by January 1, 2022, the DECD commissioner must annually report to the Commerce and Veterans' Affairs committees on the plan and its implementation.

§ 5 — DECD STUDY OF OPPORTUNITY ZONE FINANCIAL INCENTIVES

Requires the DECD commissioner to study the state's opportunity zone financial incentives

The act requires the DECD commissioner to study the state's opportunity zone financial incentives. In conducting the study, DECD must compile a list of economically distressed opportunity zones in the state with the highest unemployment and poverty rates and the lowest median household income. The department must also analyze:

1. the financial incentives the state uses to support opportunity zone investments,
2. the specific economic development projects that these incentives have supported and an accounting of financial incentives the state has paid to date, and
3. the types of businesses that have used these incentives.

The act requires the DECD commissioner to submit a report on the results of the study to the Commerce Committee by January 1, 2022. The report must include (1) a plan to incentivize investment in the identified economically distressed opportunity zones and (2) any legislative proposals needed to implement this plan.

§ 6 — VOCATIONAL VILLAGE PROGRAM

Establishes a vocational village program, administered by DOC in consultation with DECD, to provide skilled trades training to inmates

The act establishes a vocational village program, administered by the Department of Correction (DOC) commissioner in consultation with DECD, to provide skilled trades training to inmates. It must give inmates opportunities to earn nationally recognized industry certifications and credentials. Under the act, these may include credentials in computer coding, carpentry, computerized numerical control manufacturing, welding, electrical, heating, ventilation and air conditioning, and plumbing.

Under the act, the DOC commissioner must:

1. establish eligibility criteria and an inmate application process;
2. develop program objectives;
3. identify nationally recognized industry certifications to offer through the program;
4. develop and implement curricula;
5. identify and use a suitable facility to operate the program;
6. obtain suitable staff, equipment, and educational materials for the program's operation; and
7. annually report on the program to the Judiciary and Commerce committees, with the first report due by January 1, 2022.

The act also allows the DOC commissioner to (1) participate in the federal prison industry enhancement certification program or (2) partner with private sector entities to further the vocational village program objectives.

The act requires the Office of Policy and Management (OPM) secretary to allocate funds to DOC for the program from the federal funds the state received from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, P.L. 116-136); the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260); or the American Rescue Plan Act of 2021 (P.L. 117-2).

EFFECTIVE DATE: October 1, 2021

PA 21-193—sSB 936

Commerce Committee

AN ACT CONCERNING REVISIONS TO CERTAIN ECONOMIC AND COMMUNITY DEVELOPMENT-RELATED STATUTES

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§ 19 — FOIA EXEMPTION FOR CERTAIN ARCHAEOLOGICAL SITES

Allows the DECD commissioner to withhold certain archaeological site information without a withholding request from the person who discovered or reported the site

§ 20 — ECONOMIC DEVELOPMENT ASSISTANCE AGREEMENTS

Allows DECD and CI discretion in enforcing existing law's provisions about relocation by entities receiving assistance from DECD- and CI-administered programs

§§ 1 & 2 — STATE HISTORIC PRESERVATION REVIEW BOARD

Increases board members' term lengths; shortens the required notice the board must provide to municipalities about National Register of Historic Places nominations; makes technical changes and corrections

The act increases, from one to three years, the length of the State Historic Preservation Review Board members' terms and staggers the terms by requiring that half of the members appointed between July 1, 2021, and June 30, 2022, serve two-year terms. It also allows members to be reappointed to additional terms.

The act shortens, from 60 to 30 days, the required notice the board must provide to a municipality before considering whether to act on the nomination of a property in the municipality to the National Register of Historic Places. By law, the board must provide the notice to the municipal preservation board or, if there is no board, the municipality's chief executive officer. The act allows, rather than requires, the state historic preservation officer or her designee to attend public hearings held by municipal preservation boards on these nominations.

The act also makes technical changes and corrections, including changing the board's name from the State Historic Preservation Board to the State Historic Preservation Review Board, as is consistent with current practice.

EFFECTIVE DATE: Upon passage

§ 3 — DRY CLEANING ESTABLISHMENT REMEDIATION FUND

Makes several changes affecting the fund's eligible applicants, application requirements, and eligible uses

The act makes several changes to the Dry Cleaning Establishment Remediation Fund, which is administered by the Department of Economic and Community Development (DECD) and provides grants for eligible dry cleaning businesses

to prevent, contain, and remediate pollution from hazardous chemicals the businesses use, in addition to other specified purposes.

EFFECTIVE DATE: Upon passage

Eligible Applicants

Under existing law, eligible grant applicants are (1) owners or operators of eligible dry cleaning establishments (i.e., those using tetrachlorethylene, Stoddard solvent, or other chemicals to clean clothing or other fabrics) and (2) owners of property that is or was occupied by these establishments. The act specifies that property owners are eligible if a dry cleaning establishment has (or was previously) operated on the property for at least one year before applying to the program, rather than one year before the application's approval as prior law provided.

The act additionally makes a certifying party, as defined in the state's Transfer Act, an eligible applicant if a dry cleaning establishment has (or was previously) operated on the property for at least one year before applying to the program. (A certifying party is responsible for investigating and remediating a parcel covered by the Transfer Act.)

Applications

By law, applicants must make grant requests to the DECD commissioner. The act specifies that (1) these requests must be made when he announces a request for applications and (2) their frequency is at his discretion. For applications submitted on or after October 1, 2021, it also requires applicants to demonstrate to the DECD commissioner's satisfaction that they can match any grant up to \$10,000 before receiving one. (By law, grant applicants must bear all pollution costs that are less than \$10,000.)

Eligible Uses

Existing law establishes allowable uses for the grants (e.g., containing and removing or mitigating environmental pollution). The act additionally allows applicants to use grants for environmental site assessments relating to the pollution. Separately, it allows DECD to use the fund for legal services relating to disbursing money from the fund.

Under prior law, the commissioner could provide a grant when the applicant provided satisfactory documentation that services have been or will be completed. The act eliminates the authority to provide grants for services that are not yet completed.

§§ 4-13, 21-24 & 26 — ELIMINATED BOARDS AND COMMISSIONS

Eliminates several boards and commissions and makes conforming changes

The act eliminates the Culture and Tourism Advisory Committee, Commission on Connecticut's Future, Small Business Advisory Board, Sports Advisory Board, and Committee for Restoration of Historic Assets in Connecticut and makes conforming changes, as shown in the table below. Generally, these changes consist of replacing seats on other state boards and commissions that were previously held by representatives of the eliminated boards and commissions.

Eliminated Boards and Commissions Conforming Changes

§	Duty	Appointee Under Prior Law	Appointee Under the Act
6	Membership on State Commission on Capitol Preservation and Restoration	Culture and Tourism Advisory Committee member, appointed by the chairperson	Historic Preservation Council member, appointed by the chairperson
7	Membership on Connecticut Capitol Center Commission	Culture and Tourism Advisory Committee chairperson or designee	Historic Preservation Council chairperson or designee
9	Membership on advisory committee to State Library Board	Culture and Tourism Advisory Committee executive director	Historic Preservation Council chairperson or

§	Duty	Appointee Under Prior Law	Appointee Under the Act
			designee
10	Membership on advisory panel on acceptance by state of certain works of art for purposes of a credit against the estate tax	Culture and Tourism Advisory Committee chairperson	Connecticut Arts Council chairperson
11	Membership on Face of Connecticut Steering Committee	Culture and Tourism Advisory Committee chairperson	Connecticut Tourism Council member, appointed by the chairperson
13	Advise DECD commissioner in designating "Connecticut Treasures" locations	Culture and Tourism Advisory Committee	State historian

EFFECTIVE DATE: Upon passage

§§ 14 & 25 — DECD ANNUAL REPORT

Eliminates a requirement that DECD's annual report analyze business assistance programs not administered by the department, other than those administered by CI; changes the report's legislative hearing date

By law, DECD must submit an annual report on the department's activities by February 1 to the governor; state auditors; and the Appropriations, Commerce, and Finance, Revenue and Bonding committees. Among other things, the report must analyze business assistance programs the department administers.

Prior law required DECD to also analyze business assistance or incentive programs it does not administer. The act limits this requirement to only those business assistance programs administered by Connecticut Innovations, Inc. (CI).

By law, the state auditors must evaluate DECD's annual report as part of their audits of the department, which generally occur biennially. The act appears to eliminate a requirement that the auditors' evaluation cover DECD's analysis of CI's business assistance programs.

Prior law required the Appropriations, Commerce, and Finance, Revenue and Bonding committees to individually or jointly hold one or more hearings on the report's business assistance analyses annually by March 1. The act instead requires the committees to hold these hearings within 60 days after the auditors complete their evaluation of DECD's annual report. Under the act, the hearings must also cover the auditors' evaluation. (PA 21-2, June Special Session, § 286, (1) restores the annual hearing requirement but makes the hearing deadline April 1 rather than March 1, (2) eliminates this act's requirement that the hearing cover the auditors' evaluation, and (3) additionally requires that it cover specified data on the Small Business Express program.)

EFFECTIVE DATE: Upon passage

§§ 15-16 & 26 — ELIMINATED DECD REPORTING REQUIREMENTS

Eliminates various DECD reporting requirements

The act eliminates the following DECD reporting requirements:

1. annually report to the governor and legislature with recommendations for, among other things, improvements in vocational educational programs and executive and legislative action to improve job innovation and development programs (§ 15);
2. biennially submit a strategic plan to the governor and legislature on arts, culture, and tourism (§ 16); and
3. maintain a registry of small business concerns owned and controlled by veterans and service-disabled veterans and annually report the number of such businesses to the Veterans' Affairs Committee (§ 26).

EFFECTIVE DATE: Upon passage

§ 17 — UNEXPENDED REGIONAL TOURISM DISTRICT FUNDS

Generally requires regional tourism districts to return unexpended state funds to DECD at the end of each fiscal year

The act generally requires regional tourism districts to return any unexpended state funds to DECD at the end of each fiscal year, beginning with FY 21, other than funds used to establish or administer a matching grant program for certain tourism marketing activities. Under the act, DECD must (1) deposit the returned funds in the Tourism Fund and (2) use the funds to support statewide marketing. The act also eliminates a requirement that the central district's office be located within DECD.

By law, the state has three regional tourism districts (eastern, central, and western) composed of member municipalities. DECD must, within available appropriations, distribute tourism funding evenly among the three districts.

EFFECTIVE DATE: Upon passage

§ 18 — CONNECTICUT ARTS COUNCIL FOUNDATION

Reconstitutes the foundation's board of directors by (1) eliminating the requirement that the council's board of directors serve as the foundation's board of directors and (2) establishing a new 16-member board for the foundation

The act revamps the membership of the Connecticut Arts Council Foundation's board of directors by eliminating prior law's requirement that the council's board of directors also serve as the foundation's board of directors. It instead establishes a new 16-member board (15 voting and one nonvoting) as follows:

1. five gubernatorial appointees serving four-year terms, one of whom must be the head of a statewide arts organization;
2. six legislative appointees serving three-year terms (one appointment by each of the six legislative leaders);
3. three members appointed by the DECD commissioner, each serving a three-year term;
4. the DECD commissioner as an ex-officio member; and
5. a DECD employee responsible for arts and culture, designated by the commissioner as a nonvoting member.

EFFECTIVE DATE: October 1, 2021

§ 19 — FOIA EXEMPTION FOR CERTAIN ARCHAEOLOGICAL SITES

Allows the DECD commissioner to withhold certain archaeological site information without a withholding request from the person who discovered or reported the site

Prior law allowed the DECD commissioner to withhold from disclosure under the Freedom of Information Act (FOIA) information relating to the location of certain archaeological sites if the person who discovered or reported the site requested the withholding in writing. If granted, the exemption applied through the following July 1, but the requestor could annually request one-year extensions.

The act instead allows the commissioner to withhold the information without a request from the person who discovered or reported the site. It similarly eliminates prior law's limitations on the exemption's term, thus allowing it to apply permanently.

By law unchanged by the act, the exemption applies to sites listed on the National Register of Historic Places or the state register of historic places, or sites DECD is considering listing, whenever the department determines that disclosure would create a risk of destruction or harm to the sites.

EFFECTIVE DATE: Upon passage

§ 20 — ECONOMIC DEVELOPMENT ASSISTANCE AGREEMENTS

Allows DECD and CI discretion in enforcing existing law's provisions about relocation by entities receiving assistance from DECD- and CI-administered programs

Under prior law, a business could not receive economic development assistance from a DECD- or CI-administered program unless it agreed not to relocate from Connecticut for 10 years after receiving the assistance, or for the term of a state loan or loan guarantee, whichever was longer. If it relocated before the period expired, it had to repay the entire amount of the assistance plus 5%. (If the business relocated within the state, it had to offer its current employees jobs at the new location if available.)

The act grants DECD and CI discretion to not require these terms for certain businesses. The discretion applies to businesses that receive (1) up to \$50,000 in financial assistance from the department or CI, respectively, and are “eligible small businesses” (see below) or (2) assistance from programs funded entirely by the federal government.

Under the act, an “eligible small business” is one that (1) employed no more than 100 full-time employees on at least 50% of its working days during the preceding 12 months, (2) has operations in Connecticut, (3) has been registered to conduct business for at least 12 months, and (4) is in good standing with all state and local taxes.

EFFECTIVE DATE: Upon passage

PA 21-92—sHB 6534

Education Committee

AN ACT CONCERNING EMERGENCY ACTION PLANS FOR INTERSCHOLASTIC AND INTRAMURAL ATHLETIC EVENTS

SUMMARY: This act requires each local or regional school district and private school to create and apply, starting with the school year beginning July 1, 2022, an emergency action plan to respond to serious and life-threatening sports-related injuries during interscholastic or intramural athletic events.

Under the act, each plan must (1) have procedures to follow when a student sustains a serious injury or illness while participating in an interscholastic or intramural athletic event and (2) include certain components, such as the staff responsible for implementing the plan. The act requires it to be developed in consultation with local emergency medical services providers and allied health professionals. It must also be reviewed annually, updated as necessary, and annually rehearsed by the implementing staff.

The act also specifies (1) staff qualifications related to the plan; (2) the method of plan distribution and posting; and (3) that a board of education or the supervisory agent of a private school may accept gifts, grants, or donations for the plan's development and implementation.

EFFECTIVE DATE: July 1, 2021

REQUIRED PLAN COMPONENTS

The act requires that each emergency action plan include the following:

1. a list of the school employees, coaches, or licensed athletic trainers who will be responsible for implementing the plan and a description of responsibilities for each person;
2. the location or venue where the athletic events occur;
3. a description, including the location, of the equipment and supplies available at athletic event sites that will help these people respond to an emergency;
4. the procedures to follow when a student sustains a serious sports-related injury, including (a) responding to the injured student; (b) summoning emergency medical care; (c) assisting first responders arriving for the student; and (d) documenting the actions taken;
5. the protocols to follow during cardiac or respiratory emergencies, including operating an automatic external defibrillator; using cardiopulmonary resuscitation (CPR); or administering medication in accordance with state law on school staff administering medication to students at school athletic events;
6. the protocols to follow when a student shows signs, symptoms, or behaviors consistent with a concussion or is diagnosed with one, in accordance with the state law on concussions, including immediately removing the student from a game;
7. the protocols to follow when a student suffers a traumatic brain injury or spinal cord injury, which must (a) include instructions based on the level of training of the person implementing the plan and (b) meet best practices and state law; and
8. the protocols to follow for heat and cold-related emergencies, which must meet current professional standards.

STAFF

Under the act, any school employee, coach, or licensed athletic trainer identified in the emergency action plan must be CPR certified and have completed a first aid course offered by the American Red Cross (ARC), the American Heart Association (AHA), the Department of Public Health, a health director, or an organization using AHA and ARC first aid guidelines.

PLAN DISTRIBUTION

The act requires each local or regional board of education or supervisory agent of a nonpublic school to:

1. distribute the plan to all school employees, coaches, and licensed athletic trainers identified in the plan;
2. post it in all athletic facilities and at all sites where interscholastic and intramural athletic events take place; and
3. make it available on the school district's or school's website.

RESOURCES FOR PLAN DEVELOPMENT

In developing and implementing the emergency action plan, a school may (1) use existing and appropriate public or private materials, models, personnel, and other resources and (2) accept gifts, grants, and donations, including in-kind donations, designated for the plan.

PA 21-95—sHB 6621

Education Committee

AN ACT CONCERNING ASSORTED REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES

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[§ 1 — PETITIONED BOARD OF EDUCATION HEARINGS](#)

Narrows the topics for which a board of education can be petitioned to hold a public hearing

[§ 2 — VISION SCREENING EQUIPMENT](#)

Specifies permissible equipment for conducting in-school vision screenings

[§ 3 — SPECIAL EDUCATION TASK FORCE](#)

Establishes a 15-member task force to study special education services and funding

[§ 4 — SOCIAL-EMOTIONAL LEARNING ASSESSMENT FOR STUDENTS](#)

Requires each board of education to administer a social-emotional learning assessment to students for the upcoming school year and allows them to administer these assessments in the following years; requires parents and guardians to be given prior notice of the assessment and grant permission before the assessment can be administered

[§ 5 — SOCIAL-EMOTIONAL SUPPORT STRATEGY](#)

Requires the development of a statewide social-emotional support strategy to provide support and assistance to boards of education; specifies items to be included in the strategy

[§ 6 — SOCIAL-EMOTIONAL LEARNING STANDARDS](#)

Requires SDE to develop, by October 1, 2022, student social-emotional learning standards for grades 4 through 12, inclusive; defines social-emotional learning

[§ 7 — WORKING GROUP TO STUDY THE SCHOOL BULLYING STATUTE](#)

Requires the SEL collaborative to convene a working group to (1) study the state's school bullying statutes and make legislative recommendations and (2) provide technical support to local school districts regarding adoption of the Connecticut Association of Schools' Connecticut Model School Climate Policy

[§ 8 — SCHOOL RESOURCE OFFICERS \(SRO\) AND SOCIAL- EMOTIONAL TRAINING](#)

Requires all SRO memos of understanding (MOUs) between boards of education and local law enforcement agencies entered into on and after July 1, 2021 to require SROs to complete any social-emotional learning training provided to teachers and administrators as part of professional development

[§§ 9-11 — PROFESSIONAL DEVELOPMENT AND SOCIAL- EMOTIONAL TRAINING](#)

Integrates social-emotional learning into various aspects of professional development for certified employees; adds social-emotional learning to teacher in-service training

§§ 12 & 13 — SCHOOL PARAEDUCATOR ADVISORY COUNCIL

Changes the School Paraprofessional Advisory Council's name to the School Paraeducator Advisory Council; requires the council to study issues related to this field and develop paraeducator career development pathway proposals and report the study and proposals to the Education Committee

§ 14 — SAFE SCHOOL CLIMATE COMMITTEE MEMBERS

Adds additional members to each school's safe school climate committee; prohibits student members of the committee from participating in any activity that may compromise a student's confidentiality

§ 15 — STATEWIDE VIRTUAL SCHOOL PLAN

Requires SDE to develop a plan for a grade K-12 statewide virtual school

§ 16 — ACTING SUPERINTENDENTS

Allows a one-time probationary period extension for acting superintendents who were unable to complete certification or training programs during the past two school years

BACKGROUND

SUMMARY: This act requires several state and local actions related to social-emotional learning, including assessing students for social-emotional learning, developing a statewide social-emotional learning strategy, and developing social-emotional learning standards. (PA 21-2, June Special Session (JSS), removes the social-emotional learning assessment requirement and instead permits school districts to conduct the assessment (see BACKGROUND).)

The act includes provisions on social-emotional learning and teacher professional development and school resource officer training. It also requires a review of the state law on school bullying for possible changes and modifies the membership of safe school climate committees.

The act also makes various unrelated changes in the education statutes on (1) the topics for which a board of education can be petitioned to hold a public hearing, (2) in-school vision screening equipment, (3) a special education services and funding task force, (4) a plan for a statewide virtual school, and (5) acting superintendents' probationary periods.

EFFECTIVE DATE: July 1, 2021, except where noted otherwise.

§ 1 — PETITIONED BOARD OF EDUCATION HEARINGS

Narrows the topics for which a board of education can be petitioned to hold a public hearing

Prior law allowed 1% or 50 of a town's electors, whichever is greater, to petition the board of education to hold a public hearing on any question. The act limits the hearing topic to only questions related to the education provided by the board.

§ 2 — VISION SCREENING EQUIPMENT

Specifies permissible equipment for conducting in-school vision screenings

The act makes a minor change to the annual in-school vision screening for public school students. Prior law required the vision screening for grades K-1 and 3-5 to be performed using (1) a Snellen chart or (2) an equivalent screening device such as an automated vision screening device. The act instead specifies that the screening may be performed using (1) a Snellen chart or an equivalent screening device or (2) an automated vision screening device. This allows for use of an automated vision screening device that is not equivalent to a Snellen chart.

§ 3 — SPECIAL EDUCATION TASK FORCE

Establishes a 15-member task force to study special education services and funding

The act establishes a 15-member task force to study the provision of special education services and funding during the 2016-17 through 2019-20 school years.

Study Scope

The task force's study must examine at least the following topics:

1. provision of special education and related services, including whether local and regional boards of education provide these services (a) directly, (b) by partnering with regional education service centers (RESCs), (c) by contracting with a private special education services provider, or (d) as part of a cooperative arrangement between two or more boards;
2. the cost of providing special education and related services, the total aggregate amount per school district per year, and its annual percentage increase or decrease per school district;
3. the effect of special education costs on boards' minimum budget requirement;
4. the state reimbursement level to boards for special education, including the (a) total reimbursement amount submitted by each school district per year and the amount received per year and (b) percentage increase or decrease in these amounts per year; and
5. the criteria and way school districts are identifying students requiring special education and related services, including whether districts are overidentifying or under identifying these students and the causes and reasons.

Membership

Under the act, task force members include the education commissioner, or her designee, and 14 appointed members. The table below lists the task force membership and the members' appointing authorities. All appointments must be made within 30 days after the act's passage, and the appointing authority must fill any vacancy.

Special Education Task Force Membership

Appointing Authority	Member(s)
House speaker	Special Education Equity for Kids of Connecticut representative Connecticut Association of Boards of Education representative Parent or guardian of a student receiving special education services
Senate president pro tempore	Connecticut Association of Public School Superintendents representative Connecticut Education Association representative Parent or guardian of a student receiving special education services
House majority leader	American Federation of Teachers – Connecticut representative Connecticut Parent Advocacy Center representative
Senate majority leader	Connecticut Council of Administrators of Special

Appointing Authority	Member(s)
	Education representative RESC Alliance representative
House minority leader	Connecticut Association of School Administrators representative School and State Finance Project representative
Senate minority leader	Connecticut Association of Schools representative Connecticut Association of School Business Officials representative

Leadership, Meetings, and Staff

The act requires the House speaker and Senate president pro tempore to select the co-chairpersons from among the task force members. The co-chairs must schedule the first meeting. The Education Committee's administrative staff must serve as the task force's staff.

Under the act, the task force must submit a report on its findings and recommendations to the Education Committee by January 1, 2022. The task force terminates on the day it submits the report or January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

§ 4 — SOCIAL-EMOTIONAL LEARNING ASSESSMENT FOR STUDENTS

Requires each board of education to administer a social-emotional learning assessment to students for the upcoming school year and allows them to administer these assessments in the following years; requires parents and guardians to be given prior notice of the assessment and grant permission before the assessment can be administered

The act requires each local and regional board of education to administer, for the 2021-2022 school year, a social-emotional learning assessment to students. Boards can choose between (1) an SDE-provided social-emotional learning assessment or (2) another social-emotional learning assessment or mental health and resiliency screening. (PA 21-2, JSS, § 386, amended this to allow, rather than require, administration of the assessment (see BACKGROUND).) Beginning with the 2022-2023 school year, the act allows boards to administer either of these assessments.

It also requires SDE, beginning with the 2021-2022 school year and upon request, to provide boards with a student social-emotional learning assessment and to assist them in administering it as provided under the act.

Under the act, parents or guardians must (1) receive prior written notice of the upcoming assessment and (2) grant permission before a student can complete the screening.

§ 5 — SOCIAL-EMOTIONAL SUPPORT STRATEGY

Requires the development of a statewide social-emotional support strategy to provide support and assistance to boards of education; specifies items to be included in the strategy

The act requires the Social Emotional Learning and School Climate Advisory Collaborative ("SEL collaborative") (see BACKGROUND), in consultation with several state agencies, to design a statewide social-emotional support strategy to provide support and assistance to local and regional boards of education for mental health, social-emotional support, behavioral support, trauma support, and special education programs and services.

The strategy must include recommendations on:

1. training, recruiting, and deploying mental health and social-emotional support staff;
2. providing resources for school districts for hiring mental health and social-emotional support staff;
3. assisting boards in developing and implementing comprehensive school counseling programs according to statutory guidelines;
4. building on school and community efforts that support student mental health and well-being, such as community

school models, family resource centers, health clinics, child care available from 6 a.m. to 6 p.m., and year-round use of school buildings;

5. developing or enhancing support networks for mental health and trauma support services through interagency agreements, local action plans, and model programs;
6. improving the knowledge and skill of educators and other school personnel to develop social-emotional learning and restorative practices competencies and capacities;
7. creating opportunities for educators to collaborate, share support, and problem solve through team planning time and professional learning communities;
8. providing resources to engage parents and families to support the development of student social and emotional growth at home and in the community; and
9. providing opportunities for families to discuss topics relating to social-emotional learning, restorative practices, resiliency, and ways to ensure racial equity in schools.

For the strategy, the SEL collaborative must consult with the Office of Early Childhood and the departments of Education, Mental Health and Addiction Services, Children and Families, and Public Health. It may also consult with the national Collaborative for Academic, Social, and Emotional Learning to implement these provisions.

§ 6 — SOCIAL-EMOTIONAL LEARNING STANDARDS

Requires SDE to develop, by October 1, 2022, student social-emotional learning standards for grades 4 through 12, inclusive; defines social-emotional learning

The act requires SDE to develop, by October 1, 2022, student social-emotional learning standards for grades 4 through 12, inclusive (SBE has already adopted standards for pre-K through grade 3). The standards must be designed for a multitiered system of support that is culturally relevant and responsive, emphasizes school connectedness, and includes restorative practices. The act requires SDE to make the standards available on its website.

For use in developing these standards, the act defines “social-emotional learning” as the process through which children and adults achieve emotional intelligence through the competencies of self-awareness, self-management, social awareness, relationship skills, and responsible decision-making.

§ 7 — WORKING GROUP TO STUDY THE SCHOOL BULLYING STATUTE

Requires the SEL collaborative to convene a working group to (1) study the state’s school bullying statutes and make legislative recommendations and (2) provide technical support to local school districts regarding adoption of the Connecticut Association of Schools’ Connecticut Model School Climate Policy

The act requires the SEL collaborative, by January 1, 2022, to convene a working group to do the following:

1. study the state laws defining school bullying and cyberbullying, requiring safe school climate plans, and specifying steps that must be taken in response to bullying;
2. make legislative recommendations about these laws, including restorative practices in safe school climate plans and statewide adoption of the National School Climate Standards; and
3. provide technical support to local school districts for adoption of the Connecticut Association of Schools’ Connecticut Model School Climate Policy.

The act permits the SEL collaborative to consult with or include as members of the working group representatives from the national Collaborative for Academic, Social, and Emotional Learning.

EFFECTIVE DATE: Upon passage

§ 8 — SCHOOL RESOURCE OFFICERS (SRO) AND SOCIAL- EMOTIONAL TRAINING

Requires all SRO memos of understanding (MOUs) between boards of education and local law enforcement agencies entered into on and after July 1, 2021 to require SROs to complete any social-emotional learning training provided to teachers and administrators as part of professional development

The act requires, on and after July 1, 2021, all SRO MOUs entered into, extended, updated, or amended between boards of education and local law enforcement agencies to require SROs to complete any separate training specifically related to social-emotional learning and restorative practices provided to teachers and administrators as part of professional development. The training must be completed while officers are performing their duties as SROs and while they are assigned

to be at the school.

By law, any school district that assigns an SRO to a school under its jurisdiction must enter into an MOU with the local law enforcement agency about the role and responsibility of the officer.

§§ 9-11 — PROFESSIONAL DEVELOPMENT AND SOCIAL- EMOTIONAL TRAINING

Integrates social-emotional learning into various aspects of professional development for certified employees; adds social-emotional learning to teacher in-service training

The act makes the following changes in state law about professional development for teachers and other certified school employees such as administrators and counselors:

1. requires social-emotional learning and restorative practices to be integrated throughout teacher professional development and in-service training,
2. requires local school districts to include student social-emotional learning and restorative practices in their professional development plans, and
3. requires local districts to add the integration of social-emotional learning and restorative practices into professional development as part of the district's statement of educational goals.

By law, school districts are required to provide 18 hours of professional development training per year to each teacher at no cost to the teacher.

The act also adds the principles and practices of social-emotional learning and restorative practices to the list of topics that must be included in the required in-service training that all teachers receive by law.

§§ 12 & 13 — SCHOOL PARAEDUCATOR ADVISORY COUNCIL

Changes the School Paraprofessional Advisory Council's name to the School Paraeducator Advisory Council; requires the council to study issues related to this field and develop paraeducator career development pathway proposals and report the study and proposals to the Education Committee

The act renames the School Paraprofessional Advisory Council the "School Paraeducator Advisory Council." It also requires the council to conduct a study addressing issues related to this field and develop paraeducator career development pathway proposals. Paraeducators are school staff who assist teachers in the classroom and are not certified as professional teachers.

The council must submit the study and proposals, along with any recommendations for legislation, to the Education Committee.

Study

By January 1, 2022, the council must conduct a study on the following:

1. minimum employment standards, including pay rates, health care coverage, retirement benefits, and professional development for paraeducators that focus on maximizing their success in the classroom;
2. safety issues for paraeducators who work with students who have behavioral issues, including the availability of appropriate safety equipment at each school;
3. issues related to assigning substitute teaching duties to paraeducators, including emergency situations when a paraeducator is asked to serve as a substitute teacher; and
4. issues related to the duties of paraeducators who work with students who have individualized education programs (IEPs).

Career and Professional Development Proposals

By January 1, 2022, the act requires the council to develop proposals to create a pathway for continued paraeducator career and professional development, including:

1. paraeducator certificate and apprenticeship programs that offer course credits applicable to transferrable associate degree programs;
2. associate degree programs that (a) build upon and do not duplicate the courses and competencies of paraeducator certificate programs, (b) incorporate field experiences, (c) are aligned with the standards and competencies for teachers, and (d) are transferrable to a bachelor's degree in education and teacher certification programs; and

3. bachelor's degree programs that lead to teacher certification that build upon and do not duplicate the courses and competencies of transferrable associate degrees.

EFFECTIVE DATE: Upon passage for the study and career proposal provisions.

§ 14 — SAFE SCHOOL CLIMATE COMMITTEE MEMBERS

Adds additional members to each school's safe school climate committee; prohibits student members of the committee from participating in any activity that may compromise a student's confidentiality

The act adds additional members to each school's safe school climate committee. Under the state's anti-bullying law, each school must have this committee to address school bullying issues.

Beginning with the 2021-2022 school year, the act requires each committee to include (1) at least one teacher, appointed by the teachers' union; (2) medical and mental health staff assigned to the school; and (3) in the case of a committee at a high school, at least one student from the high school who is selected by the school's students in a manner the school principal determines.

The act specifies that student committee members cannot participate in any activity that may compromise a student's confidentiality, including the committee's specific duties to (1) receive copies of completed reports following bullying investigations; (2) identify and address bullying patterns among students; and (3) implement the school security and safety plan for the collection, evaluation, and reporting of information relating to disturbing or threatening behavior that may not meet the definition of bullying. Existing law provides the same prohibition for parents or guardians serving on the committees.

Student members can participate in other committee duties such as reviewing and amending school bullying policies and making recommendations for the school district's safe school climate plan.

§ 15 — STATEWIDE VIRTUAL SCHOOL PLAN

Requires SDE to develop a plan for a grade K-12 statewide virtual school

The act requires SDE to develop a plan to create and implement a statewide virtual school with virtual learning instruction for grades kindergarten to 12 through one or more internet-based software platforms. The department must submit the plan, along with any related legislative recommendations, to the Education Committee by February 1, 2022.

Under the act, this virtual school must:

1. be maintained by and under the direction and control of the State Board of Education (SBE);
2. provide at least 180 days of actual school sessions and 900 hours of actual school work for grades kindergarten to 12, so long as no more than seven hours of actual school work in any school day count toward the school year's required total;
3. offer rigorous coursework and a curriculum that is (a) aligned with SBE-approved curriculum guidelines and (b) in accordance with the SBE-adopted statewide subject matter content standards;
4. grant a diploma to any enrolled student who satisfactorily completed the high school graduation requirements under state law; and
5. be created with consideration for (a) best practices in virtual learning, (b) technological capabilities of students throughout Connecticut, and (c) equity.

EFFECTIVE DATE: Upon passage

§ 16 — ACTING SUPERINTENDENTS

Allows a one-time probationary period extension for acting superintendents who were unable to complete certification or training programs during the past two school years

The act allows the education commissioner to grant a one-time extension to any appointed acting superintendent's probationary period if, during the 2019-20 and 2020-21 school years, he or she was unable to (1) become properly certified or (2) successfully complete an SBE-approved school leadership program. Under the act, this extension applies to the probationary period for the 2021-22 school year.

EFFECTIVE DATE: Upon passage

BACKGROUND

Social and Emotional Learning and School Climate Advisory Collaborative

The 33-member social and emotional learning and school climate advisory collaborative is tasked by law with developing a state-wide school climate survey, a model positive school climate policy, and a student suicide risk assessment. The collaborative membership includes, among others, legislative appointees, the chairpersons and ranking members of the Children's and Education committees, the education commissioner, and the Commission on Women, Children, Seniors, Equity, and Opportunity executive director.

Related Act

PA 21-2, JSS, § 386, later removed the social-emotional learning assessment requirement in § 4 of the act and instead permits school districts to conduct the assessment.

PA 21-144—SB 945

Education Committee

Judiciary Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION

SUMMARY: This act makes the following changes in the education statutes:

1. requires planning and placement teams (PPTs) for special education students to write transition service needs into individualized education programs (IEPs) beginning at age 14 (§ 1);
2. adds a middle grades bilingual education certificate for grades four through nine, specifies that the elementary certificate in existing law is valid for kindergarten through grade nine, and creates alternative methods by which candidates may fulfill the certificates' written competency requirement (§ 2);
3. requires the education commissioner, by January 1, 2022, to approve guidelines for bilingual STEM (science, technology, engineering, and mathematics) and humanities teaching certificate endorsements and establishes coursework eligibility requirements for high school bilingual STEM and humanities teachers (§ 2);
4. changes the academic and training eligibility requirements for the resident teacher certificate (§ 3);
5. requires charter school governing councils and cooperative arrangements to have their criminal history records checks for school personnel conducted in accordance with the federal National Child Protection Act of 1992 and the federal Volunteers for Children Act of 1998, in addition to state law (§§ 4 & 5);
6. removes the requirement that criminal history records checks for charter school governing council or management organization members and certain contractors be conducted in accordance with the state law governing their procedure (§ 6);
7. allows the attorney general, on behalf of the State Department of Education (SDE), to bring a civil suit against an organization to recover misused state funds (§ 7);
8. clarifies the appointment process for the Technical Education and Career System (TECS) superintendent (§ 8);
9. creates a new PPT process that must occur before a student receiving special education services enrolls in TECS (§ 9); and
10. removes obsolete language from state law and repeals certain education reports and programs (§§ 10-12).

The act also makes conforming and technical changes (§ 6).

EFFECTIVE DATE: July 1, 2021, except the provisions on criminal history records checks and civil suits (§§ 4-7) take effect upon passage.

§ 1 — TRANSITION SERVICES IN SPECIAL EDUCATION

The act requires a PPT to include a statement of transition service needs in all student IEPs, regardless of their disability, beginning when they reach age 14. Prior law required this only for students with autism spectrum disorder.

The act also allows a PPT to include a transition statement in IEPs for younger children, if they deem it appropriate. The federal Individuals with Disabilities Education Act requires transition services to be written into eligible students' IEPs beginning at age 16, but states are free to require this at an earlier age (20 U.S.C. § 1414(d)(1)(A)(i)(VIII)(bb)).

Under the act, IEPs for all 14-year-olds must include the same criteria as existing law requires for students with autism spectrum disorder: (1) appropriate, measurable postsecondary goals based on age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills and (2) transition services, including courses of study, needed to assist the child in reaching those goals. As under existing law, the IEPs for these students must be updated annually.

§ 2 — BILINGUAL TEACHING

Elementary Bilingual Teacher Certificate

The act restructures the elementary bilingual teacher certificate. Beginning July 1, 2021, it adds a middle grades certificate for grades 4 through 9. It specifies that the elementary certificate in existing law is valid for grades kindergarten through 9.

Bilingual Teacher Certification Written Competency Requirement

By law, a candidate for bilingual teacher certification must fulfill written competency requirements in both English and the second language. Beginning July 1, 2021, the act creates an alternative method by which a candidate may fulfill the requirement in either one of the languages. Under the act, as an alternative to passing an examination or demonstrating competency through another SDE-approved method if an exam is not available, candidates may fulfill the requirement by holding a bachelor's degree or its equivalent from a regionally accredited higher education institution that delivers instruction in that language.

Bilingual Humanities and STEM High School Courses and Teachers

The act requires the education commissioner to approve guidelines by January 1, 2022, for unique endorsements to authorize the teaching of bilingual humanities and STEM high school courses. Additionally, the act establishes coursework eligibility requirements for these teachers.

Under the act, certified bilingual education teachers who have completed at least 15 semester hours of credit in combined content coursework in the humanities or STEM may teach bilingual high school courses in the applicable field. A certified teacher who does not hold a bilingual education endorsement is eligible to teach these courses if he or she completes (1) 15 semester hours of credit in combined content coursework in the humanities or STEM, as appropriate, and (2) the required coursework and testing for a bilingual endorsement.

§ 3 — RESIDENT TEACHER CERTIFICATE

The resident teacher certificate allows a person to teach in Connecticut public schools while enrolled in a teacher training program. The act changes the academic and training eligibility requirements for the certificate, but maintains the degree requirements, as shown in the table below.

Changes to Resident Teacher Certification Requirements Under the Act

	<i>Requirements Under Prior Law</i>	<i>Requirements Under the Act</i>
Degree requirements	Holds a bachelor's degree from an accredited higher education institution	Unchanged
Academic requirements	Possesses at least 3.0 undergraduate GPA and achieved a qualifying score on a State Board of Education (SBE)-approved subject area assessment	Either (1) completed a major or 30 semester hours of content-specific credit or (2) achieved a qualifying score on an SBE-approved subject area assessment
Training requirements	Is enrolled in an SBE-approved alternate route to certification program that meets federal guidelines	Is enrolled in either an SBE-approved (1) alternate route to certification program or (2) post-bachelor's degree program leading to educator certification

§§ 4 & 5 — CRIMINAL HISTORY RECORDS CHECKS FOR SCHOOL PERSONNEL

Reclassification of Nongovernmental Entities (§§ 4 & 5)

In the state laws governing criminal history record checks for school personnel, the act removes state or local charter school governing councils and cooperative arrangements from the “eligible school operators” classification. It adds cooperative arrangements to the “nongovernmental school operators” classification in the background check law. (Charter school governing councils are already a member of this class; under prior law, they were classified as both eligible and nongovernmental school operators.) These classification changes clarify that both charter school governing councils and cooperative arrangements must have their criminal history records checks conducted in accordance with the federal National Child Protection Act of 1992 and the federal Volunteers for Children Act of 1998, in addition to state law.

§ 7 — RECOVERY OF MISUSED STATE FUNDS

The act allows the attorney general, on SDE’s behalf, to bring a lawsuit in state or federal court against any person, firm, corporation, business, or combination of these, including a charter management organization, if the department has reason to believe that the party misused state funds or state resources. The claim may (1) enjoin (i.e., prohibit) the parties from continuing the conduct and (2) seek repayment of funds, as well as damages.

The act also gives the attorney general the express right to (1) depose any witness who he believes, or has reason to believe, has information relating to the claim and (2) take depositions in other states and use other states’ laws on taking depositions.

The act requires the court to order repayment of damages to SDE when the misuse of state funds or resources or damages is proven by a preponderance of the evidence. It also gives the court the right to award treble damages.

§ 8 — TECS SUPERINTENDENT

The act clarifies that the TECS board may recommend a candidate for TECS superintendent to the education commissioner, who may hire or reject any recommended candidate. It removes a conflicting provision in prior law that required the TECS board and the education commissioner to jointly recommend a superintendent candidate to SBE.

§ 9 — TECS SPECIAL EDUCATION SERVICES

Under prior law, if a PPT determined that a student’s special education services prevented him or her from participating in the TECS vocational education program, then the student was referred back to the sending school district to attend school there under an IEP.

The act instead requires the student’s sending district to convene a PPT meeting before a student enrolls in a technical education and career school to (1) address the student’s transition to the TECS school and (2) ensure that the student’s IEP reflects the current supports and services that he or she needs to access a free, appropriate public education in the least restrictive environment. The act also requires a TECS representative to be invited to the meeting.

§§ 10-12 — OBSOLETE LANGUAGE AND REPEALERS

The act removes from statute references to the obsolete academic advancement program, which allowed students to graduate from high school early (§§ 10 & 12). It also removes the requirement that the education commissioner annually review and assess professional development required by law for certified professional educators with an early childhood nursery through grade three endorsement or an elementary endorsement. This review assessed whether their professional development meets state goals for student academic achievement through implementation of (1) the Common Core State Standards, (2) research-based reading interventions, and (3) federal special education law under the Individuals with Disabilities Education Act (§ 11).

The act also repeals requirements for:

1. the education commissioner to annually report to the Education and Government Administration committees about the State Education Resource Center’s awarding of contracts, private funding sources, and payment of employee and consultant salaries, fringe benefits, and other compensation and
2. SDE to adopt regulations to implement a fiscal accountability data collection report that includes all sources, amounts, and uses of public and private funds by school districts and public schools, including charter schools (§ 12).

PA 21-171—sHB 6558

Education Committee

Appropriations Committee

AN ACT CONCERNING ISSUES RELATING TO THE PROVISION OF EARLY CHILDHOOD EDUCATION AND SERVICES IN CONNECTICUT

SUMMARY: This act allows the Office of Early Childhood (OEC) commissioner to issue up to seven family child care home licenses to a person or group of people, in a partnership with an association, organization, corporation, institution, or public or private agency, to provide child care services in a commissioner-approved space outside of a family home (§ 1). Under prior law, OEC issued family child care home licenses only for child care services provided in the licensee's private home.

The act also does the following:

1. allows family child care home licensees to use an OEC-approved substitute staff member to provide more than an hour of child care under specific circumstances (§ 1),
2. creates a 13-member task force to analyze and make recommendations on issues relating to Connecticut's early childhood workforce development needs (§ 2),
3. expands eligibility for Care 4 Kids child care subsidies to include families with a parent or caretaker enrolled or participating in certain postsecondary education and workforce training programs (§ 3),
4. requires the OEC commissioner to add new categories of parents and caretakers to the list of people who must receive preference in the Care 4 Kids priority intake and eligibility system (§ 3), and
5. requires OEC to allow Care 4 Kids-eligible families to participate in a state-contracted child care center program in FYs 22 and 23 (§ 4).

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2021

§ 1 — FAMILY CHILD CARE HOME LICENSE EXPANSION

License Terms and Applicant Eligibility

These licenses must be issued in accordance with existing law (unless otherwise specified under the act) and may be issued in FYs 22-26 for up to one space in each of the following cities: Bridgeport, Danbury, Hartford, New Britain, New Haven, Stamford, or Waterbury. They expire on June 30, 2026, subject to the commissioner's authority to suspend or revoke them at any time under the law.

Application Process

The act requires prospective licensees for the seven family child care home licenses to submit the following items as part of their licensure application: (1) a copy of the current fire marshal certificate of compliance with the Fire Safety Code and (2) written verification of compliance with the State Building Code, local zoning and building requirements, and local health ordinances. Additionally, the act allows the OEC commissioner to (1) require applicants to comply with additional conditions related to the health and safety of children to be served in these facilities and (2) waive any requirement that does not apply to these facilities.

§ 1 — SUBSTITUTE STAFF IN FAMILY CHILD CARE HOMES

The act allows family child care home licensees to use an OEC-approved substitute staff member to provide child care for more than one hour while the absent licensee attends a medical appointment, receives medical treatment, or completes education or training. The act specifies that using a substitute staff member for these purposes does not constitute a transfer or franchise of the family child care home. The licensee must (1) provide advance notice to the enrolled children's parents and guardians about the dates and times the substitute will be providing child care and (2) continue to maintain control of day-to-day operations of the family child care home.

§ 2 — EARLY CHILDHOOD WORKFORCE DEVELOPMENT TASK FORCE

Scope

The act requires the task force to examine the following:

1. ways to encourage equity-based practices in early childhood education preparation and professional development;
2. ways to address inequity in access to employment opportunities and compensation in the early childhood workforce;
3. the feasibility of creating a new, co-authored license that would offer multiple levels of flexibility to address the range of ages, settings, and roles in the early childhood field (including a professional continuum for assistants, lead teachers, generalists, and specialists, such as early intervention, mental health, integrated special education, and rehabilitation therapies); and
4. workforce demands in the state related to the need for early childhood educators providing child care services for infants and toddlers and children up to ages six, seven, or eight.

Additionally, the act requires the task force to make recommendations about the following topics:

1. legislation for early childhood educator preparation requirements;
2. creating a new early childhood teacher license or credential jointly issued by OEC and the State Department of Education (SDE);
3. developing a unifying framework for early childhood educator preparation, in accordance with the National Association for the Education of Young Children and the Council for Exceptional Children – Division of Early Childhood, to define levels for competencies and compensation such as (a) professional development and alternative routes for aides or classroom assistants; (b) associate degree preparation and alternative routes for assistant teachers; (c) bachelor's degree preparation or post-baccalaureate work for head teachers; (d) bachelor's degree preparation, post-baccalaureate work, or graduate degree attainment for specialists; and (e) alignment with competencies to address adult learners, experience in the field, as well as capacity in languages, community content, and cultural norms;
4. methods for increasing compensation related to competency and degree attainment that will work across all sectors of the early care and education sector, including subsidized and parent fee supported programs; and
5. early childhood workforce development and job opportunity creation.

Membership

The table below describes the required expertise for the 13 task force members and their respective appointing authorities. The act allows any members appointed by legislative leaders to be General Assembly members.

Task Force Membership

<i>Appointing Authority</i>	<i>Member(s) and Required Expertise</i>
House speaker (2)	Early childhood education professor at a Connecticut public higher education institution Representative of a school readiness program or state-funded child care center
Senate president pro tempore (2)	Community college faculty member Representative of a private child care provider that is not receiving state financial assistance for the development or operation of his or her child care center or school readiness funding
House majority leader	Representative of the Capitol Region Education Council
Senate majority leader	Family child care home operator or representative of an organization that represents

Appointing Authority	Member(s) and Required Expertise
	or supports family child care homes
House minority leader	Representative of the Connecticut Early Childhood Alliance
Senate minority leader	Representative of a state or national early childhood accrediting organization
N/A	OEC commissioner, or the commissioner's designee
N/A	SDE commissioner, or the commissioner's designee
N/A	Co-chairs of the Connecticut Consortium for the Advancement of Early Childhood Educators
N/A	State Education Resource Center executive director, or the director's designee

The act requires the above appointments to be made by July 31, 2021, and appointing authorities to fill any vacancies that may arise.

Leadership, Staff, and Meetings

Under the act, the House speaker's and Senate president pro tempore's appointees must serve as the task force chairpersons, and the Education Committee administrative staff must serve as task force staff. The chairpersons must schedule the first meeting by August 30, 2021.

The task force must report its findings to the Education Committee by January 1, 2023. It must terminate on the date it submits the report or on January 1, 2023, whichever is later.

§ 3 — EXPANDED CARE 4 KIDS ELIGIBILITY

The act expands eligibility for Care 4 Kids child care subsidies to families with a parent or caretaker who is enrolled or participating in any of the following:

1. a public or private degree-granting college or university,
2. a private occupational school,
3. a job training or employment program administered by a regional workforce development board,
4. a Department of Labor (DOL)-administered apprenticeship program,
5. a State Board of Education-approved alternate route to certification program,
6. an adult education program or other high school equivalency program, or
7. a local Even Start program or other adult education program approved by the OEC commissioner.

Under the act, these groups are only eligible for and may receive Care 4 Kids benefits if certain COVID-19 related relief funds are available under federal law (i.e., the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) or the American Rescue Plan Act (P.L. 117-2)) and designated by the commissioner to fund the benefits.

Additionally, it requires the OEC commissioner to add new categories to the list of people who must receive preference in the Care 4 Kids priority intake and eligibility system. The categories are parents or caretakers who are:

1. participating in a DOL apprenticeship program,
2. enrolled in an adult education program or other high school equivalency program,
3. participating in a job training or employment program administered by a regional workforce development board, or
4. enrolled in a public or private degree-granting college or university.

PA 21-172—sHB 6559

Education Committee

Appropriations Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD

SUMMARY: This act makes numerous changes in the laws related to the Office of Early Childhood (OEC) and early childhood programs. It:

1. adds facilitating racial, ethnic, and socioeconomic diversity of children, families, and staff to the list of goals for the network of school readiness programs (§ 1);
2. expands the type of entities that may receive school readiness financial assistance (i.e., grants) beyond towns with a priority school district (PSD) and eliminates the way these grant amounts were determined (§ 2);
3. requires that parents of program-eligible children comprise at least 25% of local school readiness council members and changes how the council chairperson is selected (§ 3);
4. changes the name of the Nurturing Families Network to the Connecticut Home Visiting System and modifies the program's scope and criteria (§§ 4 & 11-14);
5. adds group and family child care homes to the definition of "early care and education and childhood development programs" in the law requiring OEC to conduct program evaluations and pilot innovative service delivery (§ 4);
6. expands eligibility for state contracts for grants-in-aid to develop child care facilities to include group and family child care homes (§ 5);
7. removes the condition that OEC keep its quality improvement services and licensing services separate and distinct when monitoring and evaluating child care centers and group and family child care homes (§ 6);
8. expands the types of child care employees who must have pre-employment background checks, conforms restrictions to federal regulations on when these new employees can begin working, and increases the minimum age threshold, from 16 to 18, for mandatory background checks for household members of family child care homes (§§ 7 & 8);
9. specifies that as part of the existing background checks required of a relative who provides OEC-subsidized childcare services (a) the national sex offender registry check must use the U.S. Department of Justice's National Sex Offender Public Website and (b) the state offender database check must use the Department of Emergency Services and Public Protection's registry (§ 9);
10. authorizes OEC to grant waivers to prospective child care employees who, due to a medical condition, cannot satisfy the background check fingerprint requirement (§ 10);
11. expands OEC's list of required programs and services to include (a) working with incarcerated parents, (b) promoting doula work to help women with high-risk pregnancies, and (c) supporting homeless diversion for families with young children (§ 12);
12. authorizes the education commissioner to allow someone to teach within the Birth-to-Three program if they hold a teaching endorsement in (a) special education, (b) integrated early childhood and special education, (c) partially sighted, (d) blind, and (e) hard of hearing (§ 15); and
13. creates a notification and hearing process for youth camp operators who OEC cites for operating without a license (§ 16).

It also makes numerous minor, conforming, and technical changes.

EFFECTIVE DATE: July 1, 2021, unless otherwise noted.

§ 2 — ENTITIES ELIGIBLE FOR SCHOOL READINESS FINANCIAL ASSISTANCE

Under prior law, school readiness grants could be awarded to either (1) the town where a current or former PSD is located or (2) for competitive grants, a town with a priority school or a school readiness council serving one of the state's 50 lowest ranking towns by wealth.

The act expands the type of entities that can receive school readiness financial assistance (i.e., PSD grants or competitive grants) to include a town, local or regional board of education, regional educational service center (RESC), family resource center, child care center, group or family child care home, Head Start program, preschool program, or other program that meets the commissioner's standards. It does this by:

1. allowing an eligible entity to enter into a contract with OEC to provide for state financial assistance, within available appropriations, and
2. eliminating the requirements that program grants be provided:
 - a. to the town in which current or former PSDs are located;

- b. annually, contingent upon available funding and a satisfactory annual evaluation; and
- c. for use by a town or regional school readiness council to purchase spaces for certain children from providers of accredited school readiness programs or programs seeking that accreditation.

The act also requires the OEC commissioner to consult with the town or regional school readiness council when entering into these contracts.

By law and unchanged by the act, the municipality's chief elected official and the school superintendent for a prior or former PSD must submit a plan for spending the grant funds that includes responses from a request for proposals (RFP) from accredited school readiness programs. The commissioner must review and approve the plans. (Presumably, the chief elected official and the superintendent would obtain this information from the new entities through the RFP process.)

The act also eliminates the prior method of determining the amount of school readiness grants for current and former PSDs. It does not indicate the new method of determining the grant amounts (presumably this will be addressed in the contract terms).

Additionally, the act expands the accreditations accepted for school readiness programs to include the National Association of Family Child Care. Existing law already accepts accreditation by the National Association for Education and Young Children or a Head Start program review instrument.

§ 3 — SCHOOL READINESS COUNCIL MEMBERSHIP & DUTIES

By law, a town seeking school readiness grants must form a local or regional school readiness council. The act requires each council to document efforts to ensure that its racial, ethnic, and socioeconomic composition reflects its town or region, as applicable. It also requires that parents or guardians of program-eligible children comprise at least 25% of council membership. Under the act, these parents and guardians may be compensated, within available appropriations, for time and travel related to council meetings and any activities related to training, leadership, and community engagement. It directs council meetings to be held at convenient times and locations for the members, including the parent and guardian members.

Beginning July 1, 2021, the act requires the chairperson of each council be elected by its membership, rather than appointed by the municipal chief elected official. By law, unchanged by the act, the chief elected official and the superintendent jointly appoint the council members.

The act also requires that the councils' membership be expanded to include representatives of (1) state-financed child care providers, (2) a workforce or job-training community organization, and (3) a local business in the community.

The act adds to the statutory duties of school readiness that they collaborate with OEC on planning improvements to the state's early care and education governance structure.

§ 5 — CONTRACTS FOR ASSISTANCE TO DEVELOP OR RENOVATE GROUP OR FAMILY CHILD CARE HOMES

By law, the OEC commissioner can enter into a contract with a municipality, human resources development agency, or nonprofit corporation for state grants-in-aid to develop, operate, or renovate a child care center. The act expands eligibility for these contracts to include group child care homes and family child care homes.

The act makes related conforming changes to requirements for OEC and these entities when contracting with the office.

§§ 7 & 8 — CHILD CARE EMPLOYEE BACKGROUND CHECKS

The act expands the types of employees who must undergo pre-employment comprehensive background checks to include any position involving unsupervised access to a child in a child care center or group child care home. It conforms prior law's restrictions on when new employees can begin working to federal regulation requirements (i.e., either upon completion of the background check, or, pending its completion, subject to supervision at all times by someone who has successfully completed the background check within the last five years (45 C.F.R. § 98.43(d)(4)). Prior law barred a prospective employee from having unsupervised access to children in the center or group care home until a comprehensive background check was completed and the OEC commissioner permitted the employee to work there.

The act raises the minimum age threshold, from 16 to 18 years, for required background checks of each household member in a family child care home.

It also eliminates (1) the condition that the commissioner require these background checks within available appropriations and (2) an authorization for the Department of Social Services to transfer funds appropriated for background checks to OEC.

EFFECTIVE DATE: October 1, 2021

§ 10 — FINGERPRINT WAIVER FOR BACKGROUND CHECKS

The act authorizes the OEC commissioner to waive the requirement to submit fingerprints as part of a child care employment comprehensive background check for those who cannot satisfy it due to a medical condition. If the OEC commissioner grants a waiver, OEC will conduct a state criminal history records check using the individual's name and date of birth as provided with the waiver request.

The request must be in writing to the commissioner and include name, date of birth, and evidence the person is unable to satisfy the fingerprint requirement due to a medical condition, including birth defect, physical deformity, skin condition, or a psychiatric condition.

EFFECTIVE DATE: October 1, 2021

§ 11 — CONNECTICUT HOME VISITING SYSTEM

The act adds young children (in addition to infants already included under existing law) to the scope of the Connecticut Home Visiting System and requires assessments to be community-based rather than hospital-based. It also requires the OEC commissioner to (1) ensure that all home visiting programs are one of the evidence-based home visitation models that meet effectiveness criteria developed by the federal Department of Health and Human Services and (2) provide oversight to ensure model fidelity for the home visiting programs. The act removes the commissioner's duty under prior law to develop a comprehensive risk assessment for the former Nurturing Families Network.

§ 15 — BIRTH-TO-THREE TEACHING PERMITS

The act authorizes the education commissioner, upon the request of a Birth-to-Three Early Intervention program's director, to allow someone to teach within the program if he or she holds a teaching endorsement in one of the following areas: (1) special education, (2) integrated early childhood and special education, (3) partially sighted, (4) blind, and (5) hard of hearing.

The permission is valid for the duration of the person's teaching credential and may be extended by the education commissioner upon the Birth-to-Three provider's request, when renewing these teaching credentials.

§ 16 — YOUTH CAMP LICENSE VIOLATIONS

The act creates a notification and hearing process for youth camp operators that OEC cites for operating without a license. By law, the commissioner may issue a civil penalty (up to \$1,000 for a first offense) and seek an injunction to halt unlicensed operation. But prior law was silent about the penalty process, including a hearing.

The act permits the OEC commissioner to send a notice detailing the alleged violation by certified mail, return receipt requested, or by personally serving the person or officer of the camp. The notice must include (1) the specific statutes or regulations involved, (2) a short and plain statement of the matters asserted or charged, (3) the maximum civil penalty that may be imposed for the violation, and (4) a statement of the party's right to request a hearing.

Under the act, a hearing request must be submitted in writing to the commissioner within 30 days after the notice was mailed or served.

If a hearing is requested, the commissioner must hold one in accordance with the Uniform Administrative Procedure Act. If none is requested, or the requestor fails to appear, or if, after the hearing, the commissioner finds that the person committed the violation, then the commissioner may impose a civil penalty at her discretion that is not greater than the penalty stated in the notice. The commissioner must send a copy of any order issued by certified mail, return receipt requested, to the named person or officer.

EFFECTIVE DATE: Upon passage

PA 21-199—SB 1032

Education Committee

AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE STATUTES RELATING TO EDUCATION AND WORKFORCE DEVELOPMENT

SUMMARY: This act makes the following changes in the education statutes:

1. creates a new reporting requirement for boards of education that decline to implement the Community Eligibility Provision (CEP) of the National School Lunch Program in certain schools or districtwide (§ 1);
2. requires local and regional boards of education to develop a policy by July 1, 2022, for equitable identification of gifted and talented students that uses multiple identification methods that comply with State Department of Education (SDE) guidelines (§ 2);
3. requires boards of education to create a policy for student placement in advanced academic courses or programs that is not based exclusively on academic performance (§ 3);
4. creates a new content requirement for grade 6-12 student success plans and generally requires the plans to be created in collaboration with students and their parents or guardians (§ 4);
5. requires boards of education to adopt a new challenging curriculum policy (§ 5);
6. requires boards of education to adopt a policy to improve the completion rates for the Free Application for Federal Student Aid (FAFSA) among grade 12 students or students in adult education programs (§ 6);
7. adds to the list of goals that a board of education may include in its alliance district funding application (§ 7);
8. requires SDE to publish and make available on its website the annual FAFSA student completion rate for the graduating class of each high school and each school district (§ 8);
9. requires the education commissioner to establish a working group to develop ways to improve student FAFSA completion rates (§ 9);
10. raises, from 17 to 18, the age when a student may withdraw from high school but also allows a parent or guardian of a 17-year-old to withdraw the student if he or she enrolls in an adult education program (§ 10);
11. generally raises, from 17 to 18, the minimum age at which a student can get permission from the education commissioner to take the GED or another SDE-approved high school equivalency test (§ 11);
12. authorizes the education commissioner to make recommendations to the Office of Policy and Management (OPM) and the Education Committee about policies to make higher education more affordable (§ 12); and
13. requires boards of education to update their written weighted grading policy to address additional courses and programs (§ 13).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the provisions on the FAFSA working group (§ 9) and SDE recommendations about new initiatives (§ 12) take effect upon passage.

§ 1 — SCHOOL LUNCH PROGRAM REPORTING

The act creates a new reporting requirement for certain boards of education that participate in the National School Lunch Program administered by the U.S. Department of Agriculture. One component of this program, CEP, generally gives federal reimbursement to a school or an entire district to serve free breakfast and lunch to all students without collecting household applications. A school may do this if at least 40% of its enrolled students participate in another means-tested program, such as the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families. Eligible Connecticut schools and districts that wish to participate must submit required documentation to SDE.

Under the act, any board of education that has at least one school in its district that qualifies for the maximum federal reimbursement for all school meals served under the CEP, and chooses not to implement the CEP, must annually report to SDE starting by December 1, 2021, on the reasons why. The report must include (1) specific impediments to implementing the CEP; (2) actions required to remove these impediments; and (3) a plan to implement the CEP the following school year, if possible.

§ 3 — ADVANCED COURSE ENROLLMENT POLICY

Under the act, local and regional boards of education must adopt a policy (or revise an existing one) by July 1, 2022, about student eligibility to enroll in advanced courses or programs. The act defines these courses and programs as honors or advanced placement classes, the International Baccalaureate or Cambridge International programs, dual enrollment, dual credit, early college, or any other advanced or accelerated course or program offered by a school board in grades 9-12.

This policy cannot be based solely on students' previous academic performance (i.e., prior courses taken, course grades and grade point averages). Any policy that uses prior academic performance must rely on evidence-based indicators of how a student will perform in the advanced course or program. Additionally, the policy must align with SDE guidance and offer multiple ways for students to become eligible, including recommendations from teachers, administrators, school counselors, or other school personnel.

§ 4 — STUDENT SUCCESS PLANS

By law, boards of education must create a student success plan for each public school student beginning in grade 6. The plan must include the student's career and academic choices in grades 6 to 12.

Beginning July 1, 2021, the act requires student success plans to be created in collaboration with each student and his or her parent or guardian, if possible. Beginning July 1, 2022, the plans must include an academic plan that complies with the respective school district's challenging curriculum policy (see § 5 below) to the extent that it does not conflict with the career choices in the plan.

§ 5 — CHALLENGING CURRICULUM POLICY

Under the act, each board of education must adopt a challenging curriculum policy by July 1, 2022, that aligns with SDE guidance and includes at least the following: (1) criteria for identifying grade 8 and 9 students who may enroll in an advanced course or program and (2) the requirement that these students have an academic plan.

The academic plan must be designed to enroll the student in one or more advanced courses or programs and allow the student to earn college credit or result in career readiness. Furthermore, the academic plan must be aligned with the following:

1. the courses or programs currently offered by the board of education,
2. the student's student success plan (see § 4 above),
3. the high school graduation requirements established in state law, and
4. any other board-adopted policies or standards relating to student enrollment eligibility for advanced courses or programs.

The act allows a student or his or her parent or guardian to decline to implement the academic plan's provisions.

§ 6 — FAFSA COMPLETION RATES

The act requires boards of education to adopt a policy by July 1, 2022, to improve the FAFSA completion rates among grade 12 students or students in adult education programs. It allows boards to accept gifts, grants, and donations, including in-kind donations, to implement the adopted policy provisions.

§ 7 — ALLIANCE DISTRICT PLANS

The act adds to the list of goals that a board of education may include in its application to the SDE commissioner for alliance district funds. Specifically, it allows boards to add the goal of implementing its policy to improve FAFSA completion rates by students in grade 12 or adult education, or by their parents when applicable (see § 6 above). By law, the state awards these funds to the 30 school districts that have the lowest achievement as rated by the state's accountability index, plus any districts previously designated as alliance districts (CGS § 10-262u).

§ 8 — FAFSA COMPLETION RATE PUBLICATION

The act requires SDE, starting by July 1, 2024, to annually publish and make available on its website the student FAFSA completion rate for the graduating class of each high school and each school district. It also allows SDE to refrain from publishing completion data for certain students entering careers that are not relevant or applicable to FAFSA completion.

§ 9 — FAFSA WORKING GROUP

The act requires the education commissioner to establish a working group to develop ways to improve student FAFSA completion rates. The group's membership must be comprised of at least 11 members, including the Office of Higher Education executive director, Connecticut State Colleges and Universities president, and UConn president, or their designees and one representative from each of the following organizations:

1. Connecticut Association of Boards of Education;
2. Connecticut Association of Public School Superintendents;
3. Connecticut Education Association;
4. American Federation of Teachers-Connecticut;
5. Connecticut Association of Schools;

6. RESC Alliance;
7. Connecticut School Counselor Association; and
8. Connecticut Students for a DREAM.

The act requires the working group to report its strategies and recommendations to the Education and Higher Education and Employment Advancement committees by December 1, 2024.

§ 10 — AGE OF WITHDRAWAL FROM HIGH SCHOOL

The act raises, from 17 to 18, the age when a student may withdraw from high school, beginning in the 2023-24 school year. The student or his or her parent must appear in person at the school to withdraw.

The act also allows a parent or guardian to withdraw a 17-year-old student but requires the student's simultaneous enrollment in an adult education program. The parent or guardian must appear in person at the school district office to sign an adult education withdrawal and enrollment form, which must include an attestation from (1) a school counselor or administrator stating that the school district has provided the parent or guardian information about the educational options available in the school system and community and (2) the parent or guardian stating that the student will be enrolled in an adult education program upon withdrawing from school.

§ 11 — GED AGE

The act correspondingly raises the minimum age, from 17 to 18 years old, at which a student who has officially withdrawn from school can get permission from the education commissioner to take the GED or another SDE-approved high school equivalency test in order to earn a state high school diploma. However, a 17-year old student may also take the test with the commissioner's permission, for good cause shown.

§ 12 — SDE RECOMMENDATIONS TO OPM AND THE EDUCATION COMMITTEE

The act allows the education commissioner, with State Board of Education approval, to make recommendations by January 1, 2022, to the OPM secretary and the Education Committee on the following topics:

1. educating students and families about the net cost of college, the use of federal Pell grants to increase college affordability, and the varying income potential of different college and certificate programs;
2. strategies for removing barriers and simplifying access to high-quality postsecondary education and training options, including nondegree programs;
3. the feasibility of establishing an early high school graduation program in which boards of education grant scholarships to students who graduate high school in three years or less to attend an undergraduate, in-person program at a non-profit Connecticut higher education institution; and
4. the feasibility of developing a standardized exit survey for all grade 12 students.

Under the act, the education commissioner must consult with parents, teachers, and school administrators in developing the above recommendations. The commissioner may also establish a working group to help create the recommendations.

§ 13 — WEIGHTED GRADING POLICY

The act requires boards of education to update as necessary the written weighted grading policy for honors and advanced placement classes that they must have under existing law. It specifies that this policy must address how students' grade point averages are calculated.

Under the act, the board must update the policy to address whether the following courses or programs also receive added weight for grade point average and class rank calculation, in addition to honors and advanced placement classes under existing law: International Baccalaureate, Cambridge International, dual enrollment, dual credit, or early college.

PA 21-12—sHB 6384
Environment Committee

AN ACT CONCERNING AQUATIC INVASIVE SPECIES EFFECTS ON LAKES AND RELATED FUNDING, CERTAIN GROUP FISHING EVENTS AND ELIMINATING THE SEASON LIMITATION FOR THE TAKING OF TROUT

SUMMARY: This act primarily does the following:

1. provides for a longer six-foot draw down period of Lake Beseck in odd-numbered years;
2. requires the Department of Energy and Environmental Protection (DEEP) commissioner to report to the Environment Committee on (a) the Aquatic Invasive Species (AIS) fee revenue and (b) grants from the Connecticut Lakes, Rivers and Ponds Preservation account;
3. increases the number of participants allowed under a group fishing license from 50 to 100 people per event; and
4. prohibits the state from having a closed trout sport fishing season.

EFFECTIVE DATE: Upon passage, except the Lake Beseck draw down provision is effective October 1, 2021.

LAKE BESECK DRAW DOWN

The act provides for a longer six-foot draw down period of Lake Beseck in odd-numbered years. By law, in these years the draw down must be achieved by November 1. The act requires it to be maintained until January 31, instead of December 31 as under prior law.

The act requires DEEP to enter into an agreement by November 1, 2021, with Middlefield and the Lake Beseck Association about the lake's annual water level draw downs.

REPORTING FROM DEEP

The act requires the DEEP commissioner to submit a report to the Environment Committee by October 1, 2021, on the (1) amount of revenue collected from the AIS fee (see BACKGROUND) and (2) number, value, and purpose of any grants to municipalities and nonprofit organizations from the Connecticut Lakes, Rivers and Ponds Preservation account. The commissioner may include recommendations for additional ways to fund municipalities' and lake authorities' AIS control or eradication projects.

The act requires the Department of Motor Vehicles (DMV) commissioner to give the DEEP commissioner any information necessary to complete the report.

GROUP FISHING LICENSE

The act increases the number of participants allowed under a group fishing license from 50 to 100 people per event. By law, DEEP may issue a group fishing license to a 501(c)(3) tax-exempt organization to conduct up to 50 group fishing events per year for qualified individuals (e.g., disabled veterans and certain people receiving services from the departments of Children and Families, Developmental Services, Mental Health and Addiction Services, and Social Services).

TROUT FISHING

The act prohibits the state from having a closed trout sport fishing season. (DEEP regulations previously closed trout fishing in most lakes, ponds, rivers, and streams from March 1 to 6:00 a.m. on the second Saturday in April (Conn. Agencies Regs. § 26-112-45(m)).) The act does not limit DEEP's existing authority to regulate the method and manner of taking trout (CGS §§ 26-111 & 26-112).

BACKGROUND

AIS Fee

By law, owners of registered vessels (i.e., generally, any type of watercraft except a seaplane) must pay an annual AIS fee. The fee is \$5 for in-state vessels (payable to DMV when registering a vessel) and \$20 for out-of-state vessels (payable to DEEP) (CGS § 14-21bb). DMV and DEEP must deposit the fee proceeds in the Connecticut Lakes, Rivers and Ponds Preservation account. DEEP must use the account for various purposes, including allocating grants to state and municipal

agencies and nonprofit organizations to conduct research and provide public education on managing the state's lakes, rivers, and ponds (CGS § 14-21aa).

PA 21-16—sHB 6503

Environment Committee

AN ACT CONCERNING THE SITING OF ANAEROBIC DIGESTION FACILITIES ON FARMS AND THE EXPANDED USE AND ESTABLISHMENT OF CERTAIN COMPOST FACILITIES AND STANDARDS

SUMMARY: This act makes changes in the law's siting and permitting requirements for on-farm anaerobic digestion (AD) facilities (§ 1). Among other things, it does the following:

1. requires an animal feeding operation (see BACKGROUND) that is collocated on a farm with an AD facility to maintain a comprehensive nutrient management plan;
2. increases an on-farm AD facility feed stock requirement for food scraps, food processing residuals, and soiled or unrecycled paper from 5% to 40% by volume; and
3. requires the Department of Energy and Environmental Protection (DEEP) commissioner to act within 180 days after receiving a solid waste permit application from an on-farm AD facility operator.

The act also does the following with respect to organic material composting and food waste:

1. broadens the scope of the law requiring certain organic material generators to separate the materials from other solid waste and recycle them at composting facilities (§ 2);
2. requires the DEEP commissioner, by January 1, 2022, to (a) establish a voluntary pilot program for municipalities seeking to separate source-separated organic materials and (b) ensure that the materials are recycled at authorized composting facilities with capacity and that will accept them (see BACKGROUND) (§ 2);
3. requires the DEEP commissioner to (a) participate in a reach out and education effort to municipalities, commercial entities, and school systems about using certain composting facilities and (b) report to the Environment Committee on its efforts (§ 3);
4. reauthorizes the DEEP commissioner to adopt regulations on specifications for compost from source-separated organic materials and mixed municipal solid waste (PA 17-218 repealed a similar provision) (§ 4); and
5. exempts, under certain circumstances, permitted solid waste facilities from needing to modify their permit in order to start receiving or storing a certain amount of containerized food scrap, food processing residuals, and soiled or unrecycled paper (§ 5).

EFFECTIVE DATE: October 1, 2021, except for the provisions concerning (1) on-farm AD facilities and (2) DEEP's reach out and education efforts and compost regulations, which are effective upon passage.

§ 1 — ON-FARM ANAEROBIC DIGESTION FACILITIES

The law exempts certain AD facilities from the requirement that its operator obtain a permit from DEEP to construct and operate a solid waste facility. To be exempt, an AD facility must be collocated on a farm with an animal feeding operation. The act requires that the animal feeding operation maintain a comprehensive nutrient management plan as developed by the U.S. Department of Agriculture's Natural Resources Conservation Service (i.e., a plan that minimizes adverse impacts of these operations on water quality and public health).

Under prior law, an exempt AD facility, among other things, could not use feed stock that was more than 5% by volume food scraps, food processing residuals, and soiled or unrecycled paper. The act increases this cap to 40%. As under prior law, an exempt facility must also use feed stock that is at least 50% by volume farm generated organic waste from an animal feeding operation. By law, the agriculture commissioner may inspect exempt AD facilities to ensure compliance with feed stock requirements.

Under prior law, if the DEEP commissioner determined that an AD facility was operating without a permit but was not collocated on a farm with an animal feeding operation or was processing more than the required percentage by volume of food scraps, food processing residuals, and soiled or unrecyclable paper, the facility's operator had to apply to DEEP for a solid waste permit. The act instead requires this if the commissioner determines an AD facility is not collocated on a farm with an animal feeding operation or is not in compliance with all the feed stock requirements. By law, the operator must file for a permit within five days after receiving notice of the commissioner's determination. The act requires the DEEP commissioner to approve or deny the permit application within 180 days after receiving it.

Additionally, under the act, for any permit application submitted to DEEP for an AD facility that is not collocated with

an animal feeding operation but that is located on land used for farming, the DEEP commissioner must pre-approve or pre-deney the application within 180 days after receiving it. The 180 days applies to matters that are entirely within the commissioner's discretion or determination.

§ 2 — SOURCE-SEPARATED ORGANIC MATERIALS

The act broadens the scope of the law requiring certain organic materials generators to separate the materials and recycle them at composting facilities by applying the law's requirements to smaller generators.

Under prior law, commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, or conference centers generating an annual average projected volume of at least 52 tons of source-separated organic materials had to (1) separate the materials from other solid waste and (2) recycle them at a permitted source-separated organic material composting facility located within 20 miles of the generation site that has available capacity and is willing to accept them.

Beginning January 1, 2022, the act applies these requirements to generators (1) generating an annual average projected volume of at least 26 tons of source-separated organic materials a year and (2) located within 20 miles of an authorized source-separated organic material composting facility. Consequently, the act likely increases the number of facilities that must comply with this requirement.

By law, generators may comply with the requirements by composting the organic materials or treating them with certain organic treatment equipment on-site.

§ 3 — DEEP REACH OUT AND EDUCATION CAMPAIGN

The act requires the DEEP commissioner to participate in a reach out and education campaign on using certain composting facilities to divert food waste from the waste stream.

Under the act, the commissioner must engage with municipalities about (1) their ability to establish an aerated static pile composting facility to divert food waste from the municipal solid waste stream, including the permit application and procedures involved, and (2) the potential fiscal and environmental benefits of the composting facility. Aerated static pile composting generally involves organic waste mixed in a large pile with layers of certain loosely piled materials, such as wood chips or shredded newspaper, to allow air to pass through the pile.

The act requires the commissioner to also engage with commercial entities and school systems about how they can divert source-separated organic materials to authorized composting facilities specifically designed to accept them.

The act also requires the commissioner, by February 1, 2022, to report to the Environment Committee on DEEP's efforts, including (1) responses from municipalities, entities, and school systems and (2) municipalities' efforts to establish composting facilities resulting from DEEP's reaching out.

§ 4 — COMPOST REGULATIONS

The act allows the DEEP commissioner to adopt regulations providing specifications for the production, quality, and use of compost made from source-separated organic materials and mixed municipal solid waste. These regulations must be made in consultation with the agriculture commissioner, Connecticut Agricultural Experiment Station, UConn extension service, and Department of Public Health.

Under the act, the regulations must have provisions that do the following:

1. promote composting processes;
2. provide clean, high-quality, nontoxic, and marketable end-product;
3. protect land and water resources from contaminants;
4. prevent adverse environmental and public health effects from composting operations or applying its product;
5. set maximum allowable levels of toxic and other contaminants in the composting product;
6. include contaminant testing criteria;
7. have at least two classes of compost, with a (a) Class I made from only compostable source-separated organic materials such as food waste, grass clippings, and yard waste and (b) Class II made from mixed municipal solid waste with compostable organic materials that were not separated at the generation source;
8. set maximum allowable contaminant levels for Class I compost that will allow for its unrestricted use; and
9. ban using Class II compost for agricultural or horticultural purposes unless it meets the maximum allowable contaminant levels for Class I compost, as determined by the regulations' testing criteria.

§ 5 — SOLID WASTE FACILITY PERMITS

The law generally prohibits anyone with a solid waste facility permit from altering the facility's design or operation without obtaining a permit modification from DEEP.

The act exempts a facility from this requirement if it is adding the following to its operation:

1. receiving up to 75 tons per day of containerized food scrap, food processing residuals, and soiled or unrecycled paper or
2. storing up to 150 cubic yards of this containerized material.

To qualify for this exemption, receiving these scraps, residuals, and paper must (1) occur in a fully enclosed building; (2) stay containerized, except when being transferred; and (3) be managed to control odor, leachate, and vector (e.g., insects or rodents) attraction.

The act requires a facility's owner or operator, within 30 days after adding these items for receipt, to provide written notice to the DEEP commissioner about it.

BACKGROUND

Animal Feeding Operation

By law, an animal feeding operation is an on-farm lot or facility, other than an aquatic animal production facility, where (1) animals were, are currently, or will be stabled or confined and fed or maintained for a total of at least 45 days in a 12-month period and (2) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Organic Material and Composting Facilities

By law, "source-separated organic material" includes such things as food scraps, food processing residue, and soiled or unrecyclable paper that are separated, at generation, from nonorganic material (CGS § 22a-207(30)).

A "composting facility" is land, appurtenances, structures, or equipment where organic materials originating from another process or location and separated at generation from nonorganic material are recovered through accelerated biological decomposition under controlled aerobic or anaerobic conditions (CGS § 22a-207(29)).

PA 21-24—SB 840

Environment Committee

AN ACT CONCERNING CONNECTICUT'S SHELLFISH RESTORATION PROGRAM, THE CONNECTICUT SEAFOOD COUNCIL AND THE TAXATION OF CERTAIN UNDERWATER FARMLANDS

SUMMARY: This act extends Connecticut's PA 490 program to certain aquaculture operations. PA 490 allows farm, forest, open space, and maritime heritage land to be assessed for property tax purposes based on current use value rather than fair market value (CGS § 12-63). In exchange for this reduced assessment, the property owner cannot change the land's use for a period of time. By law, if the use changes within 10 years of ownership or classification, a conveyance tax penalty is charged to the owner (CGS § 12-504a).

The act also expands Connecticut's shellfish restoration program by allowing the Department of Agriculture (DoAg) to do the following:

1. acquire, in addition to purchase, shell or other cultch material to deposit on state shellfish beds;
2. contract to use a shell recovery vessel to collect and deposit shell on the beds; and
3. receive and deposit on the beds cultch from oyster shell recycling programs DoAg administers or authorizes.

The act requires private, state, or federal grants and other direct funding for the shellfish restoration program to be deposited in the Shellfish Fund, which DoAg uses to operate the program. It explicitly allows DoAg to use the fund for an oyster shell recycling program it administers with any other person.

Lastly, the act reconstitutes the Connecticut Seafood Advisory Council and renames it the Connecticut Seafood Development Council. By law, the council, which is within DoAg, must help promote Connecticut seafood products and examine market opportunities.

EFFECTIVE DATE: October 1, 2021, and the PA 490 provision applies to tax assessments on and after that date.

PA 490 PROGRAM EXTENDED TO AQUACULTURE

The act extends the state's PA 490 program to certain aquaculture operations by expanding specified definitions. Specifically, it expands the definition of "farm land" to include underwater farmlands used for aquaculture. Under existing law, farm land includes tracts of land constituting a farm.

The act also expands the definition of "maritime heritage land" to include waterfront property owned by a licensed shellstock shipper or aquaculture operator who uses the property for commercial shellfishing or aquaculture purposes, so long as the shipper or operator earned at least 50% of his or her adjusted gross income (AGI) from the commercial operations. Maritime heritage land does not include buildings not used exclusively by the shipper or operator for commercial purposes. (By law, maritime heritage land also includes waterfront property a commercial lobsterman owns and uses for commercial lobstering, if at least 50% of the lobsterman's AGI comes from the commercial operation and does not include buildings not used exclusively by the lobsterman for commercial purposes.)

The act repeals a requirement that shellfish grounds be taxed in the same manner as real estate in the towns in which the grounds are situated.

CONNECTICUT SEAFOOD DEVELOPMENT COUNCIL

The act increases the council's membership from 11 to 13 members. Prior law included four nonvoting members representing DoAg, the Department of Economic and Community Development (DECD), the Department of Energy and Environmental Protection (DEEP), and the UConn Sea Grant Program. The act instead includes, as voting members, the DoAg, DECD, and DEEP commissioners and the Sea Grant Program's director, or their designees.

Under the act, various authorities appoint the remaining nine members, who must meet specified qualifications. The below table compares the appointments under the act with those under prior law.

Connecticut Seafood Development Council Appointments

<i>Appointing Authority</i>	<i>Prior Law</i>	<i>The Act</i>
Governor	One freshwater fish producer	One freshwater finfish producer
House speaker	One finfish, shellfish, or lobster harvester or harvester organization representative	One aquaculture finfish producer
House majority leader	One finfish, shellfish, or lobster harvester or harvester organization representative	One commercial marine finfish harvester
House minority leader	One finfish, shellfish, or lobster processor or processor organization representative	One commercial lobster harvester
Senate president pro tempore	One retailer who serves restaurants or represents a restaurant organization	One small scale aquaculture producer
Senate majority leader	One member-at-large	One seaweed aquaculture producer
Senate minority leader	One finfish, shellfish, or lobster processor or processor organization representative	One shellfish harvester
DoAg commissioner	None	One shellfish wholesale dealer
CT Restaurant Association	None	One representative of the association

The act requires the DoAg commissioner or his designee to serve as council chairperson.

By law, the council may use federal, state, or other funds and may enter into contracts to carry out its purposes. The act specifically allows the council to (1) receive state, federal, or municipal funds and funds from any nonprofit or nongovernmental organization and (2) spend those funds to perform its duties. It also allows the council to seek funding for

and provide financial support to organizations for activities directly related to seafood production and related products.

PA 21-42—sSB 927

Environment Committee

AN ACT CONCERNING REVISIONS TO THE SEWAGE SPILL RIGHT-TO-KNOW STATUTE

SUMMARY: This act expands the (1) reporting requirements for sewage treatment plants or collection systems, the Department of Energy and Environmental Protection (DEEP), and local authorities when there is a sewage spill; (2) types of spills and discharges that are subject to reporting; and (3) list of local authorities who must receive spill information. The existing penalties for failing to properly report these spills apply to the act's expanded reporting requirements (see BACKGROUND).

The act requires DEEP, by December 1, 2021, to implement a real-time public notification system that allows the public to choose to be notified of sewage spills or permitted sewage bypasses as they are electronically reported to DEEP. The real-time notifications must occur within two hours after DEEP receives a report about a spill or bypass.

The act also requires DEEP, by February 1, 2022, to begin annually publishing and making publicly available on its website certain summary information about sewage spills in the state.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

SEWAGE SPILL REPORTING

Types of Spills

Under the act, a sewage spill is a diversion of waste from any part of a sewage treatment plant or collection system in the state. The act eliminates from the definition that the diversion also must reasonably initiate concern about the environment or public health, safety, or welfare to be considered a sewage spill.

By law, a "sewage treatment plant or collection system" includes a sewage treatment plant, water pollution control facility, related pumping station, collection system, or other public sewage works.

OPERATOR REPORTING REQUIREMENTS

Notice to DEEP

By law, sewage treatment plant or collection system operators must, within two hours of learning of a sewage spill, electronically report to DEEP. The act requires that the report also be submitted for permitted sewage bypasses and include the following information:

1. estimated discharge volume or rate and, once known, the final discharge volume;
2. discharge treatment level;
3. incident date, time, and location;
4. estimated or actual time the discharge ended, once known;
5. geographic area impacted by the discharge;
6. steps taken to contain the discharge, once known;
7. reasonable concerns about the environment or public health, safety, or welfare; and
8. public safety precautions that should be taken.

The act requires the report to be updated daily for each additional day that the spill or bypass continues after the initial report's submission.

Notice to Local Officials

The act expands the circumstances under which local officials must be notified of a spill and the list of officials who must receive notice.

Prior law required a plant or system operator to notify the chief elected official of the municipality where the spill occurred. Notice had to be given within two hours after learning of a spill that exceeds or is anticipated to exceed 5,000

gallons. Under the act, the notice must occur for any spill (regardless of volume) or permitted sewage bypass that reaches a water body or may come in contact with the general public. The act requires the operator to notify the chief elected official, or his or her designee, and the local public health official of the municipality where the spill or bypass occurred. It also requires the operator to notify the chief elected official, or his or her designee, and the local public health official of any municipality that may be potentially impacted downstream of the spill or bypass.

LOCAL OFFICIAL REPORTING REQUIREMENTS

Prior law required local officials to inform the public and downstream public officials as soon as practicable after receiving a spill notice and as appropriate.

Under the act, local officials must notify the public as soon as practicable, but no later than two hours after receiving the operator's notice. Specifically, the chief elected official, with the local public health official, must inform the public of a spill or bypass that could impact the environment or public health or safety. The act makes notifying downstream officials the responsibility of the plant or system operator (see above), rather than the local officials.

The act allows information provided to the public to be disseminated by social media but requires that it be made in each predominant language spoken by the municipality's residents.

DEEP WEBSITE REPORTING REQUIREMENTS

Sewage Spill Map Website

Prior law required DEEP to have on its website a map showing the combined sewer overflows expected to occur during certain storm events, along with certain information about the overflows. The act expands the information that must be on the map by instead requiring it to include where sewage spills, anticipated combined sewer overflows, and permitted sewage bypasses occur. It also requires DEEP to (1) post on this website all the information that it posts online when it receives notice of a sewage spill from a plant or system operator (see "Operator Reporting Requirements," above) and (2) keep the website current.

Sewage Spill Notice

The act requires DEEP, within two hours after receiving a report about a sewage spill or permitted sewage bypass, to post certain information about the event on its website. Prior law limited the posting of spill information to a notice of unanticipated sewage spills and had no timeframe for posting the information. The act eliminates requirements for DEEP to (1) post information about waters with chronic and persistent sewage contamination that threatens public health and (2) consult with the public health commissioner, plant or system operators, and environmental and health agencies when developing the notice.

Under the act, the information that DEEP must post about sewage spills and permitted sewage bypasses is the same information reported by the sewage treatment plant or collection system operator who filed the report (see "Operator Reporting Requirements," above).

Annual Summary Documents

Under the act, DEEP must annually publish and make publicly available on its website the following information and documents:

1. report with a summary of the sewage spills that occurred in each municipality during the year,
2. summaries of (a) sewage spills that reached named or identified waters and (b) the total amount of each sewage spill category, and
3. enforcement actions taken by DEEP related to the spills.

BACKGROUND

Existing Penalties

By law, failing to file an electronic report under the sewage spill notification law is a violation and subject to civil or criminal penalties.

A civil penalty may be up to \$25,000 per violation, which is set by the court, and each violation is a separate offense.

Anyone who, with criminal negligence, fails to file the report is subject to a fine of up to \$25,000 per day of violation, up to one year in prison, or both. A subsequent criminally negligent violation is punishable by a fine of up to \$50,000 per day of violation, up to two years in prison, or both. Knowingly failing to file the report is punishable by a fine of up to \$50,000 per day of violation, up to three years in prison, or both. A subsequent knowing violation is a class C felony (see [Table on Penalties](#)), except the related fine can be up to \$100,000 (CGS § 22a-438(a)-(c)).

PA 21-52—sSB 925

Environment Committee

Judiciary Committee

AN ACT PROHIBITING THE IMPORT, SALE AND POSSESSION OF AFRICAN ELEPHANTS, LIONS, LEOPARDS, BLACK RHINOCEROS, WHITE RHINOCEROS AND GIRAFFES

SUMMARY: This act bans importing, possessing, selling, offering for sale, or transporting in Connecticut a specimen (dead or alive) of any of six types of African animals, which the act collectively refers to as the “big six African species,” unless covered by the act’s exemptions. It applies to certain elephants, lions, leopards, giraffes, and two rhinoceros species.

The act establishes a graduated penalty structure for violations, ranging from no penalty for someone who, unaware and in good faith, violates the ban, to a class D felony for someone with at least two prior violations subject to penalty. Under the act, a specimen and any other property or item used in connection with a violation must be seized and held. If there is a conviction or judgment restraining someone from violating the ban, the specimen, property, or item must be forfeited and destroyed (unless the specimen is alive).

The act contains several exemptions, including for a specimen (1) for which federal law or a federal permit expressly allows possession (see BACKGROUND) or (2) that is already legally in the state or distributed to a trust beneficiary or legal heir as long as the owner or distributee timely obtains a certificate of possession. The ban also does not apply to fossils, ivory, or the following under certain conditions: circuses; museums; educational, scientific, or zoological institutions; taxidermy services; or motion picture, television, or digital media production companies. The act specifies that the ban does not prohibit transporting through the state endangered or threatened species subject to another state’s permit, which existing law allows.

EFFECTIVE DATE: October 1, 2021

SCOPE OF BAN

Species Covered

The ban applies to any specimen of any of the following six species:

1. African elephant (*loxodonta Africana*),
2. African lion (*panthera leo*),
3. African leopard (*panthera pardus pardus*),
4. African giraffe (*giraffa camelopardalis*),
5. Black rhinoceros (*diceros bicornis*), and
6. White rhinoceros (*ceratotherium simum cottoni*).

A specimen, generally, includes any part, product, or offspring of the species, whether dead or alive, including part of a manufactured or food product (see *Exemptions*, below).

Exemptions

Federally Authorized Possession. The act allows possessing a specimen of one of the big six African species if a federal law or permit expressly authorizes it (see BACKGROUND).

Fossils and Ivory. The act’s ban does not apply to fossils or ivory.

Individuals, Museums, and Educational or Scientific Institutions. The act also exempts from the ban, if federal law does not prohibit it, a specimen that is:

1. located or possessed in Connecticut before October 1, 2021, and whose legal owner obtains a certificate of possession from the Department of Energy and Environmental Protection (DEEP) within 180 days after that date;
2. distributed directly to a legal beneficiary of a trust or to a legal heir who obtains a certificate of possession from

DEEP within 180 days after receiving the specimen;

3. (a) to be used by a zoological institution for educational purposes or (b) part of a collection of a museum or an educational or scientific institution with a federal educational or scientific tax exemption, as long as it is not subsequently sold, offered for sale, traded, bartered, or distributed to another party that is not a tax exempt museum or educational or scientific institution; or
4. imported to Connecticut by a tax exempt educational or scientific institution for research purposes.

For a transfer to a legal beneficiary or heir to be exempt, the specimen must also have been located or possessed by the decedent before October 1, 2021, and the beneficiary or heir may not then sell or offer the specimen for sale, or trade, barter, or distribute it to someone else.

Taxidermy Services. Unless prohibited by federal law, the act allows possessing a big six African species specimen in the state if it is for performing taxidermy services. But for the exemption to apply, the specimen must be removed from the state within 14 days after the services are complete.

Zoos, Circuses, and Production Companies. The act does not apply to zoological institutions or circuses when they import, transport, or possess live big six African species.

The act also specifies that its ban does not apply to the exhibition, purchase, transport, or use of these animals in a motion picture, television, or digital media production if the involved production company employs or contracts with a federally licensed dealer or exhibitor or a federally registered carrier, intermediate handler, or unlicensed exhibitor.

By law, these dealers and exhibitors must meet U.S. Department of Agriculture (USDA) standards for humanely handling, caring for, treating, and transporting animals (7 U.S.C. § 2143). Carriers and intermediate handlers must follow USDA requirements for accepting animals for transport, such as documentation, transport conditions, and delivery notification (9 C.F.R. § 3.136).

PENALTIES

Under the act, a first offense is an infraction (see BACKGROUND), unless the violator was unaware, in good faith, of the violation when he or she committed it. In that case, there is no penalty (other than forfeiting the specimen or related property or other item, see below). For someone who previously did not commit an infraction because of good faith unawareness, a second offense is an infraction.

The act makes (1) the first offense committed after an infraction a class B misdemeanor and (2) an offense committed after a class B misdemeanor a class D felony (see [Table on Penalties](#)).

SEIZURE AND DESTRUCTION

Any law enforcement officer may enforce the act's provisions, including executing warrants to search for and seize a banned specimen.

The act requires (1) seizing the specimen and any other property or item used in connection with violating the ban and (2) holding them pending any criminal proceeding. In the proceeding, the act allows secondary evidence, such as photographs, to be admissible as evidence to the same extent as the banned specimen.

Under the act, any specimen, property, or other item that is seized, must be forfeited if there is a conviction or a judgment restraining someone from violating the ban. The specimen (unless alive), property, or item must also be destroyed.

BACKGROUND

Federal and International Law on Animal Trade

The United States regulates the trade of the species covered by the act, except the African giraffe, through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and laws such as the Endangered Species Act (16 U.S.C. § 1531 et seq.). Specifically, trade of the species requires permits at a minimum.

CITES is an international treaty under which governments agree to restrict international trade in certain plants and animals and products derived from them. It provides a framework for countries to follow when adopting legislation to implement the treaty. Trade in protected species must be licensed and there are different levels of protection based on a species' endangered status. CITES currently has 183 members as parties to the treaty, including the United States.

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35

surcharge and an additional fee based on the amount of the fine. There may be additional charges depending on the type of infraction. With the various additional charges, the total amount due can be over \$300 but often is less than \$100. An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

PA 21-58—sSB 1037

Environment Committee

AN ACT CONCERNING SOLID WASTE MANAGEMENT

SUMMARY: This act revamps the state’s beverage container redemption law (i.e., “bottle bill,” see BACKGROUND) by doing the following:

1. expanding the list of beverages subject to the bottle bill’s requirements and exempting containers of less than 150mL (§§ 1 & 5);
2. increasing, beginning January 1, 2024, the minimum beverage container deposit amount from five to 10 cents (§ 2);
3. increasing the handling fee that distributors must pay to dealers (e.g., and hereinafter, “retailers”) and redemption centers, (§ 3);
4. incrementally reducing the amount of unclaimed deposits that distributors must remit to the General Fund from 100% to 45% by FY 26, and allowing the distributors to keep the remainder (§ 4);
5. requiring certain retailers to install and maintain at least two reverse vending machines (RVMs) at their place of business or have dedicated areas for redeeming beverage containers (§ 7); and
6. requiring, beginning January 1, 2024, (a) all refundable beverage containers sold in Connecticut to have a Universal Product Code (UPC) and barcode and (b) deposit initiators (i.e., the first distributor to collect the deposit) to provide them, with packaging information, to the RVM system administrators and other system operators at least 30 days before placing the beverage containers on the market (§ 2).

The act requires the Department of Energy and Environmental Protection (DEEP) to approve a stewardship organization for beverage containers (§ 9). It also requires DEEP to develop terms for a memorandum of agreement (MOA) that provides for in-state processing of at least 80% of the wine and liquor beverage containers sold in-state (§ 8).

The act establishes a five-cent surcharge on the sale of spirit or liquor beverage containers of 50mL or less (commonly referred to as “nips”). It requires (1) wholesalers to remit the surcharges to the municipalities in which the containers were sold and (2) the municipalities to use the remitted funds for environmental measures aimed at reducing solid waste or reducing the impact of litter (§ 10).

The act requires the DEEP commissioner, by July 1, 2022, to develop an incentive program to help municipalities that want to adopt a unit-based pricing program for solid waste disposal (e.g., “pay-as-you-throw”). She must also identify funding sources to provide the incentives (§ 6).

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the handling fee increase, RVM requirement, and nip surcharge take effect October 1, 2021; the bottle bill’s expansion takes effect January 1, 2023; the deposit increase takes effect January 1, 2024; and the MOA and stewardship organization provisions are effective upon passage.

§§ 1 & 5 — COVERED BEVERAGE CONTAINERS

Under prior law, the bottle bill applied to the following beverage containers: beer, other malt beverages, mineral or soda water, carbonated soft drinks, and water, including flavored or nutritionally enhanced water.

Beginning January 1, 2023, the act generally expands the bottle bill to include beverage containers for hard cider, plant water or plant infused drink, juice or juice drink, tea, coffee, kombucha, and sports or energy drink. It explicitly includes hard seltzer in the bottle bill’s scope, which existing law covers as a “beer or other malt beverage.” It also includes beverages identified as juice, tea, coffee, kombucha, plant infused drink, or a sports or energy drink, with letters, words, or symbols on the beverages’ labels. Existing law covers containers identified as water this way.

Exempt Containers

The bottle bill previously exempted from its requirements (1) noncarbonated beverages of at least three liters in size or (2) containers made of high-density polyethylene (i.e., with an HDPE designation or #2 recycling symbol). It also exempts

containers provided on interstate passenger carriers (e.g., planes or trains). The act modifies some of these exemptions and creates new ones.

First, the act generally (1) eliminates the exemption for high-density polyethylene containers, (2) reduces the size threshold for noncarbonated beverage containers to be exempt, and (3) creates a new exemption for carbonated beverages. Specifically, it now exempts containers (1) over three liters for carbonated beverages, (2) over two and one-half liters for noncarbonated beverages, and (3) of less than 150mL for either carbonated or noncarbonated beverages.

Additionally, by law, manufacturers that annually bottle and sell up to 250,000 noncarbonated beverages of 20 ounces or less in size may apply to the DEEP commissioner for an exemption from the bottle bill's requirements (CGS § 22a-245b). The act extends this exemption, beginning July 1, 2021, to manufacturers of the new noncarbonated beverages covered by the act (e.g., juice, coffee, tea, or sport or energy drink). And it creates a new exemption for juice manufacturers that annually bottle and sell up to 100,000 gallons of juice in beverage containers. These juice manufacturers must also apply for the exemption.

§ 3 — HANDLING FEES

Beginning October 1, 2021, the act increases the handling fees for beverage containers redeemed under the bottle bill by setting the minimum handling fee at either two and one-half cents or three and one-half cents, depending on the container involved (see table below). It applies the increased fee to the act's newly covered beverage containers.

Bottle Bill Handling Fees, Prior Law vs. the Act

	<i>Prior Law</i>	<i>The Act</i>
Beer or other malt beverages, including hard seltzer	\$0.015	\$0.025
Hard cider	N/A	0.025
Noncarbonated beverages, mineral or soda water, and carbonated soft drinks	0.02	0.035

§ 4 — UNCLAIMED DEPOSITS

Under prior law, unclaimed deposits were paid quarterly by the distributors to the revenue services commissioner for deposit into the state's General Fund. The act incrementally reduces the amount of unclaimed funds deposited to the General Fund to 45% by FY 26, as shown in the table below, and correspondingly allows the distributors to keep the remainder.

Percentage Distribution of Unclaimed Deposits

	<i>General Fund</i>	<i>Distributors</i>
Through FY 22	100%	0%
FY 23	95	5
FY 24	65	35
FY 25	55	45
FY 26 and beyond	45	55

§§ 1 & 7 — RETAILER RVMS AND REDEMPTION AREAS

The act generally requires certain retailers, beginning October 1, 2021, to install and maintain at least two RVMS at their place of business. Under the act, an RVMS is a mechanical device that (1) accepts used beverage containers from consumers and (2) provides a way of refunding the containers' refund value (deposit amount) to the device user.

The requirement to have the RVMS applies to retailers whose place of business (1) is part of a chain engaged in the same general type of business that operates at least 10 units in Connecticut under common ownership and (2) uses at least 7,000 square feet of space to display merchandise for sale to the public.

The act also requires retailers exempt from the RVM requirement (see below), whose place of business is at least 40,000 square feet and does not use RVMs, to maintain a dedicated area at the business to accept and redeem beverage containers. It requires these areas to be adequately staffed so that containers can be efficiently accepted and processed during business hours. There must also be at least one conspicuous sign posted at each public entrance describing how to find the redemption area.

Exemptions

The act exempts from the RVM requirement retailers that do the following:

1. sell only beverage containers of 20 ounces or less that are packaged in quantities of less than six;
2. sell beverage containers, but use no more than 5% of their floor space to display and sell consumer products; or
3. get a waiver from the DEEP commissioner allowing them to use an alternative technology to redeem the containers.

For the waiver, the alternative technology must be able to:

1. determine a beverage container's redeemability;
2. protect against fraud by reading a container's UPC and, except for refillable containers, render the container unredeemable;
3. collect information about the redeemed containers; and
4. issue legal tender or a scrip, receipt, or other credit for the refund value that can be exchanged for legal tender for at least 60 days without needing to purchase other goods.

If the alternative technology does not allow a consumer to immediately obtain the refund value, a retailer can only use it if the retailer also allows a consumer to conveniently and immediately obtain the refund value through an RVM or another method.

Penalty

The act subjects retailers who violate these requirements to a civil fine of up to \$1,000, with an additional \$1,000 for each day the violation continues. It requires a hearing held according to the Uniform Administrative Procedure Act before the DEEP commissioner can assess the fine.

§ 8 — MOA: WINE AND LIQUOR CONTAINERS

Under the act, DEEP must develop the terms for a MOA that, by January 1, 2023, provides for in-state processing of at least 80% of the wine and liquor beverage containers sold in the state. The processing must turn the containers into furnace-ready cullet or by-product that is melted or otherwise used in cement, glass, or fiberglass products.

The act requires DEEP, when developing the terms, to (1) identify the parties that must be part of the agreement and (2) engage them in ongoing discussions about establishing systems and methods under the agreement for statewide, cost-effective, and consumer-oriented collection of the wine and liquor beverage containers. The collected materials must also be sufficiently clean and acceptable for use at a facility that produces the glass cullet or byproduct.

Under the act, the MOA must include provisions, with responsibilities assigned among the parties, for the following:

1. establishing and implementing the collection systems and methods;
2. transporting collected containers to a processing facility;
3. properly recycling and managing containers not accepted by a facility;
4. executing financial obligations among the parties according to the agreement;
5. recordkeeping of the volume, tonnage, and categories of containers annually processed under the agreement; and
6. auditing costs, efficiencies, and benefits of the agreement.

The DEEP commissioner must submit a draft of the MOA to the Environment Committee by January 15, 2022.

§ 9 — BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION

The act requires the DEEP commissioner to approve an application for the formation of a beverage container stewardship organization by deposit initiators if the organization meets the following requirements:

1. is a 501(c)(3) federally tax-exempt organization;
2. has a governing board of deposit initiators that represents the range of beverages and container materials covered by the state's bottle bill; and
3. shows that it has adequate financial responsibility and controls, including fraud prevention and an audit schedule, to properly manage funds.

It also requires each deposit initiator to join and register with an approved beverage container stewardship organization within three months after DEEP approves the organization. Deposit initiators seeking to sell beverage containers in the state after this period must register and join the organization at least 90 days before selling them.

Under the act, any approved organization must submit a plan for the DEEP commissioner's review and approval to operate a statewide beverage container stewardship program by July 1, 2022. The act requires the plan to provide detailed information about how the organization will operate and finance a program to redeem and recycle beverage containers. The information must at least include the following:

1. 80% annual redemption rate by a specified timeline;
2. financial self-sustainability;
3. verifiable performance metrics for enhanced customer satisfaction;
4. policies and investments to ensure that recovered materials are returned for their highest and best use;
5. detailed descriptions for how existing collection and redemption centers will be used;
6. redemption rates as of the date of the plan and projected for the next five years, along with a recommended refund value for the containers to achieve these rates;
7. how the plan will cost the state or any other participants;
8. revenues that will be returned to the state and projected loss in the state's revenue use or collection in the five fiscal years beginning with FY 22;
9. legislative changes needed to carry out the plan; and
10. other parameters or requirements the commissioner requires.

When developing the plan, the stewardship organization must obtain input from members of the independent redemption center community, municipal resource recovery facilities, municipal leaders, wine and spirits distributors, and RVM operators. The act prohibits the DEEP commissioner from approving a plan without verification of receiving this input.

The DEEP commissioner, by October 1, 2022, must submit recommendations on any plan for a proposed stewardship program to the Environment Committee.

§ 10 — NIP SURCHARGE

Beginning October 1, 2021, the act requires wholesalers of spirit or liquor beverage containers of 50mL or less to assess a five-cent surcharge on each of these containers to retailers. The retailers must then impose the same surcharge on the customers who purchase the containers. The act specifies that paying the surcharge is a debt by retailers, upon their purchase from the wholesaler, and is subject to posting requirements for delinquencies. Under the Liquor Control Act, a notice of delinquency identifies the delinquent retailer and prohibits manufacturers or wholesalers from crediting the retailer until the notice is satisfied (CGS § 30-48(b)).

Under the act, the surcharge must be distinct and clearly identified from the container's price. The act exempts it from sales tax or being treated as income.

Beginning April 1, 2022, and then every six months, each wholesaler must remit to each municipality where these beverage containers were sold during the prior six-month period, five-cents per container sold by the wholesaler. At the same time as the payment, the wholesaler must file a report with the Department of Revenue Services and the Department of Consumer Protection's Liquor Control Division stating how many beverage containers it sold in each municipality during the prior six months.

The act requires municipalities receiving the surcharge funds to only use the funds for environmental measures to reduce solid waste generation in the municipality or the impact of litter from the solid waste. These measures include things like hiring a recycling coordinator; installing storm drain filters to block solid waste (including beverage container debris); or purchasing a mechanical street sweeper, vacuum, or broom to remove litter and other debris from streets, sidewalks, and abutting lawn and turf areas.

BACKGROUND

General Bottle Redemption Process

Connecticut's bottle bill redemption process generally works as follows:

1. a retailer pays a beverage container distributor a deposit for each eligible beverage container that the distributor delivers;
2. a consumer pays the retailer the deposit for each beverage container that he or she purchases from the retailer;
3. the retailer or a redemption center pays the consumer the deposit amount for each beverage container that he or

- she returns (i.e., refunding the deposit);
- 4. the distributor reimburses the retailer or redemption center the deposit for each beverage container returned, plus a handling fee; and
- 5. the distributor pays the state the required percentage of unclaimed deposits, which are deposited into the General Fund (CGS § 22a-243 et seq.).

PA 21-88—sHB 6496

Environment Committee

Appropriations Committee

AN ACT CONCERNING CERTAIN SOIL-RELATED INITIATIVES

SUMMARY: This act allows the Department of Energy and Environmental Protection (DEEP) commissioner to establish a pilot program to beneficially use as fill certain reclaimed materials that may have very minor amounts of solid waste. Under the act, the commissioner may authorize four projects using these materials, subject to certain conditions, including that there is no harm or threat to human health, safety, or the environment (§ 1).

The act expands the commissioner's authority to include, among other things, establishing regulatory standards for soil health; conducting investigations, surveys, and research on soil health; and working with soil and conservation districts and boards on these issues. It also requires the Council on Soil and Water Conservation to develop guidelines on improving and preserving soil health (§§ 2-4).

Lastly, the act requires the DEEP commissioner, by November 1, 2021, to submit a report to the Environment Committee on the approval process for maintenance marine dredging projects for the last four years. The report must (1) describe each dredging project application and (2) analyze how long it took DEEP to act on each application and specify whether DEEP approved or denied it (§ 5).

EFFECTIVE DATE: October 1, 2021, except the provision for DEEP reporting on marine dredging projects is effective upon passage.

§ 1 — BENEFICIAL USE PILOT PROGRAM

Program Purpose

Under the act, the pilot program's primary purposes are to (1) allow the use of "beneficially reclaimed materials" as fill if there is an engineering need for fill materials and (2) help reclaim or redevelop environmentally impaired or underused land.

Acceptable Materials

The act allows the following "beneficially reclaimed materials," which may have de minimis amounts of incidentally present solid waste, to be used for projects accepted as part of the pilot program:

1. soil or dewatered sediment that does not exceed criteria set out in state regulations for remediating pollution at hazardous waste disposal sites and properties that had a spill, and criteria for other polluting substances not provided in the regulations;
2. virtually inert asphalt, brick, concrete (including concrete with pyrrhotite if the DEEP commissioner gives written approval for its use), or ceramic materials that do not threaten to pollute ground or surface water;
3. waste sand from metal casting that is not hazardous waste;
4. crushed recycled glass; and
5. street sweepings or catch basin clean-out materials.

These materials may not include those with asbestos; polychlorinated biphenyls (PCBs); persistent bioaccumulative toxins, which are long-lived toxic chemicals that accumulate in human tissue; and hazardous waste.

Project Restrictions

The act allows for up to four projects to use these materials, but provides several restrictions on them. For example, an applicant must have the necessary municipal approvals for using the materials before submitting its application to DEEP

(see “Municipal Approval,” below).

Under the act, DEEP may not authorize an activity for which it already issued an individual or general permit. The authorization must also be for (1) a single location and (2) use of at least 100,000 cubic yards of the materials.

The act requires that the DEEP commissioner find that the use of the materials does not harm or threaten human health, safety, or the environment. The use must also be consistent with federal law on proper solid waste management.

The act specifies that (1) someone operating under the pilot program does not need to obtain a discharge permit, unless the federal Clean Water Act requires it and (2) the state remediation standards’ soil reuse provisions do not apply to pilot program projects.

DEEP Protective Guidelines

The act allows the DEEP commissioner to establish authorization guidelines (1) to protect public health, safety, and the environment and (2) for a letter of credit (LOC).

Under the act, the guidelines must at least prefer using environmentally impaired or underused locations, but not in an aquifer protection area. The locations must be where groundwater quality is (1) suitable for specific industrial purposes but not human consumption (classified as GB) or subject to municipal and industrial discharge and unsuitable for human consumption (classified as GC) and (2) served by a public drinking water supply. The locations must also (1) operate in compliance with state water quality standards and (2) not adversely affect sensitive receptors or resources such as water supply wells, wetlands, floodplains, or threatened or endangered species.

The act requires the commissioner to give public notice of the guidelines, or revisions to them, on the department’s website. The public must have an opportunity to submit written comments for at least 30 days after DEEP publishes the notice. DEEP must then publish any response it has to the comments on the website.

Municipal Approval

Before applying to DEEP for authorization, a project applicant must obtain local approvals from each municipality where the materials will be used, including a (1) valid certificate of zoning approval, special permit, special exception, variance, or other documentation and (2) copy of wetlands, aquifer protection, coastal site plan, or other required municipal approvals.

The act also requires applicants to comply with the state environmental justice law’s public participation and community benefit agreement process, whether or not the location is in an environmental justice community (i.e., a distressed municipality or a census block group with at least 30% of the noninstitutionalized population having an income below a certain amount). The state’s environmental justice law generally requires applicants for certain projects in these areas to, before applying to DEEP for the project, (1) obtain approval of, and implement, a meaningful participation plan (e.g., give certain notices and hold an informal public meeting) so the public can learn about the proposed project and (2) discuss with municipal officials the need for a community environmental benefit agreement to mitigate the project’s impacts (CGS § 22a-20a).

Application Process

The act requires an authorization application to be submitted on DEEP commissioner-prescribed forms, include a non-refundable \$25,000 application fee, and provide the following information:

1. plan to ensure that only materials meeting the act’s definition of “beneficially reclaimed materials” be used as fill, including a description of acceptability criteria for materials proposed for use at the location;
2. plan describing the process for placing and recording the materials’ placement;
3. plan for monitoring water during the filling process and for at least 30 years afterward;
4. proposed LOC conforming to the commissioner’s guidelines, with the basis for the cost estimate used for it;
5. qualifications of the environmental professional intended to oversee the project;
6. redevelopment plan for the location, including engineering plans and drawings;
7. list of municipal approvals required for the project, with a written copy of each; and
8. any additional information the commissioner requires.

DEEP Authorization Process

Under the act, the process for obtaining an authorization, or a change to one, involves a public notice and comment period.

Notice. The act requires the DEEP commissioner to publish a notice of intent to issue an authorization on the department's website. The notice must include the following information:

1. applicant's name and mailing address;
2. project location address;
3. application number and tentative decision on the application;
4. name, address, and telephone number of any applicant agent that interested people may contact for copies of the application;
5. requested authorization type, with applicable statutory or regulatory references;
6. description of (a) the project location and (2) any affected natural resources;
7. available amount of time to submit written comments to the commissioner; and
8. any other information the commissioner deems necessary.

Comment Period and Review. The act requires a 30-day comment period beginning after the commissioner publishes the notice. The commissioner must post a response to any comment she receives on the DEEP website.

Final Decision. Under the act, the commissioner may approve or deny an authorization based on her review of the submitted information. The act requires the authorization to clearly define the activity it covers and may include conditions or requirements as the commissioner deems appropriate. These conditions or requirements may pertain to investigating or remediating a location before placing the materials; operation and maintenance; best management practices; requiring environmental professionals to oversee the projects, including their qualifications; groundwater monitoring; fill management; closure; redevelopment or other plans; reporting and recordkeeping; independent auditing; and term specifications.

The commissioner must require posting a LOC to assure compliance with the authorization, including implementing a closure plan and performing maintenance and monitoring after closure. The act allows her to modify, suspend, or revoke an authorization, under the procedures of the Uniform Administrative Procedure Act and applicable DEEP rules of practice.

§§ 2-4 — SOIL HEALTH

Commissioner Duties (§ 2)

As she may already do for problems related to soil and water erosion, the act allows the DEEP commissioner to (1) have surveys, investigations, and research conducted on soil health and (2) publish and disseminate related information. The act extends to the soil health activities the commissioner's existing authorizations for carrying out soil and water erosion activity, such as entering into agreements with landowners, acquiring property, or accepting monetary contributions. It also allows her to cooperate, and enter into agreements, with soil and water conservation districts and boards to provide federal resources to study and improve soil health (see below).

Soil and Water Conservation District Boards and Council (§§ 3 & 4)

Existing law requires the commissioner to establish, by regulation, soil and water conservation districts and boards whose purpose is to help identify and fix soil and water erosion problems. The act requires the district boards to also advise her on soil health matters and help implement related programs.

The act allows the commissioner to amend district board regulations to permit them to develop soil health programs, priorities, and workplans, as they already may do for soil and water conservation, erosion, and sedimentation control (Conn. Agencies Regs. § 22a-315-1 et seq.).

As authorized by law, the commissioner established the Council on Soil and Water Conservation to (1) coordinate the boards' activities with those of DEEP and other agencies; (2) propose regulations on soil and water erosion conservation; and (3) advise and help the commissioner conserve and protect the state's natural resources.

The act requires the council to develop guidelines for improving and preserving soil health and make them publicly available. The council must already do this for soil erosion and sediment control on land being developed. As it may already do for soil and water conservation activities, the act allows the council to seek funding and provide financial support to district boards for soil health activities.

PA 21-89—sHB 6500
Environment Committee

AN ACT CONCERNING SUPPLEMENTAL REVISIONS TO THE STATE'S HEMP PROGRAM STATUTE

SUMMARY: This act makes changes to the state's hemp program statute to comply with the federal U.S. Department of Agriculture's (USDA) final rules for hemp production, which took effect March 22, 2021. Compliance is necessary for the state to receive federal approval of its state hemp production plan.

Under state and federal law, "hemp" is the plant *Cannabis sativa* L and any part of it, including seeds and derivatives, extracts, cannabinoids, isomers, acids, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

The changes under the act include:

1. allowing remediation of noncompliant crops done in accordance with federal law as an alternative to disposing of them;
2. specifying that, in accordance with federal law, for those convicted of a state or federal controlled substance felony, the prohibition against holding a producer license lasts for 10 years from the conviction date;
3. requiring hemp producer license applicants to submit their employer identification number (EIN), or Social Security number if an EIN is not available, to the state agriculture department; and
4. eliminating a requirement that producer license applicants, who must submit to fingerprint-based criminal history records checks, provide the results through December 31, 2021, to the agriculture commissioner (in practice, the Department of Emergency Services and Public Protection provides results to the agriculture department).

By law, anyone who produces hemp without a license, or after a license was suspended or revoked, commits an infraction. The act makes this infraction payable by mail through the Central Infractions Bureau.

The act makes other minor, technical, and conforming changes, including adding several terms included under the USDA final rule.

EFFECTIVE DATE: Upon passage

PA 21-90—sHB 6504
Environment Committee

AN ACT CONCERNING ANIMAL WELFARE

SUMMARY: This act generally requires a veterinarian, in order to practice veterinary medicine on an animal, to establish a veterinarian-client-patient relationship with the animal and the animal's owner or caretaker. It identifies the conditions that must be met to establish this relationship and allows the relationship to be maintained through veterinary telemedicine.

The act also makes a number of unrelated changes to animal-related statutes. Principally, it:

1. requires, when an animal control officer (ACO) seizes an animal that is neglected or cruelly treated and a veterinarian determines the animal is too injured or diseased to be treated, the ACO to have the animal humanely euthanized by a licensed veterinarian;
2. allows municipalities and regional animal control facilities to appoint a temporary ACO from another municipality or region for up to 90 days;
3. requires regional animal control facilities to meet the same construction, maintenance, and sanitation standards that municipal pounds must under state law and regulations;
4. requires animal shelters to have dogs and cats examined regularly by a licensed veterinarian and maintain records of veterinary services rendered, which existing law requires of animal importers, and revises fines for violations;
5. requires the agriculture commissioner to develop a process to allow an animal's owner to request a reduction, from six months to four months, in the rabies quarantine period under specified circumstances;
6. increases, from 10% to 20%, the maximum amount of the animal population control account funds that may be used for sterilizing and vaccinating feral cats under the agriculture department's animal population control program (APCP); and
7. updates the reimbursement amount paid to veterinarians participating in the APCP.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the veterinarian-client-patient relationship and veterinary telemedicine provisions are effective July 1, 2021, and the APCP provisions are effective October 31, 2021.

§ 1 — POULTRY DEFINITION

The act makes a minor change to align the definition of poultry in the dog and companion animal statutes with the definition of poultry in the poultry dealer statute. Under the poultry dealer statute, poultry is any game bird or domestic fowl raised for food production, breeding, exhibition, or sale (CGS § 22-326s).

§ 2 — SERVICE ANIMAL DEFINITION

The act adds a definition of “service animal” to the statutes concerning dogs and other companion animals. It defines “service animal” as (1) a dog that is individually trained to do work or perform tasks for a person with a disability (which is the definition in the federal Americans with Disabilities Act regulations) and (2) an animal in training to become a service animal.

§§ 3, 4 & 7 — ANIMAL CONTROL OFFICERS AND SEIZED ANIMALS

Under prior law, if an ACO took physical custody of an animal that the ACO believed was in imminent harm and was neglected or cruelly treated and the animal was so injured or diseased in the opinion of a licensed veterinarian that it should be destroyed immediately, then the ACO could humanely destroy it or cause it to be humanely destroyed. The act instead allows the ACO to have the animal humanely euthanized by a licensed veterinarian under those circumstances.

Under prior law, if a court involved in a case of animal neglect or cruelty determined that the animal was so injured or diseased that it should be destroyed, it could order that the animal be humanely destroyed. The act instead allows the court to order that the animal be humanely euthanized by a licensed veterinarian.

The act also makes minor, technical, and conforming changes, including replacing references to “the chief ACO, any ACO, and any municipal ACO” with references to ACOs appointed under state law.

§ 5 — TEMPORARY ACO APPOINTMENT

The act allows a municipality’s chief elected official or a regional animal control facility (presumably, the facility’s operator) to appoint an ACO from another municipality or region to act as the temporary ACO for the municipality or region for up to 90 days. It grants the temporary ACO the same powers and authority he or she has in the municipality or region from which he or she came.

Temporary appointments must be in writing and include information on the ACO’s compensation, insurance, and use of equipment, if any. The chief elected officials of the affected municipalities and the affected regional facilities must all approve of the temporary appointment. The agriculture commissioner must be notified in writing of a temporary appointment within five days after the appointment is made. (Presumably, the officials and facility operators provide this notice.)

§ 6 — REGIONAL ANIMAL CONTROL FACILITIES

By law, any two or more towns with populations of less than 50,000 may share a regional pound and be served by a regional ACO. Under prior law, the towns’ legislative bodies had to approve the regional pound. The act instead specifies that if there is a board of selectmen or town council, then it approves the regional pound. Otherwise, approval lies with a town’s governing body.

The act also requires regional pounds to meet the same construction, maintenance, and sanitation standards that municipal pounds must under state law and regulations, including standards for handling and transporting animals.

§ 8 — ANIMAL SHELTERS AND ANIMAL IMPORTERS

Veterinary Services Required

The act extends to animal shelter operators or maintainers the requirement that animal importers have dogs and cats examined by a licensed veterinarian within 48 hours of the animals entering the state and every 90 days thereafter until the animals are sold, adopted, or otherwise transferred. The shelter or importer cannot transfer an animal unless a veterinarian (1) examined it within 15 days before the transfer and (2) issued a written certificate of health that includes the shelter’s or importer’s name, address, and contact information.

Under prior law, an animal importer who violated these requirements was subject to a fine of up to \$500 for each

animal in violation. The act instead subjects an animal importer or animal shelter operator or maintainer to a \$250 fine per animal for a first violation and \$500 fine per animal for each subsequent violation.

Record Maintenance

The act also requires animal shelter operators or maintainers to keep records of veterinary services rendered to each dog or cat it imported into the state for three years. Existing law requires the same of animal importers.

Under prior law, an animal importer who did not maintain the records as required was subject to a \$500 fine. The act instead subjects an animal importer or animal shelter operator or maintainer who violates this provision to a \$250 fine for a first violation and \$500 fine for each subsequent violation.

§ 9 — WAIVER FOR A RABIES QUARANTINE PERIOD REDUCTION

The act requires the agriculture commissioner to develop a waiver request process and form for an animal's owner, keeper, or veterinarian to request a reduction of a rabies quarantine period from six months to four months. This applies to an animal that was attacked and potentially exposed to rabies and only if the owner, keeper, or veterinarian submits proof with the request that the animal was vaccinated against rabies within 96 hours after the attack. The commissioner must post the waiver request process and form on the agriculture department's website and make them publicly available and accessible, as well as known to veterinarians in Connecticut.

§§ 10 & 11 — ANIMAL POPULATION CONTROL PROGRAM (APCP)

The Department of Agriculture's APCP (1) provides low-income Connecticut residents discounted sterilization and vaccination options for their dogs and cats and (2) assists registered nonprofit rescue groups with the sterilization and vaccination of feral cats. The agriculture commissioner uses an established animal population control account for the program's costs. The account funds come from a surcharge on dog licenses, certain animal adoption fees for pounds' unsterilized cats and dogs, and proceeds from commemorative "Caring for Pets" license plates.

The act increases, from 10% to 20%, the maximum amount of the animal population control account funds that may be used for sterilizing and vaccinating feral cats under the APCP.

It also updates the reimbursement amount paid to veterinarians participating in the APCP. Under prior law, a veterinarian received, per sterilization, \$120 for a female dog, \$100 for a male dog, \$70 for a female cat, and \$50 for a male cat. The act instead requires the agriculture commissioner to establish a reimbursement rate that is up to 75% of the market rate or fee charged by veterinarians in Connecticut as of October 31, 2021. When services to be performed include both sterilization and vaccination, the act requires the reimbursement to be the amount designated for sterilization plus \$30, instead of \$20 as under prior law.

§ 12 — VETERINARIAN PRACTICE

Veterinarian-Client-Patient Relationship

The act requires a Connecticut-licensed veterinarian, in order to practice veterinary medicine on an animal, to establish a veterinarian-client-patient relationship with the animal and the animal's owner or caretaker. However, it allows a licensed veterinarian, in good faith, to provide emergency or urgent care to an animal without having this relationship if the animal's owner or caretaker is unidentifiable.

Under the act, a veterinarian establishes a veterinarian-client-patient relationship when the following conditions occur:

1. the veterinarian has assumed the responsibility of making medical judgements about the animal's health and the need for providing medical care or treatment to the animal, and has provided instruction to the animal's owner or caretaker on the same;
2. the veterinarian has sufficient knowledge of the animal to make a preliminary or general diagnosis;
3. the animal's owner or caretaker has agreed to follow the veterinarian's recommendations about the animal's medical care or treatment;
4. the veterinarian is available for follow-up evaluation of the animal or has arranged for (a) emergency or urgent care or (b) continuing treatment by another licensed veterinarian who can access the animal's medical records or provide reasonable and appropriate care;
5. the veterinarian oversees the animal's medical care or treatment; and
6. the veterinarian has performed a physical examination of the animal or is personally acquainted with the keeping

and care of the animal by providing care to another animal kept at the same location.

The act specifies that a veterinarian-client-patient relationship may not be established solely through veterinary telemedicine.

Veterinary Telemedicine

The act defines “veterinary telemedicine” as the exchange of medical information about an animal’s health or delivery of a medical diagnosis, care, or treatment of an animal through electronic means, including by telephone, video, mobile apps, or a web-based platform.

Once a veterinary-client-patient relationship is established, the act allows the veterinarian to maintain that relationship through veterinary telemedicine between medically necessary examinations of the animal or timely visits by the veterinarian to where the animal is kept.

If there is no veterinarian-client-patient relationship, the act permits a veterinarian to provide only general advice using electronic means and prohibits him or her from providing specific advice, including a diagnosis or recommended care or treatment, for the animal.

PA 21-115—sHB 6441

Environment Committee

AN ACT CONCERNING CLIMATE CHANGE ADAPTATION

SUMMARY: This act authorizes all municipalities, rather than just certain ones, to establish a municipal stormwater authority. It expands the authorities’ powers to assess fees and specifies the process by which municipal legislative bodies approve the fees (§§ 1-3). The act (1) caps the fees collected on certain hospital-owned properties at 15% of the total fees and allows for the properties to be fully exempt until FY 27; (2) restricts the fees for farm, forest, or open space land, or property owned by state or local governments and their agencies, to impervious surfaces that discharge to a municipal separate storm sewer system; and (3) requires a partial fee reduction for property owners who use certain stormwater best management practices.

The act broadens the authority of municipal flood and erosion control boards to include flood prevention and climate resilience and allows municipalities to form joint boards (§§ 4-17).

Thirdly, the act expands the Connecticut Green Bank’s duties to include developing separate programs to finance and otherwise support environmental infrastructure and establishes an Environmental Infrastructure Fund within the Green Bank for this purpose (§§ 19-23).

With respect to the Green Bank, the act increases, from \$100 million to \$250 million, the amount of bonds the Green Bank may issue that are backed by a special capital reserve fund (SCRF). SCRF-backed bonds are contingent liabilities of the state; if a SCRF is exhausted, the General Fund automatically replenishes it, regardless of the state spending cap (§ 22).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2021

§§ 1-3 — STORMWATER AUTHORITIES

Eligible Municipalities

The act authorizes all municipalities to establish a municipal stormwater authority, rather than just the three municipalities (New Haven, New London, and Norwalk) that participated in the Department of Energy and Environmental Protection’s (DEEP) municipal stormwater authority pilot program (authorized under PA 07-154).

The act applies to any town, city, borough, consolidated town and city, or consolidated town or borough. It does not apply to local or regional school districts; municipal fire, sewer, fire and sewer, lighting, village, beach, improvement association, or other districts or associations wholly within a town that have the power to levy taxes; metropolitan districts; or other municipal corporations or authorities that may issue bonds, notes, or other obligations.

Fee Assessment

Under prior law, stormwater authorities created under the pilot program had to, among other things, recommend a levy

on taxable real property in the stormwater district to the municipality's legislative body. The act instead requires stormwater authorities to recommend a fee on all real property in the district except as described below. The act explicitly requires, rather than authorizes, the authorities to use the revenue generated to carry out any of the district's powers. It also makes conforming changes to an existing provision about a stormwater authority created under the DEEP pilot program and located in a distressed municipality with a population of 28,000 or fewer (i.e., New London).

Under the act, each stormwater authority must annually present its budget to the municipality's legislative body for approval. The budget must include (1) the specific programs the authority proposes to undertake during the fiscal year, (2) its projected expenditures for the programs, and (3) the fee amount it proposes to levy to pay for the expenditures.

The total fees proposed for the fiscal year may not exceed the total projected expenditures. Under the act, the legislative body may approve fee amounts that are less than the authority's proposed amounts but cannot approve fee amounts greater than the amounts proposed. In setting fees, the act requires, rather than allows, authorities to consider (1) the amount of impervious surface generating stormwater runoff, (2) land use types that result in higher concentrations of stormwater pollution, and (3) the property's grand list valuation. The act additionally requires them to consider land use types that result in lower concentrations of stormwater pollution.

The act also caps at 15% the amount of the total fees that may be generated from properties owned by hospitals that are parties to the settlement agreement approved by Special Act (SA) 19-1, December Special Session (see *Fee Limitations and Restrictions*, below).

Fee Limitations and Restrictions

Hospital-owned Properties. The act caps at 15% the amount of the total stormwater authority fees that may be generated from properties owned by hospitals that are parties to the hospital settlement agreement approved by SA 19-1, December Special Session, concerning certain fees and payments. The cap applies until FY 27 and a municipality's legislative body is responsible for ensuring that the approved fees do not exceed the cap. The act also authorizes municipalities to fully exempt the hospital properties from the fee until FY 27.

Under the act, a municipal stormwater authority must, within 30 days after the end of each fiscal year, conduct a review to ensure that not more than 15% of the total collected fees were generated from real property of the covered hospitals in the municipality. If the fees exceed the cap, the act requires the authority to rebate the excess fees proportionally to the hospitals. Regardless, the stormwater authority must provide the results of its review, in writing, to each hospital.

Farm, Forest, or Open Space Land and Government or Agency Properties. Prior law authorized the authorities to reduce or defer stormwater fees for farm, forest, or open space land. The act limits the area of these lands that may be subject to the fees to areas with impervious surfaces from which stormwater discharges to a municipal separate storm sewer system. The act also applies this limitation to properties owned by the state or local governments, or their respective agencies.

On-site Stormwater Best Management Practices. The act requires a stormwater authority to offer a partial fee reduction, as a credit, for property owners in its district who have, and are operating and maintaining, current stormwater best management practices that the authority approves and reduce, retain, or treat stormwater onsite.

Delinquent Fees

Under the act, fees that are not paid in full on or before 30 days after they are due are subject to the same interest rate as delinquent property taxes (i.e., 1.5% per month). Unpaid fees and interest are a lien on the property owner's real or personal property on which the fee was levied and may be recorded and released just like property tax liens.

Aggrieved Parties

The act gives someone aggrieved by an authority's action the same rights and remedies for appeal and relief as the law provides for property taxpayers aggrieved by an assessor's or a board of assessment appeal's action.

§§ 4-17 — FLOOD PREVENTION, CLIMATE RESILIENCE, AND EROSION CONTROL BOARDS

Scope of Authority

Prior law authorized municipalities to (1) establish a flood and erosion control board to prevent potential hazards from flooding, stream bank erosion, or beach erosion and (2) establish a taxing district for these purposes. These boards could plan, acquire, construct, repair, maintain, and manage a system, which could include things like dikes, dams, piping, sea

walls, jetties, tide-gates, water storage areas, or other structures or facilities.

The act (1) increases the scope of these boards to include flood prevention and climate resilience; (2) explicitly allows them to also operate the systems; and (3) expands the types of measures these systems can include to cover nonstructural and nature-based measures (e.g., altering or removing existing structures, maintaining open floodplain, and other less environmentally damaging alternatives) and open space for future accommodations or to establish wetlands or watercourses. It correspondingly renames these boards “flood prevention, climate resilience and erosion control boards.”

The act extends to the boards’ broader scope of authority existing law’s authorizations related to entering and taking property; issuing bonds; and taxing or assessing property owners, among other things.

It allows the boards to (1) apply for and use public or private grant funding; (2) draw upon a municipal Climate Change and Coastal Resiliency Reserve Fund; and (3) enter into contracts with municipalities, instead of only with the state and the federal government, to further the boards’ purposes related to navigation improvement projects. The boards may also enter into agreements with the DEEP commissioner to construct projects or systems to prevent climate change impacts, as the boards already may do for their own purposes.

Joint Boards

The act allows municipalities to enter into agreements to have joint boards, but they must be approved by concurrent votes of the municipalities’ legislative bodies. A joint board has authority over each municipality that is a party to the agreement.

Biannual Report

The act establishes a biannual reporting requirement for flood prevention, climate resilience, and erosion control boards. The report must (1) be published on the website of each municipality subject to the board’s authority and (2) include the following:

1. an inventory and description of the flood prevention, climate resilience, and erosion control system the board manages;
2. the extent and value of property, infrastructure, and natural resources the system protects;
3. an analysis of how the system prioritizes and protects vulnerable communities, which are populations that may be disproportionately affected by climate change; and
4. the board’s revenue and expenses.

Other Provisions

The act requires the boards to consider regional and municipal hazard mitigation plans, resilience plans, identified vulnerable communities, and municipal conservation and development plans when planning for and doing their work. It allows them to consult with the Connecticut Institute for Resilience and Climate Adaption for this purpose.

Under the act, if an improvement or protection project or system exists within two or more municipalities, the municipalities’ individual or joint boards, as applicable, may work together, with each board’s cost set by mutual agreement of the municipalities involved. Prior law required the DEEP commissioner to determine the cost.

§§ 19-23 — CONNECTICUT GREEN BANK

Environmental Infrastructure

Green Bank Authority. By law, the Green Bank’s duties include developing programs for, and promoting investment in, clean energy. The act expands its duties to include (1) developing separate programs to finance and otherwise support environmental infrastructure and (2) promoting investment in the infrastructure.

By law, the Green Bank has standards governing its administration, including rules, policies, and procedures for such things as borrower eligibility, terms, and conditions. The law required these standards to be in place before the bank financially supported clean energy projects and the act extends this requirement to environmental infrastructure projects.

The act requires the Green Bank’s comprehensive plan to include growth, development, commercialization, and, where applicable, preservation of environmental infrastructure and related enterprises. Existing law requires similar planning for clean energy purposes.

Project Types. The act expands the types of projects the Green Bank can promote investment in to include environmental infrastructure which the act defines as structures, facilities, systems, services, and improvement projects

related to water, waste and recycling, climate adaptation and resiliency, agriculture, land conservation, parks and recreation, and environmental markets such as carbon offsets and ecosystem services.

Under the act, “carbon offsets” are an activity that compensates for greenhouse gas emissions through an emission reduction. “Ecosystem services” are ecosystem benefits such as (1) provisioning services (e.g., food and water), (2) regulating services (e.g., regulating floods, drought, land degradation, and disease), and (3) supporting services (e.g., soil formation and nutrient cycling).

Environmental Infrastructure Fund’s Establishment and Purpose. The act establishes the Environmental Infrastructure Fund within the Connecticut Green Bank and requires the bank to administer the fund. It allows the bank to use the Environmental Infrastructure Fund to pay for expenses to promote environmental infrastructure investment, but not projects eligible for Clean Water Fund funding.

The act allows an environmental infrastructure project to receive financing support from the Green Bank if the bank determines that the amount it and other nonequity financing sources provide does not exceed 100% of the project’s cost.

As it does under existing law for clean energy, the act requires the Green Bank to (1) develop separate programs to finance and support environmental infrastructure investment in residential, municipal, small business, and larger commercial projects, and others the Green Bank determines and (2) support financing or other expenses that promote environmental infrastructure investment, which must be done according to its comprehensive plan.

These environmental infrastructure expenses may include costs related to such things as:

1. low-cost financing and credit enhancement mechanisms for projects and technologies;
2. grants;
3. contracts or other actions to support research, development, manufacture, commercialization, deployment, and installation of environmental infrastructure;
4. actions to expand the expertise of individuals, businesses, and lending institutions regarding environmental infrastructure;
5. direct or equity investments;
6. reimbursements of operating expenses, as described below; and
7. disbursements to develop and carry out the Green Bank’s comprehensive plan.

Under the act, operating expenses may include the Green Bank’s (1) administrative expenses, (2) capital costs related to the Environmental Infrastructure Fund’s operation, (3) plan implementation, and (4) other permitted activities.

Funding Sources. The act’s expansion of the Green Bank’s duties enables the bank to use its existing bonding authority to finance environmental infrastructure projects (see *Bonding*, below). As is available under existing law for clean energy projects, similar funding sources are available for financing environmental infrastructure, including such things as:

1. charitable gifts, grants, contributions, and loans from individuals, corporations, university endowments, and philanthropic foundations;
2. earnings and interest from financing support activities backed by the Green Bank; and
3. private sources, pursuant to contract.

The act allows the Environmental Infrastructure Fund to receive any (1) amount required by law to be deposited into the fund and (2) federal funds that may become available to the state for environmental infrastructure investments. But it explicitly prohibits from being deposited into the fund: (1) ratepayer or Regional Greenhouse Gas Initiative funds that under existing law are used for clean energy projects, (2) funds in the state’s Clean Water Fund account or that must be deposited into it, and (3) funds collected from water companies.

The act also prohibits the Green Bank from applying for federal clean water or safe drinking water grants without approval from the state treasurer and the DEEP or public health commissioners, respectively.

Audits and Certified Statements. The act requires the Environmental Infrastructure Fund, like the existing Clean Energy Fund, to be audited annually. Entities receiving environmental infrastructure project funding, unless exempt under existing law (i.e., certain residential projects), must provide annual certified statements to the Green Bank’s Board of Directors.

Other Provisions

Board Membership. The act adds the Office of Policy and Management secretary, or her designee, as a voting member of the Green Bank’s Board of Directors.

Bonding. The act limits the term of bonds secured by the Green Bank’s SCRF to 25 years. The act generally (1) increases, from 20 to 25 years, the maximum term of bonds issued for clean energy projects and (2) sets the maximum term of bonds issued for environmental infrastructure projects at 50 years. But in neither case can the bond’s maturity date exceed an underlying project’s expected useful life.

Funding Qualification. The act allows any eligible project, including environmental infrastructure projects (see above), to receive financing support from the Green Bank if the bank determines that the amount it and other nonequity financing

sources provide does not exceed 100% of the project's cost. Prior law restricted funding for clean energy projects to those for which the Green Bank and other nonequity sources provide no more than 80% of the cost.

Quasi-Public Subsidiaries. Prior law prohibited Green Bank subsidiaries from being deemed quasi-public agencies with the bank's privileges, immunities, and tax and other exemptions. The act creates an exception from this prohibition for single member limited liability companies (LLCs) that are disregarded as entities separate from their owner.

Reporting. The act adds the Banking and Environment committees to the legislative committees to which the Green Bank's board must submit its annual activity report, instead of only the Energy and Technology and Commerce committees.

PA 21-124—SB 929

Environment Committee

AN ACT CONCERNING PENALTIES FOR THE TAKING OF STRIPED BASS

SUMMARY: State law authorizes the energy and environmental protection commissioner to adopt regulations on, among other things, the legal methods of sport fishing and limits on possessing various species, including striped bass. The commissioner has done this (see, e.g., Conn. Agencies Regs. § 26-159a-2).

This act eliminates the enhanced penalties for violating the striped bass sport fishing regulations. By doing so, it makes violating the regulations an infraction, which is the same penalty that applies to other marine district sport fishing regulation violations.

Under prior law, someone who violated the striped bass sport fishing regulations was subject to the following penalties:

1. \$100 fine for each fish taken or possessed for the first violation;
2. \$200 fine for each fish taken or possessed for a second violation; and
3. \$500 fine for each fish taken or possessed, imprisonment of up to 30 days, or both, for a subsequent violation.

By law, the commissioner also may suspend a person's fishing license for violating the fishing regulations (CGS § 26-61).

EFFECTIVE DATE: Upon passage

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. (There may be other charges depending upon the type of infraction. For example, certain motor vehicle infractions trigger a surcharge of 50% of the fine.) An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

PA 21-155—sHB 6385

Environment Committee

Appropriations Committee

AN ACT CONCERNING ENHANCEMENTS TO CERTAIN AGRICULTURAL PROGRAMS

SUMMARY: This act makes changes in various agricultural laws and programs. Specifically, it does the following:

1. allows participants in the Connecticut farmers' market women, infants, and children (WIC) and seniors nutrition programs to redeem program vouchers for chicken eggs, and increases the vouchers' value to at least \$20;
2. allows farmers to advertise products grown or produced in Connecticut as "CT-Grown," revises sign requirements for these products at farmers' markets, and revises who must furnish the state with proof of a farm product's point of origin;
3. changes the penalties for violating produce safety and seed requirements;
4. allows participants in the Connecticut farmers' market WIC nutrition program to have a proxy pick up and redeem program vouchers, revises voucher signature requirements, and extends the duration of a market vendor certification from one to three years;

5. expands the farm viability matching grant program's purposes to include developing urban and nontraditional farming practices; and
6. eliminates the Connecticut Market Authority.

EFFECTIVE DATE: Upon passage, except the (1) increase in farmers' market voucher value is effective July 1, 2021, and (2) provisions on adding chicken eggs to the farmers' market nutrition programs, changes to the Connecticut-grown program, and revisions to penalties for violating produce safety and seed laws are effective October 1, 2021.

§§ 1, 2 & 6 — CONNECTICUT FARMERS' MARKET NUTRITION PROGRAMS

The act adds chicken eggs to the definition of "fresh produce" for purposes of the Connecticut farmers' market WIC and senior nutrition programs. By law, fresh produce also includes unprocessed fruits and vegetables. The programs, which the Department of Agriculture (DoAg) administers, provide eligible participants with vouchers redeemable for fresh produce at designated farmers' markets.

The act also requires the program vouchers to have a value of at least \$20. Previously, WIC and senior participants received \$15 and \$18 in vouchers, respectively.

§ 3 — CONNECTICUT-GROWN PROGRAM CHANGES

The act allows farm products grown or produced in Connecticut to be marketed as "CT-Grown" as well as "Connecticut-Grown." By law, if farm products are grown or produced in the state or within a 10-mile radius of the point of sale, they may be labeled as "native," "native-grown," "local," or "locally-grown."

The act restricts who must provide proof of a farm product's point of origin within 10 days of sale to the DoAg commissioner or his designee upon request. Under prior law, anyone who advertised farm products with any of the above terms had to furnish this proof. The act eliminates this requirement for producers using the terms "native," "native-grown," "local," or "locally-grown." It also extends the requirement of furnishing proof to anyone labeling, as well as advertising, farm products with the terms "Connecticut-Grown" or "CT-Grown." A person who violates these provisions is fined up to \$100 for each product label in violation.

By law, when a person sells a farm product at a farmers' market as "Connecticut-Grown," he or she must place a sign in the immediate proximity of the product. The act also requires a sign if selling a product as "CT-Grown" and revises the sign's content. Instead of including the business's address, the sign must include the town for the farm of origin. A person who violates this requirement receives a warning for the first violation and a \$100 fine for subsequent violations.

§ 4 — PRODUCE SAFETY LAW VIOLATIONS

The act revises the penalties for violating the state's produce safety laws and applies them to violations of the federal Food Safety Modernization Act's produce safety rule. Previously, the law set a range of fines as penalties (i.e., from \$25 to \$50 for a first offense and from \$100 to \$200 for a subsequent offense). The act instead sets specific dollar fines: \$50 for a first offense and \$200 for a subsequent offense.

By law, in addition to fines, the DoAg commissioner may deny, suspend, or revoke any license issued under the produce safety laws for violations. The act also allows him to deny, suspend, or revoke any permit, certificate, or registration issued under the laws. It specifically requires the commissioner to take these actions in accordance with the state's Uniform Administrative Procedure Act.

The act also eliminates as a violation obstructing or hindering the Department of Consumer Protection (DCP) commissioner's actions under the produce safety rules. By law, DoAg enforces these rules, not DCP.

§ 5 — SEED LAW VIOLATIONS

The act reduces the penalty for violating Connecticut's seed law (e.g., labeling, sales, and record keeping requirements). Previously the penalty was a class D misdemeanor with specified fines of \$100 for a first offense and \$200 for a subsequent offense. The act eliminates the misdemeanor penalty, leaving only the specified monetary fines in place.

§§ 7-9 — FARMERS' MARKET WIC NUTRITION PROGRAM PROXIES AND VENDORS

The act (1) allows any adult to act as a proxy for a Connecticut farmers' market WIC nutrition program participant in order to pick up and redeem program vouchers, (2) revises voucher signature requirements, and (3) extends the duration of a market vendor certification.

Under prior law, a proxy was not allowed, except for a parent or guardian acting on behalf of a child or a husband acting on behalf of his wife. Under the act, any adult may act as a proxy as long as the participant designates the adult as his or her proxy in writing.

By law, a WIC participant must sign the voucher in the presence of DoAg staff when the vouchers are distributed. The act allows a participant's proxy to acknowledge voucher receipt by the participant's or proxy's written, electronic, or verbal communication.

Previously, a WIC participant had to countersign a program voucher in the presence of a farmers' market certified vendor when redeeming it. The act instead requires the participant to countersign the voucher any time before using it.

Under the WIC nutrition program, vendors cannot accept vouchers from participants unless DoAg certifies the vendors to do so. Previously, vendor certification expired at the end of each year. Under the act, certification instead remains valid for three years.

§ 10 — FARM VIABILITY MATCHING GRANT PROGRAM

The act expands DoAg's farm viability matching grant program's purposes to include developing urban and nontraditional farming practices.

Under existing law, the grants may also be used to (1) fund capital projects fostering agricultural viability (e.g., farmers' markets and processing facilities); (2) develop and implement land use regulations and farmland protection strategies that sustain and promote local agriculture; (3) develop new marketing programs and venues for products grown in the state; and (4) develop and implement programs and services to promote farm and farmland access and farm transfers. Farm viability grants are available to nonprofit agricultural organizations, municipalities, groups of municipalities, and regional councils of government.

§§ 11-13 — CONNECTICUT MARKETING AUTHORITY REPEAL

The act eliminates the Connecticut Marketing Authority from within DoAg and related statutes. The authority was primarily responsible for the Connecticut regional market in Hartford, but ownership of the market transferred to the Capital Region Development Authority in January 2019 under PA 18-154.

PA 21-191—sSB 837

Environment Committee

AN ACT CONCERNING THE USE OF PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES IN CLASS B FIREFIGHTING FOAM

SUMMARY: This act generally prohibits (1) using class B firefighting foam with intentionally added perfluoroalkyl or polyfluoroalkyl substance (PFAS) and (2) offering for sale or promotional purposes food packaging with PFAS intentionally introduced during manufacturing or distribution. Under the act, class B firefighting foam is used to extinguish flammable liquid fires, and PFAS is a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

With respect to the foam, the act prohibits, upon passage, any person, local government, or state agency from using class B firefighting foam with intentionally added PFAS in any amount for training purposes or testing purposes (i.e., calibration, conformance, and fixed system testing). Beginning October 1, 2021, it also generally prohibits anyone from using this foam for vapor suppression or firefighting purposes unless the fire is flammable liquid-based and the Department of Energy and Environmental Protection (DEEP) commissioner does not identify an alternative to the foam by July 1, 2021.

Despite this ban, the act allows foam usage for vapor suppression or firefighting by (1) anyone required to use it under federal law; (2) certain facility operators who obtain a limited extension of time for compliance; and (3) until October 1, 2023, airport-related entities with systems that prevent its release into the environment.

For food packaging, the act prohibits (1) by December 31, 2023, manufacturers and distributors from offering for sale or promotional purposes food packaging or packaging components with intentionally introduced PFAS and (2) using a material that replaces a chemical regulated by the state packaging and packaging components law in an amount or way that creates an equal or greater hazard than the regulated chemical (see BACKGROUND).

The act expands the procedures required to show that a package or packaging component complies with the law's restrictions (i.e., certificates of compliance), which applies to existing restrictions on lead, mercury, cadmium, and

hexavalent chromium and the act's PFAS ban. It applies existing civil and criminal penalties for violating the packaging and component law to the ban on PFAS in food packaging, including those for making false statements in certificates of compliance (see BACKGROUND).

The act requires the DEEP commissioner, by October 1, 2021, to develop or identify a take-back program for municipally owned class B firefighting foam with PFAS that applies best management practices for its disposal.

Lastly, the act makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except that the provisions on PFAS in food packaging and packaging components are effective October 1, 2021.

§ 1 — FIREFIGHTING FOAM

Firefighting and Vapor Suppression Use Exemptions

Beginning October 1, 2021, the act generally prohibits using class B firefighting foam with intentionally added PFAS for vapor suppression or firefighting purposes. However, the act allows the foam to be used when:

1. the fire is a flammable liquid-based fire and the DEEP commissioner does not identify an alternative by July 1, 2021, or
2. federal law requires someone to use the foam, but only until the earlier of (a) a change in federal law prohibiting the foam's use or (b) one year after federal law no longer requires its use.

The act also allows the foam to be used by (1) certain facility operators who obtain a limited extension of time for compliance from the DEEP commissioner and (2) an airport-related entity, until October 1, 2023, if it has a fire suppression system that uses the foam and has measures to prevent its release into the environment (see below).

Extension of Time to Comply. Under the act, the operator of a chemical plant; oil refinery; or flammable liquid terminal, storage, or distribution facility may apply to the DEEP commissioner for an extension of time to comply with the restrictions on using the foam for vapor suppression or firefighting purposes. The extension request must specify (1) why the extension is necessary and (2) what containment, treatment, and disposal measures will be used to prevent releases of the foam into the environment until compliance can occur.

The act allows the commissioner to grant up to a two-year extension if she determines that it is needed to remove or repurpose a fire suppression system containing the foam.

Airport Entities. The act exempts, until October 1, 2023, fire suppression systems containing the foam that are used by airport-related entity facilities as long as, by the date of the act's passage, the system uses mitigation measures to prevent releases of the foam into the environment. These measures must include implementing plans and physical features designed to prevent the releases by containment, treatment, and disposal, even when the foam is used in its intended manner. By October 1, 2023, the act requires the suppression systems to be removed entirely or repurposed so that the foam is removed from them.

Enforcement

The act authorizes the DEEP commissioner, within available appropriations, to enforce the restrictions on using this firefighting foam.

§§ 2-4 — PACKAGING AND PACKAGING COMPONENTS

PFAS in Food Packaging

The act prohibits, as soon as feasible but no later than December 31, 2023, manufacturers and distributors from offering for sale or promotional purposes food packages with PFAS that was intentionally introduced during manufacturing or distribution. It also prohibits using a material to replace PFAS or any other chemical regulated by the packaging and packaging component law that, either in amount or manner, equals or exceeds the hazard created by the regulated chemical.

Under the act, "food packaging" is a package or packaging component applied to or in direct contact with food or beverage. Additionally, the act considers "intentional introduction" of PFAS to be deliberate use to make a package or component where PFAS is wanted in the final product for a specific characteristic, appearance, or quality.

However, the act also specifies that it is not considered "intentional introduction" to use some amounts of PFAS in the part of post-consumer recycled materials as feedstock for manufacturing new packaging materials, so long as the new package or packaging component complies with the packaging and packaging component law. Under the act, "post-consumer recycled material" is household-generated material or a material generated by commercial, industrial, and

institutional facilities as end-users of the product, which can no longer be used for its intended purpose, including returns of material from the distribution chain. It does not include refuse-derived fuel or other material destroyed by incineration.

Certificate of Compliance

Prior law allowed product manufacturers and distributors to show that they complied with the law's composition restrictions by providing a certificate of compliance stating that they relied on the written assurance from the manufacturer about a package's or component's content. The provision applied to the following four metals: lead, cadmium, mercury, and hexavalent chromium.

The act replaces and expands upon these provisions. Under the act, upon request by either a packaging or packaging component purchaser or the DEEP commissioner, a manufacturer or distributor must provide a certificate of compliance, stating that it meets the law's content requirements for either PFAS or the four metals. As under prior law, (1) the certificate must be signed by an authorized official of the manufacturer or distributor and (2) if the package or component meets one of the existing exemptions that generally apply to the restricted metals, the certificate must state the specific reason it applies.

Under the act, such a request must be in writing and specific as to the requested package or component information. The manufacturer or distributor, as applicable, must respond to the request within 60 days after receiving it.

Manufacturers and suppliers must keep copies of their certificates on file, but they may make the certificates available on their websites or through an authorized representative, such as a packaging clearinghouse.

Amended Certificates

If a package or packaging component manufacturer or distributor reformulates or creates a new package or component, the act requires it to amend the applicable certificate of compliance for the reformulated or new product.

Suspected Violation

Under the act, if the commissioner has grounds to suspect that a package (but not a packaging component) is offered for sale in violation of existing law and the act, she may ask its manufacturer or distributor to provide a certificate of compliance within the next 30 days.

The act requires the manufacturer or distributor to (1) give the commissioner the certificate attesting that the package complies with the law or (2) notify anyone selling the package in Connecticut that doing so is prohibited and give the commissioner a copy of the notice with the names and addresses of those sellers who received it.

BACKGROUND

Packaging and Components

Under existing law, a "package" is a container used to market, protect, or handle a product and includes a unit package, intermediate package, and shipping container. It also includes an unsealed receptacle such as a crate, cup, tray, wrapper, or bag, among other things. "Packaging components" are package parts such as interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink, label, dye, pigment, adhesive, stabilizer, or another additive (CGS § 22a-255h).

Penalties

By law, anyone who violates the packaging and packaging component law is subject to a civil penalty of up to \$10,000 per offense, which the court sets. A violation includes making a false statement in a certificate of compliance. Each violation, and each day a violation continues, is a separate and distinct offense.

Knowingly violating this law, including false statements in certificates of compliance, is punishable by a fine of up to \$50,000, up to one year in prison, or both. Each false statement is subject to the possible fine.

The law also allows the DEEP commissioner to ask the attorney general to seek an injunction to stop someone from continuing a violation (CGS § 22a-255l).

PA 21-53—sSB 952

Energy and Technology Committee

AN ACT CONCERNING ENERGY STORAGE

SUMMARY: This act establishes deployment goals, program requirements, and procurement authority for energy storage.

Beginning by January 1, 2023, the act requires the Department of Energy and Environmental Protection (DEEP) to report annually to the Energy and Technology Committee on its quantifiable progress towards meeting the following energy storage deployment goals established by the act:

1. 300 megawatts (MW) by December 31, 2024;
2. 650 MW by December 31, 2027; and
3. 1,000 MW by December 31, 2030.

The act requires the Public Utilities Regulatory Authority (PURA), by January 1, 2022, to (1) initiate a proceeding to develop and implement one or more programs and associated funding mechanisms for electric energy storage resources connected to the electric distribution system and (2) report to the Energy and Technology Committee on the proceeding's status. The act establishes program objectives and allows PURA to select a third party to implement the program.

The act allows DEEP to issue requests for proposals (RFPs) for energy storage projects connected at the transmission or distribution level to achieve the act's goals when combined with PURA's programs. The act requires the DEEP commissioner to select proposals if she determines that procuring energy storage is cost effective. It establishes factors she must consider when making selections and subjects any agreements to PURA's review. Under the act, the electric distribution companies (EDCs, i.e., Eversource and United Illuminating) recover agreement costs from, and credit revenues to, electric ratepayers.

EFFECTIVE DATE: July 1, 2021, except the DEEP reporting requirement on energy storage deployment goals is effective upon passage.

§ 2 — PURA PROCEEDING AND PROGRAMS

The act requires PURA to initiate a proceeding to develop and implement one or more programs and associated funding mechanisms for electric energy storage resources connected to the electric distribution system. In its proceeding, PURA must establish:

1. at least one program for residential electric customers,
2. at least one program for commercial and industrial electric customers, and
3. a program for energy storage systems connected to the distribution system in front of the meter and not located at a customer's premises.

The act requires PURA to solicit input on developing these programs from DEEP, the Connecticut Green Bank, the EDCs, and the Office of Consumer Counsel (OCC).

Under the act, PURA must consider one or more programs and rate designs to encourage deployment of electric energy storage technologies connected to the distribution system that most effectively leverage the technology's value to achieve the following objectives:

1. provide positive net present value to all ratepayers, or a subset of ratepayers paying for the benefits that accrue to it;
2. provide multiple types of benefits to the electric grid (e.g., resilience, ancillary services, leveling out peaks in electricity use, or supporting deployment of other distributed resources);
3. foster sustained, orderly development of a state-based electric energy storage industry; and
4. maximize the value from the participation of energy storage systems in capacity markets.

PURA must also consider programs and rate designs to encourage uses of electric energy storage technologies connected to the electric distribution system that avoid or defer investment in traditional electric distribution system capacity upgrades.

The act requires PURA to consider all energy storage configurations that are connected to the distribution system, including those connected in front of the meter and not located at a customer's premises.

The act allows PURA to select any combination of the Green Bank, DEEP, the EDCs, or another third party it deems appropriate to implement one or more electric energy storage programs.

§ 3 — DEEP SOLICITATION AND PROCUREMENT

Project Selection

The act allows DEEP, in consultation with the state's procurement manager and the OCC, to issue RFPs for energy storage projects connected at the transmission or distribution level that would, when combined with programs PURA establishes, achieve the act's energy storage goals. Projects may include stand-alone energy storage projects or projects paired with (1) Class I renewable energy sources (e.g., wind and solar) or (2) hydropower facilities with a nameplate capacity of up to 100 MW.

The act requires the DEEP commissioner, as part of her determination on whether procuring energy storage is cost effective, to publish and make available for public comment a cost effectiveness test that considers each applicable benefit provided by energy storage. If the commissioner determines that procuring energy storage is cost effective, the act requires her to begin selecting proposals.

The DEEP commissioner must consider at least the following when selecting proposals:

1. whether the proposal is in ratepayers' best interest, including the sources' delivered price;
2. whether the proposal promotes electric distribution system reliability, including during winter peak demand;
3. any positive impacts on the state's economic development, as determined in consultation with the Department of Economic and Community Development commissioner;
4. whether the proposal is consistent with the state's greenhouse gas reduction requirements under the Global Warming Solutions Act; and
5. whether the proposal is consistent with the state's Comprehensive Energy Strategy and Integrated Resources Plan.

PURA Review and Cost Recovery

Under the act, any agreement entered into (presumably, by EDCs) as a result of DEEP's selection is subject to PURA's review and approval. The act requires PURA to (1) finish reviewing an agreement within 120 days after it was filed with PURA and (2) approve an agreement if it is cost effective and in electric ratepayers' best interest.

Under the act, EDCs must recover an approved agreement's net costs through a fully reconciling rate component on electric ratepayer bills. Costs include those incurred by the EDCs under the agreement and reasonable costs associated with the agreement. The act also requires EDCs to credit customers through the same fully reconciling rate component for any net revenues from selling products purchased under long-term contracts entered into under the act. The act does not specify lengths or quantities for contract terms.

PA 21-117—sHB 6526

Energy and Technology Committee

AN ACT CONCERNING ELECTRIC SUPPLIERS

SUMMARY: This act establishes new restrictions and requirements for electric suppliers and expands the Public Utilities Regulatory Authority's (PURA) oversight of them. (Generally, Eversource and United Illuminating customers may purchase electricity (1) directly through the utilities at the standard service rate or (2) through contracts with an electric supplier at the supplier's rates.)

Beginning July 1, 2022, the act (1) prohibits electric suppliers from charging a residential customer a variable rate for electric generation services and (2) deems any contract between a supplier and a residential customer with variable rates null and void.

The act prohibits supplier contracts with termination or early cancellation fees for residential customers, eliminating a provision in prior law that (1) limited these fees to \$50 and (2) required the supplier to provide the customer with an estimated average monthly bill when offering a contract in order to assess the fee.

It also applies training requirements and certain other provisions to third parties who contract with, or are compensated by, a supplier's third-party marketer.

The act authorizes PURA to condition a supplier's license and access to electric distribution company (EDC) systems and billing on terms PURA determines to be just and reasonable, including proof that the supplier's products are not overpriced or harmful to residential customers. It expands PURA's authority to take certain actions affecting hardship cases or other low-income customers who contract with electric suppliers. It also requires suppliers to get PURA's approval to

transfer or assign customers.

If a supplier failed to comply with a licensure condition or violated licensure requirements, prior law required PURA to (1) issue civil penalties, (2) suspend or revoke the supplier's license, or (3) prohibit the supplier from accepting new customers. The act requires PURA to take all three of these actions. It also allows PURA to direct a portion of any civil penalty for license violations to a nonprofit agency engaged in energy assistance programs, which the authority names in its decision or violation notice.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 2 — THIRD-PARTY CONTRACTORS

Under existing law, any third party who contracts with, or is otherwise compensated by, an electric supplier to sell generation services is a legal agent of the supplier. To sell generation services on the supplier's behalf, prior law required the agent to be the supplier's employee or independent contractor and to receive appropriate training from the supplier. The act (1) expands this provision to also apply to third parties who contract with or are compensated by a third-party marketer of the supplier to sell generation services and (2) eliminates the requirement that the third party is an employee or independent contractor.

§ 3 — PURA ORDERS FOR HARDSHIP CASES

The act expands PURA's authority to take certain actions affecting customers with low incomes or experiencing certain hardships who purchase through electric suppliers. Under existing law, PURA may initiate a docket to review the feasibility, costs, and benefits of placing these customers on standard service (supplied directly through EDCs) and may order this to be done in its final decision. The docket must consider all hardship customers and customers participating in a matching payment program to reduce arrearages, receiving other financial assistance from an EDC, or who are otherwise protected by law from electricity shutoffs.

The act expands PURA's review to also include the feasibility, costs, and benefits of otherwise limiting the ability of these customers to contract with electric suppliers. It also allows PURA, in issuing its final decision, to order all customer contracts with electric suppliers entered into on and after a determined date to (1) not exceed the standard service rate or (2) comply with appropriate limitations PURA deems necessary. By law and under the act, if PURA issues the order, it must reopen the docket at least every two years.

§ 4 — RESIDENTIAL CONTRACTS AND RATES

Beginning July 1, 2022, and regardless of any other law concerning electric suppliers or utilities, the act prohibits electric suppliers from charging a residential customer a variable rate for electric generation services. Under the act, on and after that date any contract between a supplier and a residential customer that includes variable rates is deemed null and void.

Prior law required an electric supplier to provide written notice of any change in a residential customer's electric generation price between 30 and 60 days before the fixed price term expired. The act instead requires (1) the supplier to provide this notice for the contract's expiration and (2) any new contract to have a cover page highlighting each change from the previous contract, in a format PURA prescribes.

Prior law also required suppliers to notify a residential customer of a rate change that was 25% more than the original contract price 15 days before the change took effect. But this notification requirement only applied to the first rate increase. The act (1) removes this limit on notices, (2) moves out the notice deadline to 30 days before the change takes effect, and (3) additionally applies this notice requirement when the change is more than the first price term offered in the contract. Existing law requires suppliers to provide these notices through whichever method the customer agrees to in the contract (e.g., e-mail or text message). The act requires the supplier to keep documentation of the notice's original communication method.

§ 6 — CUSTOMER ASSIGNMENTS AND TRANSFERS

By law, electric suppliers must receive PURA's approval to transfer a license. The act additionally requires them to receive it to assign or transfer customers to another supplier. Under the act, for both license transfers and customer assignments or transfers, suppliers must notify PURA at least 30 days before the effective date of assigning or transferring customers.

The act allows PURA, upon review, to require certain conditions or deny customer assignments or transfers. It deems a customer assignment or transfer approved if PURA fails to approve, modify, or deny it within 30 business days after receiving the supplier's notice unless PURA and the supplier agree to a specified time extension. Under existing law, PURA may assess additional licensing fees to pay the administrative costs of reviewing a supplier's license transfer request. The act allows PURA to also assess these fees for customer transfers.

PA 21-118—sHB 6527

Energy and Technology Committee

AN ACT INCREASING THE TOTAL OUTPUT OF CLASS III SOURCES

SUMMARY: This act temporarily increases, from 4% to 5%, the minimum Class III procurement requirement under the state's Renewable Portfolio Standard (RPS) law. The RPS generally requires the electric distribution companies (EDCs; i.e., Eversource and United Illuminating) and retail electric suppliers to obtain a portion of their power from certain energy resources categorized as Class I, II, and III. By law, Class III sources include electricity from certain combined heat and power systems, certain waste heat recovery systems, and conservation and load management programs, generally excluding those supported by ratepayers (CGS § 16-1(a)(38)).

From January 1, 2022, until December 31, 2024, the act requires the EDCs and suppliers to obtain at least 5%, rather than 4%, of the power they provide to customers from Class III sources. (Presumably, the Class III requirement reverts to 4% after 2024.)

EFFECTIVE DATE: July 1, 2021

PA 21-139—SB 856

Energy and Technology Committee

AN ACT INCREASING REPRESENTATION ON THE ENERGY CONSERVATION MANAGEMENT BOARD

SUMMARY: This act adds a representative of low-income residential customers and a representative of municipalities to the Energy Conservation Management Board. By law, the commissioner of energy and environmental protection appoints members to the board, which, among other things, helps develop the state's conservation and load management plan (CGS § 16-245m(d)).

EFFECTIVE DATE: July 1, 2021

PA 21-159—sHB 6442

Energy and Technology Committee
Appropriations Committee

AN ACT CONCERNING EQUITABLE ACCESS TO BROADBAND

SUMMARY: This act contains various provisions related to broadband internet access service (referred to as "broadband service" below) and broadband internet access service providers ("broadband providers"). Among other things, it:

1. requires the Office of Policy and Management (OPM) to develop and maintain an up-to-date broadband map with data showing the availability and adoption of broadband service (§ 2);
2. requires the Department of Energy and Environmental Protection (DEEP) commissioner to establish and administer a grant program to support broadband service deployment, subject to federal funding availability (§ 3);
3. expands the uses of the annual assessment companies pay to the Public Utility Control Fund (see BACKGROUND) to also cover OPM's expenses related to developing the broadband map and participating in the grant program (§ 8);
4. requires (a) DEEP to maintain a public listing of federal funding opportunities to facilitate deploying broadband

- service and (b) broadband providers to notify DEEP about their decisions to apply for the funding (§ 4);
- 5. requires the Public Utilities Regulatory Authority (PURA) to impose requirements on broadband providers when they apply to build certain underground facilities (e.g., notifying other providers about the proposed excavation to reduce future excavations in the same location) (§ 5);
- 6. gives broadband providers the same right of access to occupied buildings that existing law provides to telecommunications service providers (§ 6); and
- 7. requires the State Building Code to include a minimum infrastructure requirement to support broadband service for new construction or major alterations of a commercial or multi-family building (§ 7).

Under the act, “broadband internet access service” is a wired, mass-market retail service that provides the capability to transmit data to, and receive data from, all or substantially all internet endpoints, including capabilities that are incidental to and enable the service’s operation, but not dial-up internet access service. A “broadband internet access service provider” is an entity that provides broadband internet access service through facilities occupying public highways or streets authorized by PURA, including through a certificate of public convenience and necessity, a certificate of video franchise authority, a certificate of cable franchise authority, or as a certified telecommunications provider (see BACKGROUND).
EFFECTIVE DATE: July 1, 2021

§ 2 — BROADBAND MAPPING

The act requires OPM, in consultation with other state agencies that the OPM secretary deems appropriate, to develop and maintain an up-to-date broadband map with accompanying data showing the availability and adoption of broadband service, including upload and download speeds, in the state. OPM must do this in accordance with the state laws on geospatial information systems and the state data plan.

To develop and maintain the map, OPM may rely on credible and relevant data, as the secretary determines, provided by broadband providers, state agencies, political subdivisions (e.g., municipalities), and other third parties, such as broadband service consumers. The secretary may also employ outside consultants to develop and maintain it.

The act requires (1) each state agency and political subdivision to provide all information requested by OPM to develop and maintain the map and (2) OPM to begin annually publishing the map on its website by December 1, 2022.

Provider Information

The act requires each broadband provider to provide OPM with information required to develop and maintain the broadband map showing broadband service availability and subscription data by broadband internet speed offered by the provider.

The information must include the maximum advertised downstream and upstream bandwidths and the transmission technology for each address or structure in the state at which service is available from the provider. For each area the provider serves, as long as it is not larger than a census block group, the information must also include the total number of connections and consumer connections for each combination of advertised downstream and upstream bandwidths of the service as sold and transmission technology.

The act requires the OPM secretary to prescribe the form and manner for providing the information. It explicitly allows the information to be submitted as a labeled shapefile, which is a digital storage format with geospatial or location-based data and attribute information (1) on broadband service availability and (2) that can be viewed, edited, and mapped in geographic information system software.

The act also requires the secretary, when prescribing the form and manner for providing the information, to make reasonable efforts to conform with the (1) federal Broadband Deployment Accuracy and Technological Availability Act (47 U.S.C. § 641 et seq.), (2) Federal Communications Commission’s (FCC) rules adopted under that act, and (3) FCC’s Form 477 filing process.

Confidentiality

Under the act, the information provided by the broadband providers must be deemed a trade secret and exempt from disclosure under the Freedom of Information Act (FOIA). OPM may provide the information, under a data sharing agreement, to DEEP, the Office of State Broadband, and the Commission for Educational Technology for administering the grant program (see § 3 below), but it may not disclose it to a non-governmental individual or entity other than an outside consultant employed as allowed under the act. Any contract or data-sharing agreement that OPM enters into with other governmental entities or outside consultants must include a confidentiality agreement about the trade secret information.

The information may also be disclosed (1) in an aggregated form needed to develop and maintain OPM’s broadband

map and data described above or (2) with the broadband provider's permission.

§ 3 — BROADBAND DEPLOYMENT GRANT PROGRAM

The act requires the DEEP commissioner, by January 1, 2022, to establish and administer a grant program, subject to the availability of federal funding, to support the deployment of broadband service. It allows the commissioner to employ outside consultants to develop and implement the program.

Criteria for Awarding Grants

The commissioner must establish criteria for the grants consistent with any federal requirements for them. They must at least include criteria for: (1) application requirements; (2) applicant eligibility; (3) addressing unserved areas in distressed municipalities; (4) broadband service speed; and (5) an applicant's commitment to pay at least 20% of the costs for a grant-eligible project with the applicant's own funding, as long as it does not derive from government grants, loans, or subsidies.

By law, the Department of Economic and Community Development commissioner annually designates the state's distressed municipalities based on a combination of economic, education, demographic, and housing criteria (CGS § 32-9p). An "unserved area" under the act is an area (1) that is no larger than a U.S. census block, as determined in the most recent census, and (2) where no broadband provider offers broadband service with download speeds of at least 25 megabits per second (Mbps) and upload speeds of at least three Mbps, as identified on OPM's broadband map.

The act allows the commissioner, when awarding the grants, to prioritize applicants based on the percentage of their commitment to cost sharing. It also allows her to deny applications from broadband providers that do not provide information to OPM and DEEP as required by the act (see § 2 above and § 4 below).

Reports

Starting by January 1, 2023, and annually for five years after receiving a grant, the act requires a grant recipient to submit a report to the commissioner on the status of its broadband service deployment and other information the commissioner deems relevant.

The act also requires DEEP, starting by December 1, 2022, to biennially report to the governor on (1) the broadband deployment grants awarded; (2) the status and progress made towards a statewide goal of attaining universal access to broadband download speeds of one gigabit per second and broadband upload speeds of 100 Mbps; and (3) broadband service adoption rates, price and non-price barriers to broadband adoption, and digital equity. The report must also include recommendations to overcome the barriers and at least address digital literacy and affordability.

DEEP must prepare the report in consultation with OPM, the Office of State Broadband, the Commission for Educational Technology, and other state agencies the DEEP commissioner deems appropriate.

Under the act, "digital equity" is a condition in which everyone has the information technology capacity needed to participate in society, democracy, and the state's economy. "Digital literacy" is the ability to use information and communication technologies to find, evaluate, create, and communicate information, requiring both cognitive and technical skills.

§ 4 — FEDERAL FUNDING OPPORTUNITIES

The act requires DEEP to maintain on its website a public listing of federal funding opportunities to facilitate deploying broadband service in the state. Then, within 90 days after the listing of an opportunity, each broadband provider must notify DEEP whether it applied or intends to apply for the opportunity. The notification must be in a form and manner DEEP prescribes and to the extent allowed under applicable federal law, rules, or guidelines.

If the provider applied or intends to apply, the act also requires it to notify DEEP, in a form and manner that DEEP prescribes, about the municipalities where broadband deployment would be facilitated. Each applying provider must also give DEEP a copy of the application to the extent allowed by federal law, rules, or guidelines. The act deems these applications a trade secret and exempt from public disclosure under FOIA.

If the provider did not apply or does not intend to do so, it must notify DEEP about the reasons why, to the extent allowed under applicable federal law, rules, or guidelines, in a form and manner that DEEP prescribes.

§ 5 — UNDERGROUND CONDUIT

The act requires PURA, by January 1, 2022, to initiate an uncontested proceeding to develop a process for constructing facilities in the public highways, streets, or other public rights-of-way to ensure timely and nondiscriminatory procedures that accomplish conduit excavations for telecommunications service providers and broadband providers.

It also requires PURA to impose certain requirements on broadband providers when they apply to build underground facilities that will contain conduit for telecommunications service providers or broadband providers. (Presumably, this must occur as part of the process PURA develops.) PURA must condition its approval on applicants meeting the following requirements:

1. the conduit's size must be consistent with industry best practices and sufficient to accommodate potential demand;
2. handholes and manholes for fiber optic cable access and pulling, respectively, must be placed at intervals consistent with industry best practices;
3. the conduit must be installed with a pull tape and capable of supporting additional fiber optic cable;
4. the applicant must notify telecommunications service providers and broadband providers about the proposed excavation to reduce the potential for future street excavations in the same location;
5. a telecommunications service provider or broadband provider, upon request, must be able to access the conduit on a competitively neutral and nondiscriminatory basis, and for a charge that does not exceed a cost-based rate;
6. the applicant must report to PURA upon completion to verify that it complied with the above requirements; and
7. any other condition PURA deems prudent and reasonable.

Excavations in State Highway Rights-of-Way

For excavations in state highway rights-of-way, the act requires the applicant to comply with the Department of Transportation's (DOT) encroachment permit process, including paying applicable fees. Under the act, an application for construction in the public highways, streets, or other public rights-of-way must require the applicant to install a conduit for DOT's benefit, as required by law.

The act authorizes the DOT commissioner to lease space or enter into a contract or agreement to permit access to the space in any DOT-installed conduit in public highways, streets, or other public rights-of-way. The lease or contract may be on the terms and conditions, and for any purpose, that the commissioner deems in the public interest. The act specifies that it does not limit DOT's use of conduit on public highways, streets, or other public rights-of-way as otherwise permitted by law.

Provision Coverage & Penalties

Under the act, all telecommunications service providers and broadband providers that PURA authorizes to install facilities in, under, or over public highways, streets, or other public rights-of-way must obey, observe, and comply with these provisions on underground conduits and PURA's applicable orders about them. Failure to do so may result in a civil penalty levied by PURA as allowed under existing law (i.e., a fine, restitution, or a combination of both of up to \$10,000 per offense unless otherwise specified in statute (CGS § 16-41)). Under the act, these fines cannot be recovered in any rate proceeding PURA conducts.

§ 6 — ACCESS TO OCCUPIED BUILDINGS

The act gives each broadband provider the same right of access to an "occupied building" that the law provides to telecommunications service providers. In effect this requires, among other things, an occupied building's owner to allow wiring to provide broadband service in the building if (1) a tenant requests services from the broadband provider; (2) the entire cost of the wiring is assumed by the provider; and (3) the provider indemnifies and holds the owner harmless for any damage the wiring causes.

By law, an "occupied building" is a building or a part of one that is rented, leased, hired out, arranged, or designed to be occupied, or is occupied (1) as the home or residence of at least three families living independently of each other; (2) as the place of business of at least three businesses conducting business independently of each other; or (3) by any combination of at least three independent families and businesses. It includes trailer or manufactured home parks, nursing homes, hospitals, and condominium associations (CGS § 16-247I).

§ 7 — STATE BUILDING CODE

The act requires the state building inspector and the Codes and Standards Committee to revise the State Building Code so that it requires buildings that qualify as a new construction or a major alteration of a commercial or multi-family building to have a minimum infrastructure requirement to support broadband service. The inspector and committee must define these requirements in the revisions. (The act does not establish a deadline for this revision.)

BACKGROUND

Public Utility Control Fund

By law, the administrative costs of PURA, the Office of Consumer Counsel (OCC), and DEEP's Bureau of Energy and Technology are funded through assessments on public service companies, telephone companies, certified telecommunications providers, retail electric suppliers, and certified competitive video service providers with more than \$100,000 in gross revenues in the state in the preceding calendar year. PURA annually assesses each company for its share of expenses for OCC, DEEP's energy bureau, and PURA (CGS § 16-49).

Certified Competitive Video Service Provider

By law, a certified competitive video service provider is an entity providing video service under a PURA-issued certificate of video franchise authority (e.g., AT&T's U-Verse service) (CGS § 16-1(a)(41)). A certificate of video franchise authority grants the right to own, lease, maintain, operate, manage, or control facilities in, under, or over any public highway to offer video service to subscribers in the state (CGS § 16-1(a)(42)).

Certificate of Cable Franchise Authority

A certificate of cable franchise authority is a PURA authorization giving a cable-TV company the right to own, lease, maintain, operate, manage, or control a cable-TV system in, under, or over any public highway to (1) offer cable-TV service in its designated franchise area or (2) use the public rights-of-way to offer video service in a designated franchise area (CGS § 16-1(a)(43)).

Certified Telecommunications Provider

By law, a certified telecommunications provider is an entity certified by PURA to provide intrastate telecommunications services (CGS § 16-1(a)(32)).

PA 21-162—HB 6524

Energy and Technology Committee

AN ACT CONCERNING THE SOLICITATION OF NEW FUEL CELL ELECTRICITY GENERATION PROJECTS

SUMMARY: This act requires each electric distribution company (EDC; i.e., Eversource and United Illuminating) to (1) solicit proposals to acquire new fuel cell electricity generation projects that begin operation on or after July 1, 2021; (2) select project proposals from those solicitations; and (3) submit their selected proposals to the Public Utilities Regulatory Authority (PURA). Under the act, PURA must evaluate the proposals and may approve them for certain purposes, including enhancing distribution system reliability.

The act limits the size of project facilities the EDCs may acquire to 30 megawatts of capacity in the aggregate apportioned to each EDC based on its distribution load. Under the act, costs prudently incurred by an EDC must be recovered from all its customers through a fully reconciling component of its electric rates until the company's next rate case, when the company may recover its costs and investments for newly owned fuel cell generation through its base distribution rates, as determined by PURA.

Additionally, the act eliminates a similar provision in prior law that authorized, but did not require, the EDCs to submit plans to PURA to acquire new fuel cell electricity generation facilities that began operation on or after July 1, 2017.

EFFECTIVE DATE: July 1, 2021

SOLICITATION PROCESS AND PROPOSAL SUBMISSIONS

The act requires the EDCs to use a competitive solicitation process and give preference to projects (1) that use equipment manufactured in the state or (2) sited on landfills or brownfields (see BACKGROUND) when selecting new fuel cell electricity generation projects from the proposals they receive. Under the act, the EDCs must, by August 1, 2021, jointly file with PURA a proposed tariff (generally, rates, terms, and conditions) to use in their solicitations, subject to PURA's approval. (The act does not specify a timeline for PURA to review and approve the tariff.) The act requires each EDC to submit selected project proposals and associated tariffs to PURA by January 1, 2022.

Under the act, submitted proposals must (1) include the EDC's full projected costs and (2) demonstrate to PURA that a project's facility is not supported in any form of cross subsidization by affiliated entities, except that gas companies may recover costs associated with benefits a proposed project confers on the natural gas system, as determined by PURA. Gas companies may recover these costs from all gas customers through the statutory purchased gas adjustment clause in proportion to their revenue as reported to PURA for the most recent fiscal year.

PROJECT EVALUATION AND APPROVAL

The act requires PURA to evaluate submitted project proposals in a manner consistent with ratemaking principles established in state law (see BACKGROUND). It authorizes PURA to approve any projects for the following purposes:

1. to give commercial or industrial electric or gas customers on-site generation that (a) increases power quality or resilience or (b) reduces their energy costs;
2. to provide emergency service facilities or commercial or industrial electric or gas customers with back-up power; or
3. to enhance distribution system reliability, including making electric voltage or frequency improvements, supporting microgrids, or taking other measures that support electric or gas system resiliency.

By law, "resilience" is the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from deliberate attacks, accidents, or naturally occurring threats or incidents, such as those associated with climate change (CGS § 16-243y).

USE OF ENERGY PRODUCTS

The act allows the EDCs to use any energy products, capacity, and environmental attributes (e.g., renewable energy certificates (RECs)) produced by a project's facility to meet the needs of their standard service customers (i.e., customers who do not select a retail energy supplier) and as may otherwise be determined by PURA. The act also explicitly does not prevent companies from reselling or otherwise disposing of energy products, capacity, and environmental attributes they purchase under the act if PURA orders them to do so.

The state's renewable portfolio standard (RPS) generally requires that a portion of the power provided by the EDCs and retail electric suppliers comes from renewable resources. Companies may meet their RPS requirement through purchasing RECs. By law, the EDCs must contract with their wholesale suppliers to comply with the RPS. The act supersedes this law and allows the EDCs to retain Class I RECs issued by the New England Power Pool Generation Information System for fuel cells acquired under the act to meet their RPS requirements, as determined by PURA.

BACKGROUND

Brownfields

By law, a brownfield is any abandoned or underused site where redevelopment, reuse, or expansion has not occurred due to the presence or potential presence of pollution in the buildings, soil, or groundwater that requires investigation or remediation before or in conjunction with the property's redevelopment, reuse, or expansion (CGS § 32-760(2)).

Ratemaking Principles

By law, PURA must generally investigate whether proposed rates by public service companies (including the EDCs and gas companies) conform to ratemaking principles established in law, including that (1) there must be a clear public need for the service being proposed or provided and (2) PURA and all public service companies must perform their

respective public responsibilities with economy, efficiency, and care for public safety and energy security, as well as promote economic development within the state with consideration for conservation, energy efficiency, development and use of renewable energy, and prudent management of the natural environment (CGS § 16-19e).

PA 21-181—sHB 6412

*Energy and Technology Committee
Appropriations Committee*

AN ACT CONCERNING A LOW-CARBON FUEL BLEND OF HEATING OIL

SUMMARY: This act requires heating oil sold in the state to be a low-carbon fuel blend with a specified percentage of biodiesel that increases over time, beginning July 1, 2022. The act sets the minimum amount of biodiesel in heating oil at 5% in 2022 and increases it on a schedule to 50% in 2035. These requirements replace a similar provision in prior law that required an increasing proportion of biodiesel in heating oil, but only if surrounding states adopted a similar requirement, a condition that was never met.

The act allows the Department of Energy and Environmental Protection (DEEP) commissioner to temporarily waive the blending requirements if she determines that they, at any time, (1) are not feasible due to a lack of adequate biodiesel supply or (2) would result in a financial hardship to consumers.

Under the act, low-carbon fuel blended with heating oil must be produced in accordance with industry-accepted quality control standards. The act requires low-carbon fuel marketers and producers to provide a certificate of analysis before blending low-carbon fuel with heating oil. The certificate must verify conformity with critical specifications of designation D6751 of ASTM International or another applicable ASTM specification for low-carbon fuel blends (see BACKGROUND).

The act allows the DEEP commissioner to adopt regulations, by July 1, 2022, on disclosure requirements for heating oil retailers regarding the percentage or approximate range of low-carbon fuel blend contained in the home heating oil delivered to consumers. The act also requires DEEP's Comprehensive Energy Strategy (CES) to consider several factors related to low-carbon fuel blends for heating oil and effects on greenhouse gas emissions, beginning with the next CES approved after October 1, 2021.

The act eliminates a provision requiring the Department of Consumer Protection (DCP), within available appropriations, to verify that biodiesel offered for sale in the state conforms to certain standards. It also eliminates the Distillate Advisory Board, which, under prior law, was a six-member board within DCP. Under prior law, if biodiesel blending requirements had taken effect, the board would have been tasked with advising the DCP commissioner on related issues, receiving petitions to waive biodiesel blending requirements in certain circumstances, and annually reporting to the Energy and Technology and Environment committees on related issues.

EFFECTIVE DATE: July 1, 2021

BIODIESEL REQUIREMENT SCHEDULE

Under the act, heating oil sold in the state must be a "low-carbon fuel blend" containing the following minimum percentage of biodiesel, as of each July 1:

1. 5% in 2022,
2. 10% in 2025,
3. 15% in 2030,
4. 20% in 2034, and
5. 50% in 2035.

Under the act, a "low-carbon fuel blend" is a fuel meeting the standards for advanced biofuels under the federal Renewable Fuel Standard Program, requiring a 50% reduction in lifecycle greenhouse gas emissions, including qualifying biodiesel meeting the most recent version of ASTM International designation D6751 (see BACKGROUND).

COMPREHENSIVE ENERGY STRATEGY (CES)

Beginning with the next CES approved after October 1, 2021, the act requires DEEP's CES to consider the:

1. reduction in greenhouse gas emissions resulting from low-carbon fuel blends used in home heating oil on a life-cycle basis and its possible contributions to the state's greenhouse gas emissions mandated levels;

2. ability of a thermal portfolio standard to further emission reductions on a lifecycle basis; and
3. relative value of the life-cycle emissions reductions achieved by biodiesel and other low-carbon blends used currently in the state compared to the value of future projected life-cycle emissions reductions achieved by the retail heating oil industry five, 10, and 20 years into the future using DEEP's contemporaneous projection of renewable energy utilized.

By law, the CES is required every four years and must be submitted to the Energy and Technology Committee.

BACKGROUND

Federal Renewable Fuel Standard Program

The federal Renewable Fuel Standard program is a national policy that requires a certain volume of renewable fuel to replace or reduce the quantity of petroleum-based transportation fuel, heating oil, or jet fuel. The program designates four renewable fuel categories, including "advanced biofuels," which are renewable fuels (other than ethanol derived from cornstarch) that have lifecycle greenhouse gas emissions that are 50% less than a 2005 petroleum baseline (40 C.F.R. § 80.1401). Advanced biofuels include fuels derived from soybean oil, distillers corn oil and sorghum, and oil from annual cover crops.

ASTM International Designation D6751

ASTM International (formerly known as the American Society for Testing and Materials) is a standards development organization. Designation D6751 covers biodiesel fuel blend stock for use as a blend component with certain distillate fuels. The specification generally prescribes the fuel's required properties at the time and place of delivery.

PA 21-70—HB 6629

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE COLLECTION AND REMITTANCE OF THE E 9-1-1 FEE BY MARKETPLACE FACILITATORS

SUMMARY: This act makes marketplace facilitators retailers for purposes of collecting and remitting the prepaid wireless E-911 fee, which supports the state’s enhanced emergency 911 program. The law imposes this fee on each sale of prepaid wireless telecommunications services (see BACKGROUND) by a seller conducting a retail transaction in Connecticut. Retailers must disclose the fee amount to consumers in an invoice, a receipt, or other similar document, or post it conspicuously on their websites or on a conspicuous sign at the point of sale. They may keep 1% of the amount collected and must remit the balance to the state.

Under the act, marketplace facilitators that facilitate the sale of prepaid wireless telecommunications services to consumers are considered retailers for these purposes and are thus subject to these requirements. Existing law already requires marketplace facilitators to collect and remit sales tax on behalf of their marketplace sellers.

By law, a “marketplace facilitator” is any person who:

1. facilitates retail sales of at least \$250,000 by marketplace sellers during the prior 12-month period by providing a forum (e.g., website, catalog, or booth) that lists or advertises taxable tangible personal property or services, including digital goods, for sale by those sellers;
2. collects receipts from customers and remits payments to marketplace sellers, directly or indirectly, through agreements or arrangements with third parties; and
3. receives compensation or other consideration for these services.

EFFECTIVE DATE: July 1, 2022, and applicable to sales occurring on or after that date, except that a technical change is effective October 1, 2021.

BACKGROUND

Prepaid Wireless Telecommunications Service

A prepaid wireless telecommunications service is a wireless telephone service that a consumer pays in advance that (1) allows access to the E-911 system by dialing 911 and (2) is sold in predetermined units or dollars that decline with use (sometimes called “no contract plans”). It includes prepaid wireless phone cards, recharge or refill authorization codes, and prepaid cell phones or other prepaid wireless devices preloaded with airtime minutes. It excludes “calling cards.”

PA 21-200—sHB 6633

Finance, Revenue and Bonding Committee

AN ACT RESTRUCTURING UNEMPLOYMENT INSURANCE BENEFITS AND IMPROVING FUND SOLVENCY

SUMMARY: This act makes several changes in the unemployment system. Among its changes, beginning in 2024, the act does the following:

1. generally increases the minimum weekly benefit from \$15 to \$40 and requires it to be adjusted annually for inflation, except when the federal government is providing additional payments to claimants;
2. generally increases the minimum earnings claimants’ need to qualify for the minimum benefit from \$600 to \$1,600 (annually adjusted for inflation);
3. freezes the maximum benefit rate for certain claims initially filed from 2024 through 2028;
4. increases the taxable wage base from \$15,000 to \$25,000 and requires it to be adjusted annually for inflation;
5. reduces employers’ experience tax rates for 2024 and 2025 and temporarily reduces the experience period used for calculating employers’ experience rates for 2026 and 2027;
6. expands the range of experience tax rates from the prior range of 0.5% to 5.4% to the act’s range of 0.1% to 10%;
7. creates a “non-charge” against an employer’s experience rate for benefits paid to a claimant through the Shared Work program for claims filed when the state’s average rate of unemployment exceeds a specified threshold;
8. generally reduces the maximum fund balance rate from 1.4% to 1.0%;

9. eliminates an exception that allows certain claimants to receive unemployment benefits during a week for which they received severance pay;
10. prohibits claimants from receiving benefits during any week for which they received specified vacation pay; and
11. shortens the length of certain absences from work for which an employee may be fired and disqualified for benefits.

Additionally, the act requires the Department of Labor (DOL) to cap the fund balance rate at 0.5% during a recession unless doing so would jeopardize the state's access to interest-free federal loans. It also requires DOL to adjust the experience rates for employers in industry sectors experiencing above-average employment losses in those sectors.

EFFECTIVE DATE: January 1, 2022

MINIMUM BENEFITS AND EARNINGS

For benefit years starting during 2024, the bill increases the minimum weekly unemployment benefit from \$15 to \$40 for all workers. However, it requires the minimum benefit to be \$15 when the federal government provides a fully federally funded supplement to the individual's weekly benefit amount.

For subsequent benefit years, the act generally requires the minimum benefit to be adjusted for inflation. Under the act, the minimum benefit must be (1) adjusted by the percentage change in the U.S. DOL's employment cost index (or its successor index) for wages and salaries for all civilian workers over the 12-month period ending on June 30 of the preceding year and (2) rounded to the nearest dollar. This inflationary adjustment does not apply when the minimum benefit is set to \$15 as described above.

Because the law generally requires claimants to have earned at least 40 times their weekly benefit during their base period to qualify for benefits, increasing the minimum benefit also increases what these claimants must earn over the course of their base period to qualify for the minimum benefit (CGS § 31-235). So, to qualify for the act's \$40 minimum weekly benefit, claimants must have earned at least \$1,600 (\$40 x 40) over their base period, instead of the \$600 required by prior law. The minimum base period earnings required to qualify for benefits in subsequent benefit years changes based on the inflationary adjustments described above.

MAXIMUM BENEFIT FREEZE

Existing law caps the maximum benefit allowed for any unemployment claimant at 50% of the average wage of all workers in the state. Existing law requires the labor commissioner to adjust the cap on the first Sunday of each October by no more than \$18 each year. The act prohibits the commissioner from increasing the cap in benefit years starting on or after the first Sunday in October 2024 and before the first Sunday in October 2028.

TAXABLE WAGE BASE

Beginning January 1, 2024, the act increases the taxable wage base from the current \$15,000 to \$25,000. In general, the taxable wage base is the amount of wages paid to each employee on which the employer must pay unemployment taxes. Beginning January 1, 2025, the act requires the taxable wage base to be (1) annually adjusted for inflation by the percentage change in the U.S. DOL's employment cost index (or its successor index) for wages and salaries for all civilian workers over the 12-month period ending on June 30 of the preceding year and (2) rounded to the nearest multiple of \$100.

EXPERIENCE RATE

Benefit Ratio for 2024-2027

Under prior law, DOL annually determined each employer's experience rate by calculating a benefit ratio for the employer over the previous three years (i.e., the experience period). This is the ratio between the amount charged to the employer's experience account for benefits paid to former employees and the amount of the employer's taxable wages. Under the act, each employer's charged rate for the 2024 and 2025 calendar years must be divided by 1.471 and 1.269, respectively. This will reduce employers' experience rates by roughly 32% in 2024 and 21% in 2025. The act also shortens the experience period for 2026 and 2027 from the previous three years to the previous year for 2026 and previous two years for 2027.

Tax Rate

Under prior law, the experience tax rate ranged from a 0.5% minimum for employers with a benefit ratio of 0.005 or

less to a 5.4% maximum for employers with a benefit ratio of 0.54 or greater. Beginning with the 2024 calendar year, the act lowers the minimum rate to 0.1% for employers with a benefit ratio of 0.1% or less and increases the maximum rate to 10% for employers with a benefit ratio of 10% or more.

Benefit Ratio Adjustment for Certain Industry Sectors

Starting on January 1, 2022, if the average benefit ratio of all employers within an industry sector (based on the North American Industry Classification System) increases over the prior calendar year's average by 0.01 or greater (which would increase experience rates by at least one percentage point), the act requires the department to adjust the benefit ratio for each employer in that sector downward by 50% of the average increase for the sector. The mining and construction sectors are considered one sector for purposes of this adjustment.

Shared Work Program Non-Charge

In general, a portion of an employer's unemployment insurance taxes are based on the employer's "experience rate," which reflects the amount of unemployment benefits paid to the employer's former employees over a certain period. The law, however, allows several non-charging separations in which an employee can collect benefits without affecting a former employer's experience rate. (The benefits paid to the former employee are "pooled" and paid by all employers who pay unemployment taxes.)

Beginning January 1, 2024, the act allows a non-charge for employees who are paid benefits through the Shared Work program (see BACKGROUND) for claims filed in a week in which the state's average unemployment rate is 6.5% or more based on the most recent three months of DOL-published data. For more drastic spikes in the unemployment rate, it also authorizes the DOL commissioner to allow a non-charge for these employees for claims filed in a week in which the state's average unemployment rate is 8% or more in the most recent month of DOL-published data.

MAXIMUM FUND BALANCE RATE

In addition to its individual experience rate, each employer is also charged a flat fund balance rate that is set each year by the DOL commissioner. This rate is, generally, calculated to ensure that the unemployment trust fund has a statutorily determined amount of funding. Under prior law, the maximum fund balance rate was 1.4%. The act reduces the maximum rate to 1% beginning with the 2024 calendar year, except as described below.

The act requires the DOL commissioner to set the maximum fund balance rate at no greater than 0.5% during a recession unless doing so would jeopardize the state's access to interest-free federal advances, including those that are subject to certain funding goals established under federal law (see BACKGROUND). Under the act, this requirement applies during a calendar year that begins during an economic recession declared by the National Bureau of Economic Research on or before November 15 of the prior calendar year.

SEVERANCE AND VACATION PAY

The law generally prohibits claimants from receiving benefits during any week for which they received severance pay. Prior law made an exception if, as a condition for receiving the severance pay, a claimant was required to forfeit a right or claim against an employer. The act eliminates this exception starting January 1, 2024.

Beginning on that same date, the act also prohibits claimants from receiving benefits during any week for which they received vacation pay related to an identifiable week or weeks (1) designated as a vacation period under an arrangement between the individual (or his or her representative) and the employer or (2) that is the customary vacation period in the employer's industry. Under the act, this provision does not apply to payments of accrued vacation pay that a claimant receives upon separation from employment.

INELIGIBILITY FOR BENEFITS DUE TO ABSENCES

By law, employees are ineligible for unemployment benefits if they were terminated after three separate instances within a 12-month period of being absent from work without either good cause or notifying the employer. Under prior law, an "instance" of absence could be either one day or two consecutive days (so, an employee who was absent for two consecutive days counted as one instance). Beginning January 1, 2024, the act instead requires each day of absence without good cause or notice be counted as an instance of absence.

BACKGROUND

Shared Work Program

The Shared Work Program is a voluntary program that allows employers to reduce their employees' work hours in place of layoffs. The affected employees receive a proportionally reduced unemployment benefit, which still gives them a greater total income than if they had been laid off with a full unemployment benefit. By remaining employees, they also maintain their fringe benefits (e.g., health insurance).

Federal UI Funding Goals

Under federal regulations, state unemployment systems may access certain interest-free federal loans if (1) the state's unemployment trust fund maintained an average high-cost multiple (AHCM) of at least 1.0 over the previous five consecutive years and (2) the state did not recently reduce its unemployment tax rate beyond certain thresholds (20 C.F.R. § 606.32). In general, an AHCM of 1.0 indicates that a trust fund holds enough funds to cover one year of benefits in a recession that is the average magnitude of the last three recessions.

Related Act

PA 21-5 disregards an employer's benefit charges and taxable wages between July 1, 2019, and June 30, 2021, when calculating the employer's unemployment tax experience rate for taxable years starting on or after January 1, 2022. It similarly disregards the statewide benefits and taxable wages for calendar years 2020 and 2021 when calculating the unemployment tax rate that will apply to new employers for tax years starting on or after January 1, 2022.

PA 21-201—SB 1100

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE FAILURE TO FILE FOR CERTAIN GRAND LIST EXEMPTIONS AND THE FEE FOR LIMITED LIABILITY COMPANIES TO FILE AN ANNUAL REPORT

SUMMARY: By law, the fee that specified business entities must pay to file an annual report with the secretary of the state increased from \$20 to \$80 for annual reports filed beginning July 1, 2020. This act instead provides that for limited liability companies, the \$80 filing fee applies to annual reports filed for any year on or after July 1, 2020, rather than any filings made on or after that date. Reports filed for any year before July 1, 2020, are subject to the \$20 fee. By law, unchanged by the act, the annual report filing fee for limited partnerships and limited liability partnerships remains at \$80 for reports filed on or after July 1, 2020.

The act also allows taxpayers in five municipalities to claim a property tax exemption for specified property and grand lists even though they missed the November 1 filing deadline.

EFFECTIVE DATE: July 1, 2021, except that the property tax exemption provisions for Danbury and Seymour and the annual report filing fee provision are effective upon passage.

EXEMPTION DEADLINE WAIVERS

The act allows taxpayers in Danbury, Hartford, Middletown, Plainville, and Seymour to claim a property tax exemption for the property and grand lists shown in the table below, even though they missed the November 1 filing deadline. It does so by waiving the deadline if the taxpayer files for the exemption by a specified deadline and pays the statutory late filing fee. The filing deadline is July 31, 2021, for taxpayers in Hartford, Middletown, and Plainville, and August 12, 2021, for taxpayers in Danbury and Seymour. The tax assessor for the respective town must confirm that he or she received the fee, verify the property's eligibility for the exemption, and subsequently approve the exemption. The municipality must refund any taxes, interest, or penalties paid on the property as if the claim was timely filed.

Exemption Deadline Waivers Under the Act

<i>Municipality</i>	<i>Grand List</i>	<i>Exemption</i>
Hartford	2018 and 2019	Machinery and equipment used for manufacturing, biotechnology, and recycling (§ 12-81(76))
Plainville	2020	
Seymour	2018	
Danbury	2019 and 2020	Property owned or held in trust for any corporation organized exclusively for scientific, educational, literary, historical, or charitable purposes and used exclusively for those purposes or preserving open space land (§ 12-81(7))
Middletown	2017	
	2017, 2018, and 2019	

RA 21-1—HJ 59

Government Administration and Elections Committee

RESOLUTION APPROVING AN AMENDMENT TO THE STATE CONSTITUTION TO ALLOW FOR EARLY VOTING

SUMMARY: This resolution proposes a constitutional amendment to authorize the General Assembly to provide by law for in-person, early voting before an election or referendum. It also removes the requirement that a duplicate list of election results for state officers and state legislators, which under the constitution must be sent to the secretary of the state within 10 days after the election, be submitted under seal (see BACKGROUND).

The ballot designation to be used when the amendment is presented at the general election is: “Shall the Constitution of the State be amended to permit the General Assembly to provide for early voting?”

EFFECTIVE DATE: The resolution will appear on the 2022 general election ballot. If a majority of those voting on the amendment in the general election approves it, the amendment will become part of the state constitution.

CURRENT CONSTITUTIONAL PROVISIONS

The state constitution sets the first Tuesday after the first Monday in November in specified years as the day of election for legislative and statewide offices. It currently requires election officials to receive and declare votes on this day to elect state legislators and state officers, with one exception. (The exception authorizes the General Assembly to pass a law allowing electors to cast their votes by absentee ballot for specified reasons (e.g., illness or physical disability).)

If passed, the resolution would authorize the General Assembly to provide by law for in-person, early voting before an election or referendum. To effectuate this, it eliminates the requirement that election officials receive and declare votes on the day of an election for state officers and state legislators.

BACKGROUND

Duplicate List

By law, after an election, moderators generally must send a duplicate list of election results to the secretary of the state (1) electronically within 48 hours and (2) under seal within three days (CGS § 9-314). For the 2020 state election and any election, primary, or referendum held from June 23, 2021, through November 2, 2021, the law extends these deadlines to 96 hours for the electronic submission and five days for the sealed submission (PA 20-3, July Special Session (§ 14), as amended by PA 21-2, June Special Session (§ 142)).

RA 21-2—sHJ 58

Government Administration and Elections Committee

RESOLUTION PROPOSING A STATE CONSTITUTIONAL AMENDMENT TO ALLOW NO-EXCUSE ABSENTEE VOTING

SUMMARY: This resolution proposes a constitutional amendment to remove the state constitution’s current restrictions on absentee voting. Under these restrictions, the General Assembly may pass a law allowing electors to cast their vote by absentee ballot if they are unable to appear at their polling place because of absence from the town where they reside, because of sickness or physical disability, or because the tenets of their religion prohibit secular activity on election day (Article VI, § 7). The General Assembly exercised this authority and passed provisions codified at CGS § 9-135 (see BACKGROUND).

The ballot designation to be used when the amendment is presented at the general election is: “Shall the Constitution of the State be amended to permit the General Assembly to allow each voter to vote by absentee ballot?”

EFFECTIVE DATE: The resolution will be referred to the 2023 session of the legislature. If it passes in that session by a majority of the membership of each house, it will appear on the 2024 general election ballot. If a majority of those voting on the amendment in the general election approves it, the amendment will become part of the state constitution.

BACKGROUND

Absentee Voting

CGS § 9-135 permits qualified electors to vote by absentee ballot if they are unable to appear at their polling place because of the following:

1. they are absent from the town in which they reside during all hours of voting;
2. they are ill or have a physical disability;
3. the tenets of their religion forbid secular activity on the day of the primary, election, or referendum;
4. they are in active service in the U.S. Armed Forces; or
5. they are primary, election, or referendum officials outside of their voting district, and their duties will keep them away during all hours of voting.

Additionally, for the 2020 state election and any election, primary, or referendum held from June 23, 2021, through November 2, 2021, the law allows qualified electors to vote by absentee ballot because of the COVID-19 sickness (PA 20-3, July Special Session (§ 1), as amended by PA 21-2, June Special Session (§ 127)).

PA 21-13—sSB 753

Government Administration and Elections Committee

AN ACT CONCERNING THE COUNTING OF CERTAIN INCARCERATED INDIVIDUALS FOR PURPOSES OF DETERMINING STATE LEGISLATIVE AND MUNICIPAL VOTING DISTRICTS

SUMMARY: This act creates a process to adjust U.S. census population data and count most prison inmates at their address before incarceration instead of at their prison address. It requires that this adjusted data, as well as the unadjusted data, be the basis for determining state legislative districts and municipal voting districts. The act excludes inmates serving a life sentence without the possibility of release from the adjusted data.

Generally, the act's process requires the:

1. Department of Correction (DOC) to provide the Office of Policy and Management (OPM) secretary with a list of inmates, other than those serving a life sentence without the possibility of release, and their residential or other addresses prior to incarceration;
2. OPM secretary to ask federal agencies for a similar list for federal prisons in Connecticut;
3. OPM to adjust the census population counts so that these inmates are represented as residing at their prior residential or other address, not at their prison address; and
4. OPM secretary to (a) prepare and publish the adjusted and unadjusted data and (b) notify municipalities that they must use these data for determining municipal voting districts.

The act prohibits using residences at unknown geographic locations within the state to determine the average population for any set of districts.

EFFECTIVE DATE: Upon passage

DOC REPORT TO OPM

Under the act, DOC must determine the residential or other address of everyone committed to DOC custody as of or after January 1, 2020, and decennially after that, and who remains committed on the date for which the census reports population (see BACKGROUND). DOC must maintain an electronic record of the addresses that at least contains each inmate's last-known residential or other address before incarceration.

The act requires DOC, by (1) June 30, 2021, and (2) May 1 in each year thereafter when the U.S. decennial census is taken and the U.S. Census Bureau counts inmates as residents of the town where they are incarcerated, to provide the OPM secretary with information in a form the secretary prescribes. This information includes the following:

1. a unique identifier for each inmate under DOC's jurisdiction on the date for which the decennial census reports population;
2. the street address of the prison where the person is incarcerated at the time of the report;
3. the residential or other address of the person before incarceration;
4. whether the person is age 18 or older;
5. the person's race and whether he or she is of Hispanic or Latino origin, if known; and

6. other information the secretary may legally request.

The act prohibits including an inmate's name or anything else that might identify him or her. It makes the information confidential and prohibits its disclosure, except to OPM or as aggregated by census block for the act's purposes. It also prohibits DOC from delivering to OPM the residential or other address before incarceration of a person serving a life sentence without the possibility of release.

OPM REQUEST TO FEDERAL PRISON AUTHORITIES

The act requires the OPM secretary, by (1) June 30, 2021, and (2) May 1 in each year thereafter when the U.S. census is taken and the U.S. Census Bureau counts inmates as residents of the towns in which they are incarcerated, to ask each agency operating a federal correctional facility in Connecticut for a report with the same information as the DOC report (see above). It prohibits OPM from asking an agency for the residential or other address before incarceration of a person serving a life sentence without the possibility of release.

OPM REASSIGNMENT OF INMATE ADDRESSES

For each person included in a DOC or federal agency report, other than anyone serving a life sentence without the possibility of release, the act requires the OPM secretary to determine the geographic units (e.g., census blocks) used in the census that contain the person's (1) correctional facility and (2) prior residential or other address. When the inmate's prior address is known and in Connecticut, the secretary must adjust the population counts of geographic units reported in the census to represent the inmate as residing at that address when the census reports population, and not at the prison address.

For inmates with unknown or out-of-state addresses or residing in federal prisons for whom a report was not provided, other than anyone serving a life sentence without the possibility of release, the act requires the secretary to ensure that these inmates are excluded from the geographic unit of the inmate's prison. Instead, they must be counted as part of a state unit not tied to a specific geographical location in the way that someone with an unknown state of residency is counted (e.g., military and federal government personnel stationed abroad).

OPM PUBLICATION OF DATA

The act requires the OPM secretary to prepare and publish the adjusted and unadjusted data by the later of (1) July 1 in the year following the year when the U.S. census is taken or (2) 30 days after the U.S. Census Bureau publishes Connecticut's state redistricting data (see BACKGROUND).

BACKGROUND

Census Data Publication

Public Law (P.L.) 94-171 requires the U.S. Census Bureau to administer a decennial redistricting program and provide the states with the population tabulations necessary for legislative redistricting. The Census Bureau must publish this state data within one year after the date for which it reports population (i.e., Census Day), which is April 1 in the year of the census (e.g., 2020, 2030). But in 2021, because of COVID-19-related delays, the Census Bureau provided the states with their population data on August 12.

PA 21-49—SB 883

Government Administration and Elections Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE GOVERNOR'S COUNCIL ON WOMEN AND GIRLS

SUMMARY: This act makes changes affecting (1) the Citizens' Election Program (CEP), which is the state's voluntary public campaign financing program open to candidates running for statewide office or the General Assembly; (2) procedures and considerations for appointing public members to state boards and commissions; and (3) reporting by the secretary of the state on the gender and racial diversity of state boards and commissions.

Concerning the CEP, the act requires the State Elections Enforcement Commission (SEEC) to amend the CEP regulations to permit child care service expenditures. Once SEEC amends the regulations, it authorizes qualified candidate committees (i.e., those of participating CEP candidates that SEEC has approved for a Citizens' Election Fund (CEF) grant) to make child care service expenditures using CEF grants, subject to certain limits and conditions. Currently, participating CEP candidates who have qualified for a grant may use CEF grants for these expenditures under a 2020 Superior Court decision (see BACKGROUND).

Concerning boards and commissions, the act requires, among other things:

1. the Department of Administrative Services (DAS) commissioner to maintain an online system for submitting recommendations for public member appointees to Executive Department boards or commissions;
2. appointing authorities for state boards, commissions, committees, and councils with members appointed by the governor or legislators to ensure that the membership is qualified and diverse according to the most recent U.S. census population data (starting by 2026); and
3. the secretary of the state to publish a report every two years on the gender and racial composition of certain state boards and commissions and compare this information with the state's gender and racial composition according to the most recent U.S. census population data.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§§ 1-4 — PERMISSIBLE EXPENDITURES FOR CHILD CARE SERVICES

State law establishes permissible expenditures that candidate committees and exploratory committees may make to accomplish their lawful purposes (e.g., staff compensation). The law applies broadly to candidates participating in the CEP as well as to those who are privately funded and running in a state or municipal election. However, the law also requires SEEC to adopt regulations on permissible expenditures specifically for participating CEP candidates who qualify for a grant (see BACKGROUND).

The act requires SEEC, on or after July 1, 2021, to amend the CEP regulations on permissible expenditures. After the regulations are amended, the act authorizes participating candidates who qualify for a grant to make expenditures for child care services using CEF grants.

The act defines "child care services" as necessary services rendered to a candidate for the care of a child younger than age 13 and for whom the candidate is the parent or legal guardian when the services (1) are a direct result of campaign activity and (2) would not exist but for the candidate's campaign.

It subjects these expenditures to the following conditions and limits:

1. aggregate child care services expenditures may not exceed the amount of qualifying contributions (QCs) required to qualify for a CEF grant (e.g., in 2020, \$16,000 for candidates for state senator and \$5,300 for candidates for state representative);
2. candidates may not use CEF grants to compensate themselves or immediate family members for child care services; and
3. any compensation for child care services must be reasonable and customary for the services rendered.

By law, participating CEP candidates may provide their campaign with a limited amount of personal funds (e.g., \$2,000 for state senator and \$1,000 for state representative). The act exempts child care services expenditures made directly from a candidate's personal funds from these limits as long as the candidate does not seek reimbursement from his or her candidate committee. The exemption applies once SEEC amends the CEP regulations as required by the act.

Finally, the act clarifies that privately funded candidates may pay for child care services using campaign funds, thus conforming the law to current practice.

§§ 5 & 6 — STATE BOARDS AND COMMISSIONS

Online System for Submitting Names

The act requires the DAS commissioner to create, maintain, and make accessible on the state's website a system through which an individual may electronically submit a name to be considered for appointment as a public member to an Executive Department board or commission. The system must include information about each board or commission and specify any membership requirements.

By law, at least one-third of the membership of most executive department boards and commissions must be public members. A public member is a state elector who has no substantial financial interest in, is not employed by, and is not professionally affiliated with an industry, institution, or profession regulated by the board or commission.

Procedures and Considerations for Appointing Authorities

The act makes changes affecting the procedures and considerations for appointing authorities for state boards, commissions, committees, and councils (“boards and similar entities”) with members appointed by the governor or state legislators.

Prior law required these appointing authorities, in cooperation with one another, to make a good-faith effort to ensure that to the extent possible the membership of these boards and similar entities was qualified and closely reflected the state’s gender and racial diversity. Under the act, when appointing authorities ensure that the membership is qualified and diverse, they must also do so consistent with applicable law and, starting by January 1, 2026, according to the most recent U.S. census population data.

The act also requires these appointing authorities, consistent with applicable law, to (1) consider each recommendation for a public member appointment to such a board or similar entity made by a community or similar organization representing gender and racial diversity interests and (2) make a good-faith effort to seek out appointees reflecting this diversity.

The act requires the Legislative Management Committee chairpersons and the governor, or their designees, to coordinate public education and outreach strategies with these organizations to increase awareness of, and recruit diverse applicants for, these appointments.

Data Maintenance and Analysis by the Secretary of the State

Existing law generally requires the executive officer or chairperson of a state board or similar entity with members appointed by the governor or state legislators to submit information to the secretary of the state on the entity’s (1) number of members and (2) composition by “race/sex.”

For this submission, the act requires appointing authorities to maintain a record of, and make available to the secretary, data voluntarily provided to them on newly appointed members’ gender and race at the time of the appointment. As under existing law, the submission is due biennially between September 1 and October 1.

Finally, the act requires the secretary of the state, by January 1, 2022, and every two years after that, to (1) develop and publish a report, including on her website, on the gender and racial composition of each board or similar entity with members appointed by the governor or state legislators and (2) conduct an analysis comparing the state’s gender and racial composition, according to the most recent U.S. census population data, with the goal of reflecting that composition on these boards and similar entities by January 1, 2026.

BACKGROUND

Related Declaratory Ruling

In Declaratory Ruling 2019-02, SEEC (1) ruled that under current CEP regulations, child care services were not a permissible expense for candidates who have been approved for a CEF grant and (2) indicated that a change to the law or its regulations would be necessary to permit these expenditures.

SEEC also reaffirmed its 1976 advisory opinion (AO) concerning privately funded candidates. In that opinion, the commission held that privately funded candidates could generally use campaign funds to pay for child care services as long as the payments were (1) a direct result of campaign activity which would not exist but for the candidate’s campaign, (2) reasonable and customary for the services rendered, and (3) properly documented by the campaign (AO 1976-23).

Related Case

In *Pereira v. State Elections Enforcement Commission*, the Superior Court sustained an administrative appeal from Declaratory Ruling 2019-02. It held that expenditures for child care services that met the three conditions outlined in AO 1976-23 were permissible under CEP regulations. Specifically, they satisfy the requirement that all funds in a qualified candidate committee’s depository account be used only for campaign-related expenditures that directly further the candidate’s nomination for election or election (Not Reported, 2020 WL 5624102 (2020)).

PA 21-76—sHB 6444

Government Administration and Elections Committee

AN ACT CONCERNING THE MODERNIZATION OF STATE SERVICES AND THE MEMBERSHIP OF THE COMMISSION FOR EDUCATIONAL TECHNOLOGY

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§§ 1-7 — CONTRACTING AFFIDAVITS

Generally eliminates requirements that contractors submit documentation (e.g., affidavits and certifications) about their compliance with certain contracting laws and instead requires that they incorporate the applicable requirements into the contracts

The act modifies contract compliance requirements for certain state, municipal, and quasi-public agency contracts. It generally eliminates requirements that contractors submit documentation (e.g., affidavits and certifications) about their compliance with certain contracting laws and instead requires that they incorporate the applicable requirements into the contracts.

The act's provisions concern contractors' compliance with (1) state ethics laws; (2) restrictions on gifts, investments, political contributions and solicitations, and consultant use; and (3) nondiscrimination and affirmative action requirements. It also codifies and expands upon provisions in a previous executive order that require certain state contractors to disclose any campaign contributions.

The act's provisions on ethics laws, gift restrictions, consultant use, and nondiscrimination and affirmative action requirements do not apply to qualifying UConn and Board of Regents for Higher Education contracts, as these contracts are subject to different requirements under existing law.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

State Ethics Laws (§ 1)

Under prior law, contractors and bidders for large state construction or procurement contracts (i.e., valued at more than \$500,000) had to affirm with their bid or proposal that (1) they received a state ethics law summary from the contracting state or quasi-public agency and (2) their key personnel read and understood the summary and agreed to comply with the ethics laws. Similarly, large state construction or procurement contractors had to obtain these affirmations from their subcontractors and consultants and provide them to the state contracting agency. Failure to submit the affirmations disqualified the contractors, bidders, subcontractors, and consultants from the contract.

Rather than requiring the above affirmations, the act establishes a different requirement for these contracts. Specifically, it prohibits a state agency or quasi-public agency from entering into a large state construction or procurement contract unless the contract contains a representation that the chief executive officer or authorized signatory of the contract and all key employees have read and understood the summary and agreed to comply with the ethics laws' provisions. It similarly requires that large state construction or procurement contractors include this representation in each of their contracts entered into on or after July 1, 2021, with subcontractors and consultants. Under the act, failure to do so is cause for terminating the contract.

Gifts (§ 2)

Under prior law, any principal or key personnel of a person, firm, or corporation that submitted bids or proposals for a large state contract (i.e., valued at more than \$500,000 in a calendar or fiscal year) had to certify that (1) no gifts were given in connection with the contract; (2) there were no attempts to circumvent the gift prohibition; and (3) the bids or proposals are being submitted without fraud or collusion. The certifications had to be sworn as true to the certifier's best knowledge and belief under penalty of false statement. (By law, giving a false statement is a class A misdemeanor; see [Table on Penalties](#).) In addition, prior law required the agency official or employee responsible for executing the contract to certify that the selection process was devoid of collusion, gift giving (received or promised), compensation, fraud, or inappropriate influence.

The act replaces these required certifications with requirements that the contract contain representations to the same effect. Under the act, state and quasi-public agencies must include notice of the representation requirements in the bid specifications or request for proposals (RFP), and failure to agree to them disqualifies the bidder or proposer from the contract. The same requirements applied with respect to the certifications under prior law.

An existing executive order subjects state contracts with a value of \$50,000 or more in a calendar or fiscal year to the gift representation requirements that apply to contracts with a value of \$500,000 or more (Executive Order 21-2, see BACKGROUND). Therefore, the act's requirements also apply to contracts with an annual value of \$50,000 or more.

Investments in Iran (§ 3)

Under prior law, state and quasi-public agencies were prohibited from entering into, renewing, or amending a large state contract (i.e., valued at more than \$500,000 in a calendar or fiscal year) with an entity that (1) failed to certify that it had not directly invested \$20 million or more in Iran's energy sector or (2) certified that it had made, renewed, or increased such an investment. The certification had to be sworn as true to the entity's best knowledge and belief, subject to the penalties for false statement with a penalty exception for affiants who made a good-faith effort to verify whether they have made a prohibited investment. Bidders and proposers had to submit the certification before submitting a bid or proposal for a large state contract.

The act instead prohibits state and quasi-public agencies from entering into, renewing, or amending a large state contract unless the contract contains the entity's certification that it has not made a prohibited investment in Iran. Agencies must include notice of these representation requirements in bid specifications or RFPs for these contracts, just as they had to for prior law's certification requirements.

As under prior law for the certifications, the representation requirements do not apply to any contract of the state treasurer in his role as trustee of the Connecticut retirement plans and trust funds. Iran's energy sector, as defined by federal law, includes activities to develop petroleum or natural gas resources or nuclear power in Iran.

Consulting Agreements (§ 4)

The act replaces certain required affidavits about consulting agreements with representations that must be included in the contracts. Under the previous requirements, any principal or key personnel of a person, firm, or corporation that submitted bids or proposals for a goods and services contract with a total value of \$50,000 or more in a calendar or fiscal year had to attest to whether a consulting agreement had been entered into in connection with the contract. Under the act, the contract must include a representation to this same effect.

As was previously required for the affidavits, the representation must include specified information about any such agreement, including its basic terms, as well as the consultant's name and status as a former state employee or public official. It must be sworn as true to the best knowledge and belief of the person signing the contract and is subject to the penalties of false statement. Each state and quasi-public agency must include a notice of the representation requirements in the bid specifications or RFPs for these contracts as was required under prior law for the affidavits. Failure to submit the affidavit under prior law, or agree to the representation under the act, disqualifies the bidder or proposer from the contract.

Political Contributions (§ 5)

Prior law required state and quasi-public agencies to (1) distribute a written notice advising contractors and prospective contractors of the restrictions on contributing to, or soliciting for, statewide or legislative candidates, certain political committees, and party committees and (2) obtain a written acknowledgment of the notice receipt. The act instead requires state and quasi-public agencies to include a copy of, or internet link to, the notice in the bid specifications or RFPs for a state contract.

The act also prohibits these agencies from executing any state contract, as described below, unless it contains a representation that the chief executive officer or authorized signatory of the contract has received the notice. The campaign finance law generally defines "state contract" as an agreement or contract with a state agency in the executive or legislative branch of government or any quasi-public agency valued at \$50,000 or more, or a combination or series of agreements or contracts having a value of \$100,000 or more in a calendar year.

Under the act, any principal of the state contractor or prospective state contractor submitting a bid or proposal for a state contract must certify, under penalty of false statement, that in the previous four years neither the contractor nor prospective state contractor, nor any of its principals, have made or solicited any prohibited political contributions unless there were mitigating circumstances found to exist concerning the violation. Similar requirements applied to contractors submitting bids or proposals for state contracts valued at more than \$50,000 under a previous executive order (Executive Order 49, see BACKGROUND).

Each certification must be sworn as true to the best knowledge and belief of the person signing the certification. The act requires the person to submit an updated certification if there is a change in the most recently filed certification, either within 30 days after the effective date of the change or upon submitting a new bid or proposal for a state contract, whichever is earlier.

Under the act, any principal of the state contractor or prospective state contractor submitting a bid or proposal for a state contract must disclose on the certification all contributions made by its principals to any party committee, exploratory committee, statewide or legislative candidate, or candidate committee for a period of four years prior to the signing of the

contract or date of the response to the bid, whichever is longer, and certify that all contributions have been disclosed.

The act prohibits state and quasi-public agencies from executing a state contract unless first obtaining the written certification. Each state agency and quasi-public agency must include in its bid specifications or RFPs for a state contract a notice of the certification requirements.

Nondiscrimination and Affirmative Action (§§ 6 & 7)

Under prior law, contractors that entered into contracts with the state or one of its political subdivisions, other than a municipality, or who were a party to a municipal public works contract or quasi-public agency project contract, had to indicate that they complied with state nondiscrimination and affirmative action laws by filing (1) a written or electronic representation for contracts valued at less than \$50,000 for each year or (2) certain documentation for contracts valued at \$50,000 or more for each year.

The act instead requires that the contracts, regardless of their value, contain a nondiscrimination affirmation provision to certify that the contractor (1) understands the law's nondiscrimination and affirmative action obligations and (2) will maintain a nondiscrimination policy for the duration of the contract. Under the act, the authorized signatory of the contract must demonstrate his or her understanding of this obligation by either (1) providing an affirmative response in the required online bid or RFP or (2) initialing the affirmation provision in the contract.

§§ 8-11 — SET-ASIDE PROGRAM

Revamps the program's eligibility requirements by requiring that for-profit entities be registered as small businesses in the federal government's contracting database to participate

The act revamps the state set-aside program's eligibility requirements for small contractors and minority business enterprises (MBEs). With respect to for-profit entities, it defines a "small contractor" as one that is registered as a small business in the federal database maintained by the U.S. General Services Administration, as required to do business with the federal government (see BACKGROUND). This requirement replaces provisions in prior law requiring, among other things, that these entities have annual gross revenues of \$20 million or less and be independent. (By law, unchanged by the act, MBEs are small contractors owned by women, minorities, or people with disabilities.)

The act makes conforming changes, including allowing awarding authorities to require documentation of a contractor's or subcontractor's (1) registration in the federal database if they are awarded a contract or contract portion under the set-aside program and (2) principal place of business in the state. It also (1) specifies that program certifications awarded before October 1, 2021, remain valid for their original term unless revoked for cause and (2) repeals a provision in prior law limiting paper applications to six pages. (The program application is now accessed online.)

The act retains existing law's validity period for set-aside program certifications (i.e., they are valid for up to two years, except that the Department of Administrative Services (DAS) commissioner may extend them for up to six months). It also retains existing law's eligibility requirements for nonprofit entities (e.g., that they have annual gross revenues of \$20 million or less and be independent). It additionally specifies that these entities must have a federal tax exemption to participate.

EFFECTIVE DATE: October 1, 2021, with the changes to the eligibility criteria applicable to certifications issued or renewed on or after that date.

§ 12 — COMPETITIVE BIDDING WAIVERS

Clarifies DAS commissioner's authority to waive competitive bidding requirements

Prior law allowed the DAS commissioner to waive competitive bidding or competitive negotiation at his discretion for minor nonrecurring and emergency purchases of \$10,000 or less. The act clarifies that the authority applies to minor nonrecurring or emergency purchases of \$10,000 or less.

EFFECTIVE DATE: July 1, 2021

§ 13 — REVERSE AUCTIONS FOR SERVICES

Allows use of reverse auctions to purchase services other than construction or construction-related services

Existing law allows state contracting agencies to use reverse auctions to purchase goods and supplies. The act expands reverse auction authority to include services other than construction or construction-related services. As under existing law

for goods and supplies, contracting agencies may (1) use reverse auctions for services when they determine it is advantageous and will ensure a competitive contract award and (2) contract with a third party to prepare and manage the auction.

By law, a reverse auction is an online bidding process in which qualified bidders or proposers, unknown to each other, submit bids or proposals pursuant to an online bid invitation or request for proposals.

EFFECTIVE DATE: July 1, 2021

§ 14 — PRE-MARKET PRODUCT TESTING BY STATE AGENCIES

Expands the types of eligible businesses and products eligible for pre-market testing by state agencies

The act expands the types of technologies, products, and processes eligible for pre-market testing by state agencies. It allows the DAS commissioner to procure them for use by all state agencies if the Office of Policy and Management (OPM) secretary, in consultation with the commissioner, Connecticut Innovations, Inc. (CI) chief executive officer, and testing agency head, determines that the test demonstrates specified objectives.

Additionally, the act makes minor changes to the process for participating in testing, the testing's costs, and a related recognition program for participating agencies. Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

Eligibility

Existing law allows CI-funded businesses located in Connecticut to test their technology, product, or process in state agencies to study its commercial viability if it meets certain criteria. Specifically, it must (1) promote public health and safety, environmental protection, or economic development; (2) be manufactured in Connecticut and be safe; and (3) have the potential for commercialization within two years after completing the test.

The act extends testing eligibility to small and minority business enterprises certified under the state's set-aside program. It also expands the types of eligible products to include those that, with respect to state services, CI finds would reduce administrative burdens, promote efficiency, or otherwise improve them. It eliminates a requirement that the technology, product, or process be manufactured or produced in Connecticut and instead requires that it have a positive economic impact on the state, including prospective job growth and economic activity upon commercialization.

Participation and Costs

Upon an eligible business's application, prior law allowed CI to recommend that the OPM secretary direct a state agency to test the technology, product, or process in the agency's operations on a trial basis. The act instead allows CI to recommend that OPM allow, rather than direct, agencies to participate in testing. (However, it retains OPM's authority to direct agencies to participate.) It also specifically includes public higher education institutions as state agencies for purposes of this program.

Under prior law, CI, the business, or an investor in the business had to pay for the cost of providing the technology, product, or process to the testing agency. The act requires the OPM secretary, in consultation with the DAS commissioner, CI executive director, and testing agency head, to determine on a case-by-case basis which of the above entities must bear these costs.

Procurement

The act allows the DAS commissioner to procure the product, process, or technology for use by all state agencies if the OPM secretary, in consultation with the commissioner, CI chief executive officer, and testing agency head, determines that the test demonstrates specified objectives. These objectives are (1) promoting public health and safety, environmental protection, economic development, or efficiency; (2) reducing administrative burdens; or (3) otherwise improving state services.

In procuring the product, process, or technology, the act allows the DAS commissioner to waive competitive bidding requirements. If the procurement is estimated to cost \$50,000 or more, the waiver must be approved by the Standardization Committee, which consists of the commissioner, the state comptroller and treasurer or their designees, and other department heads (or their agents) designated by the governor.

Recognition Program

Prior law allowed OPM and CI to develop a program to recognize state agencies that promote public health and safety, environmental protection, or economic development by participating in testing. The act (1) also makes DAS responsible for developing the recognition program (which remains permissive under the act) and (2) adds promoting efficiencies, reducing service burdens, and improving state services as activities eligible for recognition. As under existing law, the recognition program may include a fund for any savings achieved by testing agencies using the technologies, products, or processes. The fund must be used only for the recognition program.

§ 15 — PURCHASES FROM EXISTING CONTRACTS

Expands the state's "piggyback" purchasing authority to include purchases from contracts with another state agency or branch; allows agencies to make these purchases directly if approved by DAS

Existing law allows the state to purchase, through the DAS commissioner, goods and services from a person that has a contract to sell the goods and services to a political subdivision of the state (e.g., a municipality), nonprofit organization, public purchasing consortium, or other state government (i.e., "piggyback").

The act expands this authority to include purchases from a person that contracts with another branch, division, or department in state government. It also eliminates the requirement that these purchases be made through the DAS commissioner and instead allows any state agency to make them if approved by the DAS commissioner or his designee.

EFFECTIVE DATE: July 1, 2021

§ 16 — STATE INSURANCE AND RISK MANAGEMENT BOARD

Reduces the board's size from 13 members to 10 and makes conforming changes

The act eliminates three gubernatorial appointments from the State Insurance and Risk Management Board, reducing its size from 13 members to 10. By law, the board consists of gubernatorial appointees and the state comptroller (or his designee) as an ex-officio member.

The act makes conforming changes by reducing the number of (1) public members from four to three, (2) members qualified by training from eight to six, and (3) members who may be from the same political party from eight to five. It specifies that five members, rather than a majority of members as prior law provided, constitute a quorum.

EFFECTIVE DATE: July 1, 2021

§ 17 — BUSINESS ACTIVITIES CONDUCTED ONLINE

Allows state and quasi-public agencies to conduct certain business activities electronically

The act allows state and quasi-public agencies to conduct various business activities electronically. Specifically, they may do the following:

1. accept fee payments by any means of electronic funds transfer they adopt;
2. receive, by electronic means with proof of delivery receipt, any communication or correspondence that by law must be delivered by registered or certified mail, return receipt requested;
3. receive, by electronic means, any communication or correspondence that by law must be delivered by U.S. mail or fax (as long as the agency determines that electronic delivery is appropriate); and
4. post, on their website or another electronic portal available to the general public, any legal notice that by law must be advertised in a newspaper.

Under the act, each of these activities must comply with the Connecticut Uniform Electronic Transactions Act (CUETA) if conducted electronically (e.g., the parties must agree to conduct the transaction electronically) (see BACKGROUND).

EFFECTIVE DATE: July 1, 2021

§ 18 — INFORMATION AND TELECOMMUNICATION SYSTEMS STRATEGIC PLAN

Requires that DAS's annual information and telecommunication systems strategic plan include standards for digital identity verification

Existing law requires the DAS commissioner to develop, publish, and annually update an information and telecommunication systems strategic plan. Among other things, the plan must include architecture guidelines and standards for these systems that support state agencies.

The act requires that the plan specifically include standards for digital identity verification under CUETA that are consistent with industry standards and best practices. Among other things, CUETA provides that if a signature or record must be notarized, acknowledged, verified, or made under oath, the requirement is satisfied by an electronic signature from the person authorized to perform these acts (along with any other information required by the applicable law).

EFFECTIVE DATE: July 1, 2021

§§ 19-24 — ELIMINATED REPORTING REQUIREMENTS

Eliminates various reporting requirements

The act eliminates several reporting requirements by DAS to the legislature, or from state agencies to DAS, as shown in the table below.

Eliminated Reporting Requirements

§	Reporting Requirement
19	Annual report by DAS to the Environment, Government Administration and Elections, and Transportation committees on the state vehicle fleet
20	Annual reports by state agencies to DAS on purchase orders made under purchasing authority delegated by DAS
21	Annual report by DAS to the Appropriations Committee listing personal property items leased by state agencies
22	Annual report by DAS and the Codes and Standards Committee to the Public Safety and Security Committee with recommendations for amending state agency regulations that conflict with the State Building Code or fire safety regulations (e.g., the State Fire Code)
23	Triennial report by the state fire marshal to the Public Safety and Security Committee on the effectiveness of state law's provisions on fire-safe cigarette testing
24	Annual filing by state agencies, boards, and commissions of ethics statements with DAS (the act retains the requirement that they be filed with the Office of State Ethics)

EFFECTIVE DATE: July 1, 2021

§ 25 — COMMISSION FOR EDUCATIONAL TECHNOLOGY

Increases the commission's size from 19 members to 23

The act increases the size of the Commission for Education Technology from 19 members to 23 by adding the following four members:

1. a representative of the Connecticut Association of Public School Superintendents,
2. a representative of the Connecticut Educators Computer Association,
3. a secondary school teacher designated by the Connecticut Education Association, and
4. an elementary school teacher designated by American Federation of Teachers–Connecticut.

The act also makes technical changes.

Among other things, the commission serves as the principal education technology advisor for the state and develops, oversees, and directs the attainment of statewide technology goals.

EFFECTIVE DATE: July 1, 2021

BACKGROUND

Executive Order 49

In May 2015, Governor Malloy issued Executive Order (EO) 49, which (1) subjected state contracts with a value of

\$50,000 or more in a calendar or fiscal year to the gift certification requirements that applied to contracts with a value of \$500,000 or more and (2) required state contractors subject to the gift certification requirements to also disclose in an affidavit all campaign contributions made to statewide office or legislative candidates.

EO 49 was repealed in July 2021 by EO 21-2 (see below).

Executive Order 21-2

In July 2021, Lieutenant Governor Bysiewicz (as acting governor) issued EO 21-2, which continued EO 49's requirement that state contracts with a value of \$50,000 or more in a calendar or fiscal year be subject to the gift representation requirements that apply to contracts with a value of \$500,000 or more. However, it updated this requirement to conform to the act's requirement that these representations be made as part of the contract rather than in separate affidavits (see § 2).

EO 21-2 repealed EO 49's provision on campaign contributions, which the act generally codifies (see § 5).

Ban on Campaign Contributions by State Contractors

By law, for current and prospective state contractors, the existing ban is government branch-specific. This means that for principals of contractors with executive branch or quasi-public agency contracts or contract solicitations, the ban applies to statewide office candidates. For those with legislative branch contracts or contract solicitations, the ban applies to legislative candidates. For pre-qualified contractors, the ban applies to candidates running for office in either branch. Additionally, the ban prohibits principals from making qualifying contributions to any candidates participating in the Citizens' Election Program regardless of the branch (CGS § 9-704(e)).

Set-Aside Program

The state set-aside program requires state agencies and political subdivisions (other than municipalities; see below) to set aside 25% of the total value of all contracts they let for construction, goods, and services each year for exclusive bidding by certified small contractors. The agencies must further reserve 25% of the set-aside value (6.25% of the total) for exclusive bidding by certified minority business enterprises. Contractors awarded municipal public works contracts must comply with these requirements if the (1) contract includes state financial assistance and (2) total contract value exceeds \$50,000.

Federal Contracting Database

The U.S. General Services Administration maintains a database known as the System for Award Management (SAM). Contractors must register in SAM to access federal contracting opportunities. Businesses registering as a small business for federal contracting purposes must self-certify that they meet the U.S. Small Business Administration's (SBA's) standards for being a small business.

Generally, SBA's size standards vary by industry and are typically based on either a business's annual receipts or average number of employees. According to a 2019 SBA report, receipts-based standards range from \$750,000 to \$38.5 million, while employee-based standards range from 100 to 1,500.

CUETA

CUETA establishes a legal foundation for using electronic communications in transactions where the parties, including state and local government agencies, have agreed to conduct business electronically. It validates the use of electronic records and signatures and places electronic commerce and paper-based commerce on the same legal footing. CUETA does not specifically authorize agencies to send notices, or any type of certified or registered mail, by e-mail, but rather sets requirements with which electronic transmissions must comply (CGS §§ 1-266 to 1-286).

PA 21-114—HB 6203*Government Administration and Elections Committee***AN ACT EXEMPTING CERTAIN RECORDS CONCERNING NATIVE AMERICAN CULTURAL KNOWLEDGE FROM PUBLIC DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT**

SUMMARY: This act exempts certain records of traditional cultural knowledge submitted to a public agency by a member, representative, or lineal descendant of a tribal nation from being (1) deemed a public record and (2) subject to disclosure under the Freedom of Information Act (FOIA). The exemption applies to any of these records submitted as part of the consultation process to determine cultural affiliation under the federal Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations.

Under the act, a “tribal nation” is an Indian tribe or Native Hawaiian organization, as defined under NAGPRA, or a tribe recognized by one or more state governments. “Records of traditional cultural knowledge” are records with information central to a community’s cultural and social identity, such as religious rites and rituals, locations of sacred sites, kinship membership statistics, and oral histories and traditions.

EFFECTIVE DATE: October 1, 2021

BACKGROUND*Native American Graves Protection and Repatriation Act*

NAGPRA requires federal agencies and institutions that receive federal funds (e.g., museums, universities, state agencies, and local governments) to return or transfer Native American human remains and other cultural items to the appropriate parties by:

1. consulting with lineal descendants, Indian Tribes, and Native Hawaiian organizations;
 2. protecting and planning for human remains and other cultural items that may be removed from federal or tribal lands;
 3. identifying and reporting human remains and other cultural items in inventories and summaries of holdings or collections; and
 4. giving notice before returning or transferring human remains and other cultural items (25 U.S.C. § 3001 et seq.).
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PA 21-145—sSB 1071*Government Administration and Elections Committee***AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS**

SUMMARY: This act makes various changes in statutes about state auditors, auditing, and other related topics. Among other things, the act:

1. explicitly prohibits state agencies from denying the auditors access to their records or accounts (§ 1);
2. (a) requires that certain new or amended state contracts contain a provision allowing the agency to access any of the contractor’s relevant data upon demand, at no additional cost, and in the agency’s prescribed format and (b) similarly allows the auditors access to this data when auditing the agency (§§ 2 & 3);
3. generally requires state agencies to notify the auditors at least 15 days before contracting for auditing services and prohibits agencies from entering into these contracts until the auditors advise whether they can perform the work instead (§ 4);
4. specifies that private providers of special education services are subject to certain contracting, documentation, and auditing requirements regardless of whether they receive state or local funds directly or indirectly (§ 5);
5. eliminates provisions (a) requiring the state auditors to approve the Connecticut Retirement Security Authority’s annual reports and (b) authorizing the state auditors to prescribe the authority’s accounting methods and rendering of periodical reports (§ 7);
6. reduces the (a) amount of time by which a municipality must notify the Department of Administrative Services (DAS) of its intention to acquire surplus state property from 120 days to 60 days and (b) maximum extension that DAS may grant on this deadline from 60 days to 30 days (§ 8);
7. conforms certain quasi-public statutes to the general biennial audit requirement to resolve statutory conflicts with

- auditing frequency (§§ 6, 9-11 & 14-15);
- 8. extends provisions on prohibited activities for state-hired consultants and independent contractors under the state ethics code to also apply to people they employ (§ 12);
- 9. requires DAS, when reviewing final plans for any phase of a school building project for conformity with certain requirements (e.g., the State Building Code), to also review them for conformity with school safety infrastructure criteria (§ 13);
- 10. replaces references to the Office of the Ombudsman within the Department of Children and Families with its Office of Community Relations to conform to existing practice (§§ 16 & 17); and
- 11. repeals a provision that required the state auditors to audit Bradley Enterprise Fund reimbursements to the Department of Emergency Services and Public Protection (§ 18).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021, except the change to surplus property deadlines is effective July 1, 2021.

§§ 2 & 3 — DATA ACCESS UNDER STATE CONTRACTS

State Agency Access (§ 2)

The act requires that any contract executed, renewed, or amended on or after October 1, 2021, between a state contracting agency and a contractor contain a data access provision. This provision must authorize the state agency to access any contract-related data that the contractor possesses or controls upon demand and in the agency's prescribed format at no additional cost.

This act applies to any executive branch agency, board, commission, department, office, institution, or council. It does not apply to the judicial branch; legislative branch; or the offices of the secretary of the state, state comptroller, attorney general, or state treasurer with respect to their constitutional functions; or any state agency with respect to contracts specific to the constitutional and statutory functions of the state treasurer's office.

Auditors' Access (§ 3)

By law, the state auditors must audit, on a biennial basis or as frequently as they deem necessary, the books and accounts of each state officer, department, commission, board, and court; all state-supported institutions supported; and all public and quasi-public bodies created by public or special act and not required to be audited or subject to reporting requirements under the municipal auditing act.

The act expands this requirement to also include an audit of these entities' records of operations and activities, systems, and data. It specifies that each audit may include an examination of any relevant information about the state department, commission, board, or court being audited that is possessed or controlled by a private entity contracted with them. The act requires that this information be provided upon demand in a format prescribed by the auditors at no cost to the auditors or the department, commission, board, or court.

§ 4 — AUDITING CONTRACTS

The act requires state agencies to notify the state auditors at least 15 days before entering into or amending a contract to purchase auditing services. It prohibits agencies from taking these actions until the auditors have advised whether they can provide the auditing services instead. The act applies this requirement to each state board, authority, commission, department, office, institution, council, or other agency of the state, including each public higher education institution.

It excludes personal service agreements that (1) cost more than \$20,000 and up to \$50,000 and have a term of up to one year or (2) cost more than \$50,000 or exceed a one-year term. Under existing law, the Office of Policy and Management secretary must immediately notify the state auditors of any such application that she receives for approval of a non-competitively bid personal service agreement for audit services. She must give the auditors the opportunity to advise her as to whether the services are necessary and, if so, could be provided by the auditors (CGS § 4-215).

§ 12 — CONFLICTS OF INTEREST FOR CONSULTANTS AND INDEPENDENT CONTRACTORS

The Code of Ethics for Public Officials prohibits state agency consultants and independent contractors from engaging in certain unethical bidding or contracting practices. The act extends these prohibitions to people employed by these consultants and independent contractors. In doing so, it prohibits these individuals from the following:

1. using the person's contractual authority, or any confidential information acquired in the performance of the

- contract, to obtain financial gain for the person, their employee, or their immediate family member;
- 2. accepting another state contract that would impair the person's independent judgment in the performance of the existing contract; or
- 3. accepting anything of value based on an understanding that the actions of the person on behalf of the state would be influenced.

The law similarly prohibits a person from giving anything of value to a consultant or independent contractor hired by the state based on an understanding that the actions of the consultant or independent contractor would be influenced. Under the act, this prohibition extends to giving anything of value to a consultant's or independent contractor's employee under these circumstances.

BACKGROUND

Related Act

PA 21-164, § 10, contains the same ethics code expansion to people hired by state-hired consultants and independent contractors.

PA 21-146—SB 1110 (VETOED)

Government Administration and Elections Committee

AN ACT AMENDING THE CONVEYANCE OF PARCELS OF STATE LAND TO THE NEW HAVEN PORT AUTHORITY

SUMMARY: This act would have amended section 6 of PA 18-154, which required the Department of Transportation to convey two parcels of land in New Haven, totaling 0.69 acres, to the New Haven Port Authority for their fair market value plus administrative costs. It would have reduced the conveyance's cost by subtracting the costs for investigating and remediating identified environmental contamination on the parcels.

The act would have also required the authority to use the two parcels for economic development purposes. (PA 18-154 did not specify a purpose.) Under the act, the parcels would have reverted to the state if the authority (1) did not use either of them for this purpose; (2) sold the parcels; or (3) leased all or any portion of them, except for a lease for economic development purposes.

The act also would have made technical and conforming changes.

EFFECTIVE DATE: Upon passage

PA 21-147—SB 1112

Government Administration and Elections Committee

AN ACT AMENDING THE CONVEYANCE OF PARCELS OF STATE LAND TO THE CITY OF NEW HAVEN

SUMMARY: This act amends section 6 of PA 17-238, which required the Department of Transportation (DOT) to convey, for administrative costs, 11 parcels of land totaling 7.93 acres to the city of New Haven for use as open space. The act instead requires DOT to convey six parcels of unspecified acreage and revises their geographic descriptions.

EFFECTIVE DATE: Upon passage

PA 21-164—sHB 6574

Government Administration and Elections Committee

AN ACT CONCERNING REVISIONS TO THE STATE CODES OF ETHICS

SUMMARY: This act makes numerous changes to the state codes of ethics for public officials and lobbyists by:

1. adding the Paid Family and Medical Leave Insurance Authority to the list of quasi-public agencies subject to the ethics code for public officials (§ 2);
2. defining confidential information for the law's purposes as similarly defined in regulations (§ 3);
3. authorizing the Office of State Ethics (OSE) ethics enforcement officer (whom the act specifies must belong to the Connecticut bar) to represent the office in certain matters before the Superior Court (§§ 4 & 5);
4. requiring the public officials and state employees who must file statements of financial interests with OSE to file them electronically using software the office creates (§ 7, see BACKGROUND);
5. exempting certain gifts from the codes' gift prohibition (§§ 1 & 12) and clarifying who must report certain expenditures to a beneficiary public official or state employee (§ 8);
6. requiring certain state regulatory agencies, in consultation with OSE, to annually submit a statement designating the agency positions that are subject to the public officials' code's revolving door provisions (§ 9);
7. extending the prohibited activities that apply to state-hired consultants and independent contractors to include persons they employ (§ 10);
8. exempting students serving as public officials from certain code provisions (§ 11);
9. extending the Citizen's Ethics Advisory Board's (CEAB) deadline for final hearing decisions on violations (§§ 6 & 13); and
10. clarifying that both individuals employing lobbyists and those employed as lobbyists are subject to the Code of Ethics for Lobbyists' prohibition on contingency fee lobbying (§ 14).

The act repeals several obsolete provisions related to the 2005 transfer of OSE from the State Ethics Commission and extending deadlines for probable cause hearings in the same year. It also repeals a requirement that OSE conduct annual conferences on ethical issues (§ 15).

Finally, the act makes numerous technical and conforming changes.

EFFECTIVE DATE: October 1, 2021, except the provision defining the Paid Family and Medical Leave Insurance Authority as a quasi-public agency is effective July 1, 2021.

§§ 1, 3, 8 & 11-12 — STATE ETHICS CODES

Gift Exemption (§§ 1 & 12)

The State Codes of Ethics generally prohibit public officials and state employees from accepting gifts (generally anything of value exceeding \$10) from restricted donors (e.g., registered lobbyists and prequalified state contractors). They similarly prohibit restricted donors from making these gifts. However, existing law establishes several exemptions from these prohibitions, including one for gifts received from certain members of the individual's or his or her spouse's family.

The act additionally exempts gifts received from the individual's or spouse's grandparent.

Confidential Information (§ 3)

The Code of Ethics for Public Officials generally prohibits current and former public officials and state employees, as well as state consultants and independent contractors, from using, for financial gain, confidential information they acquire in performing their duties. "Confidential information" is defined in OSE's regulations, but it was not defined in prior state law (Conn. Agencies Reg. § 1-81-15).

The act codifies the definition in state law with minor changes. Under the act, confidential information is any information possessed by the state, a state employee, or a public official, whatever its form, that is (1) prohibited from disclosure to the general public under any state or federal law or (2) permissibly nondisclosable under the Freedom of Information Act, and the appropriate agency, state employee, or public official has decided not to disclose it to the general public.

Notice of Certain Donations (§ 8)

The act clarifies that a person who gives anything valued at more than \$10 to a public official or state employee (either

directly or through a representative) must comply with certain reporting requirements if the person is (1) doing business with, or seeking to do business with, the official's or employee's employing department or agency or (2) engaged in activities that the department or agency directly regulates.

Under the reporting requirements, the donor must give the recipient's department or agency a written report within 10 days stating (1) the donor's name, (2) a description of the item or items given and their value, and (3) the cumulative value of all items given to the individual during the calendar year. The Code of Ethics for Lobbyists contains an identical reporting requirement (CGS § 1-97(d)).

College Student Exemption (§ 11)

The act extends, in part, the exemption from certain provisions of the Code of Ethics for Public Officials that applies to student employees of a state college or university to also apply to students who serve as public officials by virtue of their student status at a state college or university (e.g., a student member of the board of trustees). This includes exemptions from the code's provisions on prohibited activities, disclosure or use of confidential information, and conflicts of interest.

As under existing law for student employees, the above exemptions are valid only if the student's institution has (1) adopted related written policies and procedures and (2) the policies and procedures have been approved by CEAB. The law requires institutions to submit (1) their policies and procedures to the board triennially and (2) any significant revisions within 30 days of their adoption.

Under existing law, student employees are additionally exempt from (1) restrictions on certain expense-paid travel provided by prospective employers and (2) a requirement to wait one year before accepting certain post-employment opportunities (CGS §§ 1-79(5)(R) and 1-84b(h)).

§§ 9 & 10 — PROHIBITED ACTIVITIES UNDER THE ETHICS CODE

Positions Subject to Revolving Door Provisions (§ 9)

The Code of Ethics for Public Officials generally prohibits public officials and state employees in certain regulatory agencies who hold positions with significant decision-making or supervisory responsibilities from accepting employment for one year after leaving state service with a business subject to regulation by their former agency. (The prohibition is two years for certain employment in the gaming industry.) Under prior law, covered positions were designated by OSE, in consultation with the applicable agency, and adopted as regulations by CEAB.

By November 1, 2021, and at least annually from then on, the act instead requires the heads of certain executive branch regulatory agencies or their designees to electronically submit to OSE designations of all existing positions that are subject to these restrictions. They must do so in a manner CEAB prescribes. As under prior law, they must make these designations in consultation with OSE.

Under the act, the agency head or designee must submit any newly created positions that are subject to these provisions, but not included in the annual submission to OSE, within 30 days after the position's creation. OSE must prepare a list of all designated positions and post it on its website.

As under prior law, the designation requirement applies to the Office of Health Strategy's Health Systems Planning Unit; Connecticut Siting Council; Department of Banking; Insurance Department; Department of Emergency Services and Public Protection; the Public Utilities Regulatory Authority, including the Office of Consumer Counsel; and the Department of Consumer Protection.

Consultants and Independent Contractors (§ 10)

The Code of Ethics for Public Officials prohibits state agency consultants and independent contractors from engaging in certain unethical bidding or contracting practices. The act extends these prohibitions to cover individuals employed by these consultants and independent contractors. In doing so, it prohibits these individuals from the following:

1. using their contractual authority, or any confidential information acquired in performing the contract, to obtain financial gain for themselves, immediate family members, or their employees and immediate family members;
2. accepting another state contract that impairs their judgment on the existing contract; or
3. accepting anything of value based on an understanding that it would influence their action on behalf of the state.

The law similarly prohibits a person from giving anything of value to a consultant or independent contractor hired by the state based on an understanding that it would influence the consultant's or independent contractor's actions. The act extends this prohibition to also cover giving anything of value to a consultant's or independent contractor's employee under these circumstances.

The act subjects violators of the above prohibitions to existing law's penalties for violating the Code of Ethics for Public Officials. By law, OSE may impose a civil penalty of up to \$10,000 per violation. Additionally, a person who intentionally violates the code is guilty of a class A misdemeanor for a first violation (or a class D felony if the violator derived a financial benefit of at least \$1,000 from the violation) and a class D felony for subsequent violations (see [Table on Penalties](#)).

The act also makes violators liable to the state for damages equal to the amount of the financial advantage. CEAB must immediately inform the attorney general of the violation (CGS §§ 1-88 and -89).

§§ 4-6 & 13 — OFFICE OF STATE ETHICS & CITIZEN'S ETHICS ADVISORY BOARD

Ethics Enforcement Officer (§§ 4 & 5)

The act authorizes OSE's ethics enforcement officer (whom the act specifies must be a member of the Connecticut bar) to represent the office before the Superior Court in an appeal of any ruling or finding arising under the ethics codes for public officials, lobbyists, and state contractors as long as CEAB is not a party in the appeal (e.g., enforcing a subpoena). Under existing law, OSE's legal division (which is separate from the enforcement division) represents CEAB in all matters in which the board is a party (e.g., appeals of final decisions) unless the board requests the attorney general's assistance (CGS § 1-81(f)).

Complaint Procedures and Time Limits (§§ 6 & 13)

The act extends the deadline, from 15 to 45 days after a public hearing on a State Codes of Ethics violation, by which CEAB must publish its finding and a memorandum explaining the reasons for the finding (i.e., its final decision).

BACKGROUND

Statements of Financial Interest (SFI)

By law, a person must file an SFI if he or she is, among other things, a (1) statewide elected officer, legislator, department head or deputy department head, member or director of a quasi-public agency, or member of the Investment Advisory Council; (2) member of the Executive Department designated by the governor; or (3) quasi-public agency employee designated by the governor. The SFIs must be filed annually by May 1. Additionally, filers who leave their position or office must file a final SFI that covers their activities from the most recent filing through their departure. They must do so within 60 days after being notified by OSE.

PA 21-198—sSB 1076

Government Administration and Elections Committee

AN ACT CONCERNING THE SUBMISSION OF UPDATE STATEMENTS, THE REMOVAL OF REFERENCES TO UPDATE BID STATEMENTS AND THE GRANTING OF EASEMENTS ON STATE LAND

SUMMARY: This act makes several changes to the statutes governing the Department of Administrative Services (DAS) as follows:

1. eliminates a provision that invalidates any bid on public works contracts submitted without a required update bid statement or prequalification certificate and instead allows agencies to permit bidders up to two business days post-bid to submit the missing documentation (§ 3);
2. removes references to "update bid statement" and, where necessary, replaces them with "update statement" (§§ 1-4); and
3. allows DAS to grant easements to, and acquire easements from, the federal government or a subdivision of the state, subject to certain approvals (§ 5).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§§ 1-4 — STATE CONTRACTING BID UPDATES

The act replaces statutory references to the term “update bid statement” with “update statement.” Prior law required the DAS commissioner to establish (1) an update statement for contractors and substantial subcontractors to use when renewing or upgrading their prequalification certificate and (2) an update bid statement for bidders on a public works contract to use to provide certain information regarding changes since the bidder’s prequalification certificate was issued or renewed (e.g., projects currently under contract and significant changes in financial position). Under the act, this information must be provided in the update statement, which serves both statements’ purposes.

The act also authorizes public contracting agencies to allow bidders up to two business days after a bid opening to submit their prequalification certificate, if required, and an update statement. Prior law disqualified a bid if the update bid statement or applicable prequalification certificate was missing.

§ 5 — EASEMENTS

The act authorizes the DAS commissioner to grant easements to, and acquire easements from, the federal government or a political subdivision of the state (e.g., a municipality) for public purposes, as long as he (1) determines that these purposes do not conflict with the public interest and (2) receives approval from the State Properties Review Board (SPRB). He must also receive approval from the Office of Policy and Management (OPM) and the agency supervising the land’s care and control before granting an easement.

Under existing law and unchanged by the act, DAS may grant easements on state land to public service companies, owners of district heating and cooling systems, municipal water and sewer authorities, and telecommunications companies. The easements are subject to approval by the controlling agency, OPM, and SPRB. He may also acquire easements in connection with a department project, subject to SPRB’s approval.

PA 21-10—SB 263

General Law Committee

AN ACT REESTABLISHING CLUB AND NONPROFIT CLUB PERMITS

SUMMARY: This act reestablishes the club and nonprofit club alcoholic liquor permits and eliminates prior provisions that allowed these permittees to receive a cafe permit. PA 19-24, among other things, combined various permits for on-premises alcohol consumption into the cafe permit, including the club and nonprofit club permits. The act allows cafe permittees who were issued their permit for a club or nonprofit club before July 1, 2021, to continue to hold the permit until it is due for renewal or until the replacement permit established by the act becomes available.

The act requires the Department of Consumer Protection (DCP) commissioner to refund a portion of the cafe permit annual fee paid by prior club and nonprofit club permittees between July 1, 2020, and July 1, 2021. Specifically, the commissioner must refund any amount that a prior holder of (1) a club permittee paid in excess of \$300 and (2) a nonprofit club permittee paid in excess of \$815. By law, the annual fee for a cafe permit is \$2,000.

The act also makes various conforming and technical changes.

EFFECTIVE DATE: Upon passage

CLUB PERMIT

The act allows a club permittee to sell alcoholic liquor (e.g., spirits, wine, or beer) at retail for consumption on the premises by members and their guests. The annual fee for a club permit is \$300.

Under the act, clubs seeking a club permit are subject to the same requirements that prior law provided for clubs seeking a cafe permit. Among other things, they must meet the following conditions:

1. have been in existence for at least three years at the time of application or, in the case of national or international fraternal or social organizations, have been in Connecticut for at least one year;
2. file with DCP (a) upon request and by February 11 each year, a list of their members' names and addresses and (b) new members' names and addresses within 10 days of their election;
3. have sufficient membership fees, dues, and other income (other than income derived from selling alcoholic beverages) to pay for their lease or any taxes, insurance, repairs, and mortgage interest on property they own; and
4. conduct their affairs through a board of directors, executive committee, or similar body chosen by members at an annual meeting.

NONPROFIT CLUB PERMIT

Under the act, nonprofit club permittees are subject to the same requirements as under prior law for nonprofit clubs seeking a cafe permit. Specifically, they may sell alcoholic liquor for consumption on the premises by members and their guests. They may also sell to others so long as the income they derive from doing so does not exceed 15% of their annual gross receipts. The annual fee for a nonprofit club permit is \$815.

PA 21-11—HB 5311

General Law Committee

AN ACT CONCERNING BOATS, MOTOR VEHICLES IN LIVERY SERVICE AND IN-STATE TRANSPORTER'S PERMITS FOR ALCOHOLIC LIQUOR

SUMMARY: This act allows an in-state transporter's permittee for alcoholic liquor, with Department of Consumer Protection (DCP) approval, to sell and serve alcoholic liquor (e.g., beer, wine, and spirits) for consumption on boats hired to transport passengers and motor vehicles in livery services (e.g., limousines).

Under the act, one permit covers all boats and vehicles under common ownership. When the owner applies for DCP approval, he or she must specifically identify each boat and vehicle where alcohol sales or consumption will be available.

Under existing law, the annual fee for an in-state transporter's permit is \$1,250. The act (1) specifies that this is the annual fee for the first boat or vehicle and (2) establishes an additional \$200 annual fee for each additional boat or vehicle.

EFFECTIVE DATE: Upon passage

PA 21-37—sHB 6100
General Law Committee

AN ACT CONCERNING DEPARTMENT OF CONSUMER PROTECTION LICENSING AND ENFORCEMENT, ANTITRUST ISSUES AND THE PALLIATIVE USE OF MARIJUANA AND REVISIONS TO THE LIQUOR CONTROL ACT

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[§ 1 — SITING COUNCIL CONSULTATION](#)

Eliminates the requirement that the council consult with DCP prior to starting public hearings

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Makes minor changes to the CAM law, including specifying CAMs must complete a course and pass a test before being granted a registration; eliminates provisions about expired registrations

[§§ 11 & 14-17 — GENERAL POWERS](#)

Makes numerous minor and conforming changes to the statutes concerning DCP's general powers and those of boards or commissions within it

[§ 12 — DATE LABELING REQUIREMENTS](#)

Updates an obsolete reference

[§ 13 — NOTICE OF ADMINISTRATIVE ENFORCEMENT ACTION](#)

Specifies the notice procedure that applies when a designated party or intervenor requires notice of an enforcement action

[§ 18 — CENTRALIZED INFRACTIONS BUREAU](#)

Makes certain assessed fines payable by mail without appearing in court

[§§ 19-21 — HOMEMAKER-COMPANION AGENCIES](#)

Allows homemaker-companion agencies to obtain insurance policies to cover employee theft; requires these agencies to conduct a national background check that meets certain requirements; and specifies conditions that make an individual ineligible for employment

[§§ 22 & 23 — CONTRACTING WITH LICENSED TRADESPERSONS](#)

Requires contracts for work on private residential property by licensed tradespeople to meet certain specifications

[§ 24 — TRADESPERSON LICENSE REINSTATEMENT](#)

Limits how long a tradesperson has to apply for license reinstatement after its suspension or revocation

[§ 25 — LAPSE OF PROFESSIONAL ENGINEER OR SURVEYOR LICENSE](#)

Specifies that a license lapses if not renewed by the expiration date

[§§ 26-28 — REAL ESTATE BROKERS AND SALESPERSONS](#)

Changes the annual registration expiration date for real estate brokers

[§§ 29 & 38 — HOME IMPROVEMENT CONTRACTORS](#)

Changes the annual registration expiration date for home improvement contractors

[§§ 30 & 31 — MOBILE MANUFACTURED HOME PARK LICENSES](#)

Makes several changes to DCP's enforcement authority over mobile manufactured homes

[§§ 32-36 — CERTIFIED PUBLIC ACCOUNTANTS \(CPA\)](#)

Makes several changes to the law regulating CPAs, including several to conform the law to the American Institute of CPAs' rules of conduct concerning fees

[§ 37 — LOCKSMITHS](#)

Specifies the method for conducting a criminal history check of prospective registrants

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Requires health clubs to (1) allow members to cancel their memberships by email and (2) provide written notice about renewal at the beginning of the contract for those subject to automatic renewal

[§§ 41-43 — NEW MOTOR VEHICLE LEMON LAW](#)

Requires additional manufacturers to stamp their vehicles indicating they are lemon law buybacks; requires consumers in arbitration to provide notice about the arbitration before selling their motor vehicle; fines manufacturers that fail to stamp within the specified time period or fail to perform arbitration awards; and requires dealers to remit payments to the new automobile warranties account in an annual lump sum

[§ 44 — CONTROLLED SUBSTANCE REGISTRATIONS](#)

Allows DCP to immediately inactivate a practitioner's controlled substance registration if his or her license, registration, or approval of a license to practice is inactive for more than 90 days

[§ 45 — EPINEPHRINE AUTO INJECTOR PRESCRIPTIONS](#)

Allows pharmacists to prescribe an epinephrine auto injector (e.g., EpiPen) to someone who had a prescription for one, under certain circumstances

[§ 46 — STERILE COMPOUNDING FACILITY CHANGES](#)

Increases, from 10 to 45 days, the advance notice a compounding facility must give DCP when it plans to remodel or repair its sterile compounding facilities; requires emergency repairs to be reported within 24 hours; expands the situations in which notice must be given

[§ 47 — PHARMACIST CONSULTATIONS](#)

Expands the requirement that pharmacists offer to consult with patients when dispensing medications to include controlled substances, in addition to other drug types; applies the requirement to all pharmacies

[§ 48 — DRUG WHOLESALER DEFINITION](#)

Exempts certain pharmacies from the definition of "drug wholesaler"

[§ 49 — MEDICAL MARIJUANA MATERIAL CHANGE NOTICE AND WAITING PERIOD](#)

Requires anyone involved in a transaction that results in a material change to a medical marijuana business to file written notice with the attorney general; establishes a waiting period for these transactions

[§§ 50-53 — HEMP](#)

Requires licensed medical marijuana producers to manufacture, market, cultivate, or store hemp and manufacturer hemp products in accordance with existing medical marijuana laws; allows producers to obtain these products from other legal sources and requires these products to be tracked throughout the manufacturing process; requires the laboratories that test manufactured hemp products to be in Connecticut

§§ 54-78 — LIQUOR CONTROL ACT CONFORMING AND TECHNICAL CHANGES

Makes numerous minor, technical, and conforming changes to implement the changes from PA 19-24, including, among other things, conforming changes for the new cafe permit

§ 61 — SPECIAL CLUB PERMITS

Would have allowed cafe permittees that are nonprofit clubs to receive an additional permit to allow alcohol sales at outdoor picnics, but PA 21-10 repealed a related authorization

§ 68 — HOLDING MULTIPLE PERMITS

Allows a (1) nonprofit theater permittee to also hold a coliseum permit, (2) restaurant or cafe permittee to also hold a newly established seasonal outdoor open-air permit, and (3) restaurant permittee to also hold a cafe permit because of its racquetball or tennis facility

§ 68 — WHOLESALER'S HEARING REQUEST WHEN PREMISES' OWNERSHIP CHANGES

Eliminates a wholesaler's ability to request a hearing when a retailer permit applicant purchases a business where a prior permittee may have had outstanding liquor obligations or received consideration

§ 69 — PACKAGE STORE INTEREST INCREASE

Increases the number of alcoholic beverage retail permits (e.g., package stores) a person or backer may acquire an interest in from five to six

§§ 70 & 86 — AFFIRMED APPLICATIONS

Requires certain applications to be affirmed rather than sworn to

§ 75 — EFFECTIVE SEPARATION AND MINORS

Prohibits minors from being at certain consumer bars without a parent, guardian, or spouse

§ 76 — AIRPORT ALCOHOL HOURS

Reauthorizes certain airport cafe permittees to serve alcohol at the hours they were allowed to before the enactment of PA 19-24

§ 78 — DCP ALCOHOL REGULATIONS PAMPHLET

Eliminates the option for DCP to publish a pamphlet of all alcohol regulations and instead requires DCP to post them on its website

§ 79 — INVESTIGATION INFORMATION DISCLOSURE TIMEFRAME

Increases the maximum time DCP can withhold investigation information from six to 18 months

§ 80 — WHOLESALER FREE SAMPLES

Allows wholesalers to offer industry members and their own staff free samples of alcohol they distribute

§ 81 — CONCESSION PERMITTEES SERVING TWO DRINKS AT ONCE

Allows concession permittees to sell up to two drinks at one time

§ 82 — PROVISIONAL PERMIT TIME LIMITS

Prohibits provisional permits from being extended beyond one year

§§ 83 & 84 — DRUGGIST PERMIT ALCOHOL DELIVERIES

Allows druggist permittees to deliver alcohol

§ 85 — CATERER PERMIT

Specifies that caterer liquor permittees may sell and serve alcoholic liquor without food, prohibits them from self-dealing or self-hiring in order to generate catering events, and allows for exclusive catering contracts

§ 86 — NOTICING AND PLACARDING REQUIREMENTS EXEMPTION

Exempts Connecticut craft cafe permittees who held a manufacturer permit for a brew pub or a manufacturer permit for a beer and brew pub before July 1, 2020, from noticing and placarding requirements

§ 86 — REMONSTRANCE

Limits remonstrances to instances where the issue is not controlled by local zoning

§ 86 — APPLICATIONS WITH NO ACTION

Allows DCP to return applications when no action has occurred in 12 months

§§ 87-88, 92 & 94-96 — FINES AND APPEALS

Specifies that the appeals of conditions placed on permits are held in accordance with the UAPA and fines on a permit are per violation

§ 89 — NOTICES

Requires notices of decisions of any revocation or suspension of any permit to be posted on DCP's website rather than sent to the town clerk where the permittee operates or operated

§ 90 — TECHNICAL CHANGE

Makes a technical change

§ 91 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)

Specifically allows CUTPA to be used in cases of unfair pricing

§ 93 — MANUFACTURER REBATES

Prohibits (1) merchandise, novelties, or other items from being used as manufacturers' rebates and (2) requiring alcohol purchase as a prerequisite for purchasing these items

§ 97 — CAFE PERMITS FOR HIGHER EDUCATION INSTITUTIONS

Allows cafe permits to be issued to any accredited higher education institution

§ 98 — OUT-OF-STATE SHIPPERS

Allows out-of-state shipper permittees to sell outside of Connecticut

§ 99 — PACKAGE STORE SHIPPING OUT-OF-STATE

Allows package store permittees to ship to out-of-state consumers

§ 100 — TWO DRINKS AT ONCE

Allows an alcoholic liquor permittee that sells for on-premises consumption to sell up to two drinks at once

§§ 101 & 102 — MUNICIPAL OPTION

Allows municipalities to decide whether to allow alcoholic liquor (e.g., spirits, wine, and beer) sales legislatively rather than by referendum

§ 103 — SEASONAL OUTDOOR OPEN-AIR PERMIT

Establishes a seasonal outdoor open-air permit that allows alcohol sales in outdoor spaces under certain conditions

§ 104 — PROHIBITION ON RELABELING AS CONNECTICUT WINE

Prohibits repackaging, relabeling, or selling wine manufactured outside of Connecticut as Connecticut-made wine

§ 105 — PACKAGE STORE ALLOWABLE ITEMS

Allows package store permittees to sell devices and related accessories designed to access and extract a beverage containing alcohol from a prepackaged container (e.g., pod or pouch)

§ 106 — MEAD IN GIFT BASKETS

Allows gift basket retailer permittees to sell mead in their gift baskets

§ 107 — PROOF GALLON

Specifies that a manufacturer permittee for spirits who produces less than 50,000 proof gallons, rather than gallons, may sell sealed bottles at retail for off-premises consumption

§§ 108 & 109 — CERTAIN ON-PREMISES ALCOHOL PERMITTEES ALLOWED TO SELL FOR OFF-PREMISES CONSUMPTION

Allows, until June 4, 2024, certain alcohol permittees to sell and deliver alcoholic liquor for off-premises consumption that they currently sell for on-premises consumption

§ 110 — REPEALER

Repeals obsolete provisions

§ 1 — SITING COUNCIL CONSULTATION

Eliminates the requirement that the council consult with DCP prior to starting public hearings

The act removes the Department of Consumer Protection (DCP) from the list of state agencies that the Connecticut Siting Council must consult with and solicit written comments from, prior to starting public hearings on certificate of environmental compatibility and public need applications.

EFFECTIVE DATE: Upon passage

§§ 2-5 — APPRAISERS AND APPRAISAL MANAGEMENT COMPANIES (AMC)

Makes changes to the AMC statutes to comport with the Federal Financial Institutions Examination Council's audit recommendations

By law, real estate appraisers, provisional appraisers, and AMCs must register with DCP. The act makes several changes to the AMC statutes to comport with the Federal Financial Institutions Examination Council's audit recommendations. Specifically, it does the following:

1. revises the definition of AMC to exclude any subsidiary of a federally regulated financial institution, regardless of what type of appraisal requests it receives, and
2. requires AMCs, when applying to DCP, to disclose any owners, not just those owning 10% or more of the company (owners are subject to DCP's good moral character review), and makes related conforming changes to subject owners of less than a 10% interest to the same requirements that apply to owners of at least a 10% interest under existing law (§§ 2-4).

The act also makes the real estate appraiser or provisional appraiser continuing education fee annual, rather than biennial, so that it coincides with the renewal period. It also specifies that the fee covers the cost of reviewing and auditing continuing education submissions (§ 5).

EFFECTIVE DATE: July 1, 2021

§§ 6 & 7 — ARCHITECTS

Establishes continuing education completion deadlines for architects

By law, architects must complete 12 hours of continuing education (CE) annually (Conn. Agencies Regs. § 20-289-6a); failure to do so may result in license suspension or revocation or civil penalties of up to \$1,000 (CGS § 20-294). The act establishes specific CE completion deadlines and specifies that architects who miss the deadlines by more than 26 weeks may, after an administrative hearing, lose their license or have it suspended or not renewed.

Except for certain retired architects, the act specifies that the 12-month CE period begins three months prior to license expiration and ends three months before renewal in the following year. The act establishes the following fees for architects who do not meet the act's CE completion deadlines: (1) \$315 for architects who complete it up to 13 weeks after the deadline and (2) \$625 for architects who complete it 13-26 weeks after the deadline.

The act also allows licensed architects to attest to, rather than submit proof of, completing their required CE.
EFFECTIVE DATE: July 1, 2021

§§ 8-10 — COMMUNITY ASSOCIATION MANAGERS (CAM)

Makes minor changes to the CAM law, including specifying CAMs must complete a course and pass a test before being granted a registration; eliminates provisions about expired registrations

CAMs provide management services to common interest community associations, such as condominium associations and boards. The act specifies that CAMs, before applying for an initial registration, must 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 if permitted by DCP regulations). (In practice, DCP already required this.)

By law, the fee for an initial registration is \$100, plus a \$60 application fee; the fee for renewal is \$200. The act eliminates a (1) provision that prohibits renewing a certificate that expired more than a year prior and (2) \$50 fee for renewal applications made more than a month after they expired.

EFFECTIVE DATE: Upon passage

§§ 11 & 14-17 — GENERAL POWERS

Makes numerous minor and conforming changes to the statutes concerning DCP's general powers and those of boards or commissions within it

The act makes numerous minor and conforming changes to the statutes concerning DCP's general powers and those of boards or commissions within it.

Among other things, it does the following:

1. specifies that DCP and each board or commission is authorized to place conditions on a license, registration, or certificate (not just suspend or revoke it) or impose a fine of up to \$1,000 per violation;
2. specifies that the DCP commissioner may issue a letter of reprimand to a credential holder or registrant and send a copy of the letter to a complainant or to a state or local official;
3. authorizes the DCP commissioner to place a credential holder or registrant on probationary status and (a) require him or her to report to DCP regularly or seek further education to attain a satisfactory level of competence and (b) limit his or her practice areas;
4. specifies that continuing education completion periods begin and end three months prior to the annual or biennial renewal date for the applicable credential, except those related to the practice of pharmacy; and
5. specifically authorizes the DCP commissioner to delegate her authority to render a final decision in a contested case to a hearing officer either employed by, or contracted with, DCP.

The act specifies that DCP's enforcement powers extend to credentials or registrations that are voluntarily surrendered or not renewed.

EFFECTIVE DATE: Upon passage, except the CE completion period provision (§ 16) is effective October 1, 2021.

§ 12 — DATE LABELING REQUIREMENTS

Updates an obsolete reference

The act replaces a requirement to adopt regulations conforming to an obsolete national standard with a requirement that DCP's regulations prescribe uniform date labeling requirements for food.

EFFECTIVE DATE: Upon passage

§ 13 — NOTICE OF ADMINISTRATIVE ENFORCEMENT ACTION

Specifies the notice procedure that applies when a designated party or intervenor requires notice of an enforcement action

The act specifies that notice of DCP administrative enforcement actions, including compliance meetings and hearings related to consumer hotline complaints, must be in writing and comply with the Uniform Administrative Procedure Act. It sets out the specific notice procedure that applies when giving notice of an enforcement action to a designated party or intervenor who is not a credential holder or their authorized representative. The notice must be delivered (1) personally; (2) by U.S. mail with delivery tracking or via certified mail; or (3) by email with tracking and delivery confirmation.

Notice to a non-credential holder is sufficient if DCP makes reasonable efforts, including verifying the mailing address with the secretary of the state or the Department of Motor Vehicles (DMV). If notice is sent by mail or email to a credential holder, then it is effective if sent to the last known address on file with DCP.

EFFECTIVE DATE: Upon passage

§ 18 — CENTRALIZED INFRACTIONS BUREAU

Makes certain assessed fines payable by mail without appearing in court

The act makes assessed fines payable by mail without appearing in court for (1) manufacturing hemp without a license or (2) noncompliance with a DCP order about mobile manufactured home parks.

EFFECTIVE DATE: Upon passage

§§ 19-21 — HOMEMAKER-COMPANION AGENCIES

Allows homemaker-companion agencies to obtain insurance policies to cover employee theft; requires these agencies to conduct a national background check that meets certain requirements; and specifies conditions that make an individual ineligible for employment

Employee Theft Coverage (§ 20)

Under prior law, each homemaker-companion agency had to obtain a surety bond for at least \$10,000 to insure against an employee's theft from a client. The act allows agencies to obtain an insurance policy for the same purpose.

Background Check (§§ 19 & 21)

By law, homemaker-companion agencies must conduct a comprehensive background check of prospective employees. Instead of reviewing only public Connecticut criminal records as required under prior law, the act also requires agencies to conduct a local and national check based on their name and date of birth. When doing so, it requires them to:

1. search a multi-state and multi-jurisdiction criminal record locator or similar commercial nationwide database with validation;
2. search the Department of Justice's National Sex Offender Public Website; and
3. use a third-party consumer reporting agency or background screening company that is accredited by the Professional Background Screening Association and in compliance with the federal Fair Credit Reporting Act.

The act also allows agencies to conduct video-conference interviews, rather than requiring the mandated interview to be in-person.

The act requires agencies to notify clients about their background check policy in writing and include a citation to state law.

The act requires agencies to obtain a non-citizen's employment authorization form (i.e., Form I-9) after he or she accepts an offer of employment or executes an employment contract.

Hiring Ban (§ 21)

Under the act, agencies are prohibited from hiring someone whose name appears on the U.S. Department of Health and Human Services' Office of Inspector General's online federal database of excluded individuals and entities for a conviction within the past five years. Individuals and entities on the list are prohibited from being paid for services with federal health care program funding due to past actions such as Medicare fraud.

The act also prohibits agencies from hiring someone who in the past five years was:

1. convicted or released from incarceration for a criminal offense related to services or items provided under certain state health care programs (e.g., Medicaid and the Children's Health Insurance Program);
2. convicted under state or federal law or released from incarceration for a criminal offense related to patient neglect or abuse while providing health care items or services;
3. convicted or released from incarceration for a felony related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct (a) while providing health care items or services or (b) for an act or omission in connection with a health care program operated or funded by a government agency;
4. convicted under state or federal law or released from incarceration for a felony relating to unlawful controlled substance manufacture, distribution, prescription, or dispensing; or
5. subject to a state or federal agency's substantiated finding of neglect, abuse, physical harm, or misappropriation of property valued at over \$2,000.

EFFECTIVE DATE: January 1, 2022, except the insurance policy provision is effective upon passage (§ 20).

§§ 22 & 23 — CONTRACTING WITH LICENSED TRADESPERSONS

Requires contracts for work on private residential property by licensed tradespeople to meet certain specifications

The act requires contracts for work on private residential property by licensed tradespeople to meet certain specifications. It generally applies to contracts entered into by an owner or resident (or their agent) of a one-to-six unit residential property or condominium or common interest community of any size ("consumer"), for work performed by a licensed contractor in the electrical; plumbing and piping; solar; heating, piping, and cooling; sheet metal; fire protection sprinkler systems; elevator installation, repair, and maintenance; irrigation; or flat glass work fields ("licensed tradesperson").

Under the act, to be valid or enforceable against the consumer, the contract must contain the entire agreement and:

1. be in writing and signed by the licensed tradesperson or his or her employer and consumer;
2. contain the contracting licensed tradesperson's name, address, and license number (or the employing business's owner, partner, or limited liability member's name, phone number, and address);
3. include the name and license number of each licensed tradesperson performing work (may be amended in writing during the contract's term);
4. contain notice of the owner's cancellation rights under the Home Solicitation Sales Act; and
5. have the transaction date and specify a start and completion date.

The act requires any change to the contract's terms and conditions to be written and signed by both parties unless the DCP commissioner eliminates the requirement by regulation.

EFFECTIVE DATE: Effective January 1, 2022, except certain conforming changes are effective upon passage.

§ 24 — TRADESPERSON LICENSE REINSTATEMENT

Limits how long a tradesperson has to apply for license reinstatement after its suspension or revocation

The act limits how long a tradesperson has to apply for license reinstatement after its suspension or revocation. Under the act, a tradesperson has up to 180 days after the action to apply for license reinstatement. The act also requires that they must show good cause for reinstatement when applying.

By law, unchanged by the act, tradespeople must wait at least 90 days after their licenses' suspension or revocation to apply for reinstatement.

EFFECTIVE DATE: Upon passage

§ 25 — LAPSE OF PROFESSIONAL ENGINEER OR SURVEYOR LICENSE

Specifies that a license lapses if not renewed by the expiration date

The act eliminates the 30-day window after a license's expiration date for it to be renewed without lapsing. Consequently, it requires renewal to occur by the expiration date.

EFFECTIVE DATE: Upon passage

§§ 26-28 — REAL ESTATE BROKERS AND SALESPERSONS

Changes the annual registration expiration date for real estate brokers

The act makes several minor changes to the real estate brokers' and salespersons' licensing laws. It:

1. changes the annual expiration date for brokers' licenses to November 30, rather than March 31, and specifies how renewals will be handled in the transition year (i.e., 2022), including a pro-rated renewal fee;
2. eliminates a provision making application fees refundable if a broker's or salesperson's license is not issued; and
3. makes the real estate brokers' and salespersons' continuing education fee annual, rather than biennial (coinciding with the renewal period) and specifies that it covers the cost of reviewing and auditing continuing education submissions.

EFFECTIVE DATE: Upon passage

§§ 29 & 38 — HOME IMPROVEMENT CONTRACTORS

Changes the annual registration expiration date for home improvement contractors

The act makes home improvement contractors' annual registrations expire on March 31, rather than November 30, and specifies how renewals will be handled in the transition year (i.e., 2021), including a pro-rated fee (§ 29).

It also makes a minor change to the affidavit requirement for Home Improvement Guaranty Fund applicants by eliminating the requirement that the affidavit be notarized (§ 38; see BACKGROUND: *Related Act*).

EFFECTIVE DATE: Upon passage

§§ 30 & 31 — MOBILE MANUFACTURED HOME PARK LICENSES

Makes several changes to DCP's enforcement authority over mobile manufactured homes

The act makes several changes to the mobile manufactured home park licensing laws. It:

1. specifies that a mobile manufactured home park's license renewal may only be denied for failure to comply with the law if a formal enforcement action has begun;
2. allows DCP to place conditions on a license after a violation of applicable laws, rather than only being able to revoke, suspend, or refuse to renew it;
3. subjects violators of a DCP order to a \$500 fine per violation if 30 days pass without resolution following a reinspection (payable through the Centralized Infractions Bureau);
4. gives DCP 30 days, rather than five, to hold a hearing after automatically suspending a license upon finding certain public health and safety violations; and
5. authorizes DCP to require a licensee to obtain and pay for an independent inspection report assessing the potential public health impact of a park condition (e.g., trees or plumbing systems).

EFFECTIVE DATE: Upon passage

§§ 32-36 — CERTIFIED PUBLIC ACCOUNTANTS (CPA)

Makes several changes to the law regulating CPAs, including several to conform the law to the American Institute of CPAs' rules of conduct concerning fees

Exam and License Renewal (§§ 32 & 33)

The act specifically allows an applicant to take the CPA exam if he or she has completed at least 120 semester hours of appropriate education as specified in Board of Accountancy regulations. To qualify for the exam under prior law, one had to have a B.A. or equivalent with an accounting concentration or equivalent.

The act requires CPAs to renew their licenses online and pay the renewal fee by credit card or electronic funds transfer unless they request and receive a waiver from the Board of Accountancy due to extenuating circumstances.

Work Product Retention (§ 34)

The act requires CPAs to keep work product and workpaper related to work for a client for at least seven years after creation unless the law requires a longer retention. Prior law only specified that CPAs must keep workpaper as required by any other law.

As under existing law, work product or workpaper related to the audit of a corporation subject to the Securities Exchange Act of 1934 must comply with the retention laws specific to those audits (CGS § 33-1332).

Fee Arrangements (§§ 35 & 36)

The act makes several minor changes to conform state law to the American Institute of CPAs' rules of conduct for CPA commissions and contingency fees. Among other things, it explicitly expands existing law's prohibition on certain contingent fee arrangements by specifying that a CPA may not work on contingency for a client in a situation where another member of the CPA's firm would be banned from doing so. (Existing law prohibits CPAs from working on a contingent fee basis under certain conditions, including when the CPA is auditing a client or preparing tax returns.) The act also eliminates a provision requiring contingent fee arrangements to be in writing.

EFFECTIVE DATE: October 1, 2021, except the 120 semester hours provision is effective upon passage (§ 32), and the work product retention provision is effective July 1, 2021 (§ 34).

§ 37 — LOCKSMITHS

Specifies the method for conducting a criminal history check of prospective registrants

The act specifies that a locksmith registration applicant's criminal history check must be a state and national criminal history check requested through the State Police Bureau of Identification.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 21-197, § 8, eliminates the affidavit requirement for Home Improvement Guaranty Fund applicants.

§§ 39 & 40 — HEALTH CLUB CONTRACTS

Requires health clubs to (1) allow members to cancel their memberships by email and (2) provide written notice about renewal at the beginning of the contract for those subject to automatic renewal

Cancellation by Email (§ 39)

Prior law required consumers seeking to cancel a health club contract to do so by certified or registered mail. The act (1) allows them to also cancel the contract by email by providing written notice to the health club's email address and (2) eliminates the requirement that a mailed cancellation must be sent by certified or registered mail. It makes conforming changes to the contract's statement of the consumer's rights, which by law must include a conspicuous caption ("BUYER'S RIGHT TO CANCEL") and a statement about how to cancel the contract.

The act additionally requires that each contract renewed on or after October 1, 2021, revise the "BUYER'S RIGHT TO CANCEL" language to provide for e-mail cancellations.

Notice of Automatic Renewal (§ 40)

The act requires health clubs, for contracts subject to automatic renewal, to provide written notice of the renewal to consumers when they enter into the contract. The notice must be conspicuously printed on the contract's first page and be in bold, 14-point print. By law, contracts may not automatically renew for more than one month at a time.

EFFECTIVE DATE: October 1, 2021

§§ 41-43 — NEW MOTOR VEHICLE LEMON LAW

Requires additional manufacturers to stamp their vehicles indicating they are lemon law buybacks; requires consumers in arbitration to provide notice about the arbitration before selling their motor vehicle; fines manufacturers that fail to stamp within the specified time period or fail to perform arbitration awards; and requires dealers to remit payments to the new automobile warranties account in an annual lump sum

The act makes various changes to the new motor vehicle lemon law (hereinafter "lemon law"). Among other things, it (1) requires additional manufacturers to stamp their vehicles indicating they are lemon law buybacks, (2) requires consumers in arbitration to provide notice about the arbitration before selling their motor vehicle, (3) fines manufacturers that fail to stamp within the specified time period or fail to perform arbitration awards, and (4) requires dealers to remit payments to the new automobile warranties account in an annual lump sum.

The lemon law establishes a consumer's right to a refund or replacement vehicle if, after a reasonable number of repair attempts, a manufacturer cannot make the consumer's vehicle conform to applicable express warranties. Under the law's provisions, a "motor vehicle" means the following vehicles sold or leased in this state: passenger motor vehicles, certain commercial motor vehicles, or motorcycles (CGS § 42-179).

Incidental Damages (§ 41)

By law, a refund under the lemon law must include, among other things, all incidental damages, less a reasonable amount for the consumer's use of the vehicle. The act expands the incidental damages specifically covered by the law to include any commercially reasonable charges or expenses for (1) returning or disposing of the vehicle; (2) making reasonable efforts to minimize or avoid the consequences of financial default related to the vehicle; and (3) effectuating other remedies after a defect or condition that substantially impaired the vehicle was reported to a dealership or manufacturer. As under existing law, incidental damages also include expenses for the vehicle's inspection, receipt, transportation, care, and custody.

Stamp (§ 41)

The act requires manufacturers that buy back a vehicle under the lemon law to stamp the vehicle with "MANUFACTURER BUYBACK-LEMON" instead of "MANUFACTURER BUYBACK" as prior law required. It requires that this stamp be added to all lemon law returns, including (1) vehicles returned following arbitration and (2) returns accepted by the manufacturer due to a nonconformity or defect, in exchange for a refund or a replacement vehicle, whether by an administrative or judicial determination.

The act increases, from 10 to 30 days after receiving the title, the deadline by which a manufacturer must stamp the title and submit a copy to the DMV. As under existing law, the manufacturer must stamp the words clearly and conspicuously on the face of the original title in letters at least ¼ inch high.

The act allows DCP to fine manufacturers up to \$10,000 if they fail to stamp a title within 30 days after receiving the vehicle. The fine must be deposited in the new automobile warranties account. A manufacturer aggrieved by a fine may, within 10 days after receiving written notice of the fine from DCP, make a written request for a hearing. DCP must, upon receiving all documentation needed to evaluate the request, determine whether circumstances beyond the manufacturer's control prevented performance. The department may also conduct a hearing under the Uniform Administrative Procedure Act, if appropriate.

The act allows the DCP commissioner to adopt regulations to implement these provisions.

Arbitration Notice (§ 42)

The lemon law allows consumers to apply for arbitration through DCP by submitting applicable forms and a \$50 filing fee to the department. Under the act, if a consumer files for arbitration but sells the vehicle before a decision or settlement,

then he or she must notify the individual or entity buying the vehicle that an action is pending with DCP under the lemon law program. The consumer must give this notice before the buyer executes a bill of sale and must include any DCP-provided case number or reference number. The consumer must also (1) notify DCP about the sale within five days after the buyer executes the bill of sale, (2) provide DCP with the buyer's name and contact information, and (3) attest that notice of the pending action was given to the buyer before the sale.

Failure to Perform (§ 42)

The act allows DCP to fine a manufacturer up to \$1,000 per day if it fails to perform all remedies awarded by the arbitrator by the applicable performance date the arbitrator specified. This authority applies if the award's enforcement has not been stayed by a court or otherwise modified by the arbitrator. DCP may impose the fine each day until the manufacturer fully performs as specified under the award. Any fine must be deposited in the new automobile warranties account. A manufacturer aggrieved by a fine may appeal in the same manner as under the failure to stamp fine (see above).

New Automobile Warranties Account (§ 43)

By law, DCP may use the new automobile warranties account to implement the lemon law. The account is funded by a \$3 surcharge on each sale or lease of a new vehicle in the state and is collected by licensees (i.e., dealers).

The act requires dealers to pay the surcharges they collect in the prior calendar year in an annual lump sum to DCP by the following March 31. It allows DCP to assess a \$2 per-vehicle late fee.

Background — Lemon Law Applicability

The lemon law offers protections for a new vehicle when it has a defect that substantially impairs its use, safety, or value, and the vehicle has been:

1. repaired for the same issue four or more times during the first 24,000 miles or two years of service, whichever period ends first, and the issue remains unresolved;
2. out of service for a total of 30 days during the same period and the defect remains; or
3. repaired at least twice during the first year or the warranty term, whichever is shorter, and the defect is likely to cause death or serious bodily injury if the vehicle is driven (CGS § 42-179).

EFFECTIVE DATE: October 1, 2021

§ 44 — CONTROLLED SUBSTANCE REGISTRATIONS

Allows DCP to immediately inactivate a practitioner's controlled substance registration if his or her license, registration, or approval of a license to practice is inactive for more than 90 days

The act allows DCP to immediately inactivate a practitioner's controlled substance registration if his or her license to practice, or related registration or approval, is inactive for more than 90 days. Prior law required DCP to notify the practitioner and hold an administrative hearing before taking this action.

The act specifies that an inactivation is not a disciplinary action and the controlled substance registration must be reinstated without charge if the practitioner restores his or her license, registration, or approval to practice with the Department of Public Health or the associated board or commission before the registration expires.

By law, a practitioner who prescribes, distributes, administers, or dispenses a controlled substance must obtain a registration from DCP. Practitioners eligible for the registration include physicians, dentists, veterinarians, advanced practice registered nurses, and scientific investigators, among others.

EFFECTIVE DATE: October 1, 2021

§ 45 — EPINEPHRINE AUTO INJECTOR PRESCRIPTIONS

Allows pharmacists to prescribe an epinephrine auto injector (e.g., EpiPen) to someone who had a prescription for one, under certain circumstances

The act allows a pharmacist, in his or her professional discretion, to issue a prescription to a requesting patient for up to two epinephrine auto injectors if the pharmacist:

1. confirms another pharmacy dispensed the medication to the patient under a prescription within the past two years;

2. identifies the patient's primary care provider, based on information the patient gives when requesting the prescription;
3. informs the patient's primary care provider within 72 hours after issuing the prescription (by phone, fax, or electronic transmission); and
4. does not prescribe refills or fill the prescription more than once a year.

The act defines "epinephrine auto injector" as a prefilled auto injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose as emergency first aid for allergic reactions.

The act specifies that it does not prevent a pharmacist from verifying a previous prescription at any other U.S. pharmacy, including pharmacies in any area under U.S. jurisdiction (e.g., a territory).

EFFECTIVE DATE: Upon passage

§ 46 — STERILE COMPOUNDING FACILITY CHANGES

Increases, from 10 to 45 days, the advance notice a compounding facility must give DCP when it plans to remodel or repair its sterile compounding facilities; requires emergency repairs to be reported within 24 hours; expands the situations in which notice must be given

The act expands the situations in which a compounding pharmacy must provide notice to DCP to include when (1) the pharmacy plans to remodel a space adjacent to the compounding area or (2) secondary engineering controls are upgraded or repaired. The written notice must include a plan for the remodel, relocation, upgrade, or repair and the plan is subject to DCP review and approval.

The act also increases, from 10 to 45 days, the advance notice a compounding pharmacy must give DCP before it begins to remodel, relocate, upgrade, or repair sterile compounding areas, including:

1. remodeling an area used for compounding sterile pharmaceuticals;
2. relocating the sterile compounding area; or
3. in a sterile compounding area, upgrading or conducting a nonemergency repair to the heating, ventilation, air conditioning, or primary engineering controls.

The act also requires emergency repairs made in these pharmacies to be reported within 24 hours after they started, instead of as soon as possible as under prior law.

EFFECTIVE DATE: Upon passage

§ 47 — PHARMACIST CONSULTATIONS

Expands the requirement that pharmacists offer to consult with patients when dispensing medications to include controlled substances, in addition to other drug types; applies the requirement to all pharmacies

The act requires pharmacists or pharmacy employees, before or while dispensing a controlled substance, to offer for the pharmacist to counsel a patient on the drug and its use. The law already required pharmacists and employees to do this for other dispensed drug types.

As under existing law, the requirement does not apply if the (1) person picking up the prescription is not the patient or (2) pharmacist determines it is appropriate to make the offer in writing. A written offer must give the patient the option to communicate in person at the pharmacy or by telephone.

The act specifies that the consultation requirement applies to all pharmacies instead of only (1) hospital pharmacies dispensing a drug for outpatient use or use by an employee or the employee's spouse or children, and (2) state-licensed pharmacies. As under existing law, pharmacists are not required to provide counseling if a patient refuses it.

EFFECTIVE DATE: Upon passage

§ 48 — DRUG WHOLESALER DEFINITION

Exempts certain pharmacies from the definition of "drug wholesaler"

The act exempts from registering with DCP as a "drug wholesaler" (1) retail pharmacies that provide a limited quantity of drugs for emergency stock to a hospice inpatient facility's medical director and (2) pharmacies within a hospital that contains another hospital wholly within its physical structure, if providing prescribed medications for administration onsite to the contained hospital's outpatients.

Existing law provides similar exemptions for pharmacies (1) that provide emergency stock to nursing homes or (2)

within a hospital that contains another hospital when the drug will be used in the contained hospital's inpatient unit.
EFFECTIVE DATE: July 1, 2021

§ 49 — MEDICAL MARIJUANA MATERIAL CHANGE NOTICE AND WAITING PERIOD

Requires anyone involved in a transaction that results in a material change to a medical marijuana business to file written notice with the attorney general; establishes a waiting period for these transactions

The act requires any person who enters into or who is involved in a transaction, either directly or indirectly, that results in a material change to a medical marijuana business to first file a written notice with the attorney general and serve a waiting period. A “person” means an individual, firm, partnership, corporation, company, association, trust, other business, or tribal entity; and a “medical marijuana business” means a licensed medical marijuana dispensary or production facility.

Under the act, “material change” means:

1. the addition of a dispensary facility backer or producer backer (i.e., an owner of a stake greater than 5%);
2. a change in the ownership interest of an existing dispensary facility backer or producer backer;
3. the merger, consolidation, or other affiliation of a medical marijuana business with another person;
4. the acquisition of all or part of a medical marijuana business by another person; and
5. the transfer of assets or security interests from a medical marijuana business to another person.

“Transfer” means to sell, transfer, lease, exchange, option, convey, give, otherwise dispose of, or transfer control over, including by way of merger or joint venture not in the ordinary course of business.

Written Notice

The act requires the written notice to be in a form and contain the documentary material and information relevant to the proposed transaction as the attorney general deems necessary and appropriate for him to determine whether the transaction would violate antitrust laws.

By law, the attorney general has the authority to, among other things, investigate proposed transactions for compliance with antitrust laws and require parties to provide relevant information through subpoenas and written interrogatories (CGS § 35-42).

Waiting Period

The act requires a waiting period before the transaction is complete, which begins on the day the attorney general receives the completed notice from all parties to the transaction (see above). The waiting period generally ends on the 30th day after the receipt unless the attorney general extends the time or, in individual cases, terminates the waiting period and allows the transaction to proceed.

Under the act, the attorney general may, before the 30-day waiting period expires, extend the waiting period by requesting additional material. He may require parties to submit, pursuant to a subpoena or voluntarily, additional information or documentary material relevant to the proposed transaction. Upon this request, the waiting period is extended until 30 days after the parties have substantially complied with the request as determined by the attorney general.

Disclosure Prohibited

Under the act, any information or documentary material filed with the attorney general is not disclosable under the Connecticut antitrust investigation law or Freedom of Information Act. This information or material must not be made public except as may be relevant to an administrative or judicial action or proceeding.

The act requires the information or documentary material to be returned to the person who provided it when the attorney general's review is terminated or the final determination of any action or proceeding commenced as a result.

EFFECTIVE DATE: July 1, 2021

§§ 50-53 — HEMP

Requires licensed medical marijuana producers to manufacture, market, cultivate, or store hemp and manufacturer hemp products in accordance with existing medical marijuana laws; allows producers to obtain these products from other legal sources and requires these products to be tracked throughout the manufacturing process; requires the laboratories that test manufactured hemp products to be in Connecticut

The act requires any licensed medical marijuana producer that manufactures, markets, cultivates, or stores hemp and manufacturer hemp products to do so in accordance with existing medical marijuana laws and regulations. The act also allows producers to obtain hemp and manufacturer hemp products from a person authorized under Connecticut law or the law of another U.S. state, territory, or possession or other sovereign entity to possess and sell these products.

The act also (1) prohibits hemp or hemp products from being sold or distributed within a medical marijuana dispensary and (2) requires independent testing laboratories that test hemp that will be manufactured into manufacturer hemp products to be located in Connecticut. By law, hemp that is intended to be manufactured into a manufacturer hemp product must be tested by an independent testing laboratory.

Definitions

As under the existing hemp laws, “hemp” is the plant *Cannabis sativa* L. and any part of it, including seeds and derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis. “Manufacturer hemp products” are commodities manufactured from the hemp plant for commercial or research purposes that are intended for human ingestion, inhalation, absorption, or other internal consumption, containing a THC concentration of not more than 0.3% on a dry weight basis or per product volume or weight.

Exemption

Under the act, the Seed Law chapter and its regulations do not apply to medical marijuana producers, broadening an existing provision generally exempting producers from laws on hemp licensure and programs. The Seed Law chapter generally establishes requirements for seed labeling, sale, inspection, and restrictions, among other things (CGS § 22-61b et seq.).

Third-Party Tracking

The act requires the hemp or manufacturer hemp products a producer purchases from third parties to be tracked as a separate batch throughout the manufacturing process to document their disposition. Once the producer obtains, manufactures, markets, cultivates, or stores these products, they are deemed marijuana, and the producer must comply with the applicable marijuana laws and statutes. Producers must retain a copy of the certificate of analysis for hemp or manufacturer hemp products purchased and the invoice and transport documents that show the quantity purchased and date received.

EFFECTIVE DATE: July 1, 2021

§§ 54-78 — LIQUOR CONTROL ACT CONFORMING AND TECHNICAL CHANGES

Makes numerous minor, technical, and conforming changes to implement the changes from PA 19-24, including, among other things, conforming changes for the new cafe permit

The act makes numerous minor, technical, and conforming changes to implement the changes to liquor laws from PA 19-24, which among other things, combined various permits for on-premises alcohol consumption into the cafe permit. Among other things, it deletes references to obsolete permits such as airline, tavern, railroad, golf, coliseum concession, special sporting facility, and bowling establishment permits and substitutes them with references to the newly structured cafe permit, as applicable.

EFFECTIVE DATE: July 1, 2021, except as otherwise noted below.

§ 61 — SPECIAL CLUB PERMITS

Would have allowed cafe permittees that are nonprofit clubs to receive an additional permit to allow alcohol sales at outdoor picnics, but PA 21-10 repealed a related authorization

The act allows cafe permittees deemed in compliance based on being a nonprofit club to also receive a special club permit. But PA 21-10, reestablished the club and nonprofit club permit and eliminates prior provisions that allow these permittees to receive a cafe permit.

By law, a special club permit allows the permittee to sell alcoholic liquor (e.g., spirits, wine, and beer) by the drink to be consumed at an outdoor picnic. DCP has full discretion over issuing the permit based on the suitability of the place. The special club permit fee is \$50 per day and may only be granted four times in one calendar year.
EFFECTIVE DATE: July 1, 2021

§ 68 — HOLDING MULTIPLE PERMITS

Allows a (1) nonprofit theater permittee to also hold a coliseum permit, (2) restaurant or cafe permittee to also hold a newly established seasonal outdoor open-air permit, and (3) restaurant permittee to also hold a cafe permit because of its racquetball or tennis facility

The act allows a (1) nonprofit theater permittee to also hold a coliseum permit; (2) restaurant or cafe permittee to also hold a newly established seasonal outdoor open-air permit along (see below, § 103); and (3) restaurant permittee to also hold a cafe permit deemed in compliance due to its commercial racquetball or tennis facility.

By law, permittees and backers of one permit class are generally prohibited from holding a permit in another class.
EFFECTIVE DATE: Upon passage

§ 68 — WHOLESALER'S HEARING REQUEST WHEN PREMISES' OWNERSHIP CHANGES

Eliminates a wholesaler's ability to request a hearing when a retailer permit applicant purchases a business where a prior permittee may have had outstanding liquor obligations or received consideration

By law, permit applications are not approved for a proposed change or change in ownership of a retail permit premises unless the applicant files an affidavit by the seller stating all obligations have been paid or the applicant did not receive consideration from the predecessor permittee. The act eliminates a wholesaler's ability to request a hearing if he or she believes (1) there are outstanding obligations or (2) the applicant received consideration.

EFFECTIVE DATE: Upon passage

§ 69 — PACKAGE STORE INTEREST INCREASE

Increases the number of alcoholic beverage retail permits (e.g., package stores) a person or backer may acquire an interest in from five to six

The act increases the number of alcoholic beverage retail permits (i.e., package store or druggist liquor permit) a person or backer may acquire an interest in from five to six.

EFFECTIVE DATE: July 1, 2021

§§ 70 & 86 — AFFIRMED APPLICATIONS

Requires certain applications to be affirmed rather than sworn to

The act requires certain applications to be affirmed rather than sworn to. This applies to the following documents:

1. an application for any liquor permit or renewal (CGS § 30-39) and
2. an affidavit signed by an applicant stating that access from the dwelling to the proposed premises is closed, for a permit to sell alcoholic liquor in the premises of a building where part of the building is used as a dwelling (CGS § 30-51).

EFFECTIVE DATE: July 1, 2021, except the liquor permit and renewal affirmation provision is effective upon passage.

§ 75 — EFFECTIVE SEPARATION AND MINORS

Prohibits minors from being at certain consumer bars without a parent, guardian, or spouse

For barrooms that consist of only one room without effective separation between the barroom and the dining room, the act prohibits minors from sitting or standing at the consumer bar without being accompanied by a parent, guardian, or spouse.

EFFECTIVE DATE: July 1, 2021

§ 76 — AIRPORT ALCOHOL HOURS

Reauthorizes certain airport cafe permittees to serve alcohol at the hours they were allowed to before the enactment of PA 19-24

The act reauthorizes a cafe permittee that is deemed in compliance based on operating at Bradley International Airport to serve alcohol (1) between 6:00 a.m. and 1:00 a.m. the next morning Sunday through Thursday; (2) between 6:00 a.m. and 2:00 a.m. the next morning on Friday to Saturday; (3) on Christmas, when food is available; and (4) on New Year's Day until 3:00 a.m. Prior to PA 19-24, these airport permittees were allowed to sell alcohol during these hours.

As under existing law, the Connecticut Airport Authority may enter into agreements with lessees or concessionaires about the hours for selling, dispensing, and allowing food or nonalcoholic beverages to be consumed under the permit.

EFFECTIVE DATE: July 1, 2021

§ 78 — DCP ALCOHOL REGULATIONS PAMPHLET

Eliminates the option for DCP to publish a pamphlet of all alcohol regulations and instead requires DCP to post them on its website

Prior law required DCP to publicize its alcohol regulations biennially by either publishing a pamphlet that had to be furnished upon request or posting them on the department's website. The act eliminates the option to publish a pamphlet of all alcohol regulations and instead requires DCP to post them on its website.

EFFECTIVE DATE: July 1, 2021

§ 79 — INVESTIGATION INFORMATION DISCLOSURE TIMEFRAME

Increases the maximum time DCP can withhold investigation information from six to 18 months

The law allows DCP to withhold from disclosure any complaints, inspections, or other information from an investigation until the earlier of when (1) the investigation is completed or (2) a certain amount of time passes after the complaint was filed or the investigation began. The act increases the timeframes triggered by filing a complaint or beginning an investigation from six to 18 months. In effect, this gives the department an additional 12 months to complete an investigation before it can no longer withhold the related information.

EFFECTIVE DATE: July 1, 2021

§ 80 — WHOLESALER FREE SAMPLES

Allows wholesalers to offer industry members and their own staff free samples of alcohol they distribute

The act allows wholesalers to offer to their own staff and industry members free samples of alcohol they distribute for tasting on the wholesaler's premises. Any offering, tasting, wine education, and tasting class demonstration held on the permit premises must be conducted only during the hours a package store can operate. By law, package stores may sell between 10:00 a.m. and 6:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday. Sales are also prohibited on Thanksgiving Day, New Year's Day, and Christmas (CGS § 30-91(d)).

The act also limits the wine tastings to (1) 10 uncorked or open bottles at any one time and (2) four times a year.

EFFECTIVE DATE: July 1, 2021

§ 81 — CONCESSION PERMITTEES SERVING TWO DRINKS AT ONCE

Allows concession permittees to sell up to two drinks at one time

The act allows concession permittees to sell up to two drinks at one time. Regulations limit permittees to serving one drink at a time (Conn. Agencies Regs., § 30-6-A24b(b)).

EFFECTIVE DATE: July 1, 2021

§ 82 — PROVISIONAL PERMIT TIME LIMITS

Prohibits provisional permits from being extended beyond one year

The act prohibits provisional permits from being extended beyond one year after the filing date. It also additionally allows DCP, along with the Liquor Control Commission as under existing law, to issue these permits.

EFFECTIVE DATE: July 1, 2021

§§ 83 & 84 — DRUGGIST PERMIT ALCOHOL DELIVERIES

Allows druggist permittees to deliver alcohol

Existing law allows druggist permittees to, among other things, sell alcohol in containers of between eight ounces or 187.5 mL and one quart or one liter, except beer may be sold in containers of up to 40 ounces or 1,200 mL. The act additionally allows them to deliver alcohol in these quantities.

The act also makes a technical change that substitutes the Commission of Pharmacy with DCP as the licensing authority.

EFFECTIVE DATE: July 1, 2021

§ 85 — CATERER PERMIT

Specifies that caterer liquor permittees may sell and serve alcoholic liquor without food, prohibits them from self-dealing or self-hiring in order to generate catering events, and allows for exclusive catering contracts

The act specifies that (1) a caterer liquor permittee may sell and serve alcoholic liquor for on-premise consumption with or without food at any event the permittee was hired for and (2) the service must be done pursuant to a contract between the permittee and the hiring party.

The act also prohibits caterer permittees from self-dealing or self-hiring in order to generate catering events.

Under the act, caterer permittees may enter into an exclusive contract with another business entity to provide catering services at a specific venue, as long as the caterer is available for hire and uses the permit at other venues. It prohibits the permittee, backer, or their spouse or children from having an ownership interest in the venue that has the exclusivity agreement.

EFFECTIVE DATE: July 1, 2021

§ 86 — NOTICING AND PLACARDING REQUIREMENTS EXEMPTION

Exempts Connecticut craft cafe permittees who held a manufacturer permit for a brew pub or a manufacturer permit for a beer and brew pub before July 1, 2020, from noticing and placarding requirements

The act exempts Connecticut craft cafe permittees who held a manufacturer permit for a brew pub or a manufacturer permit for a beer and brew pub before July 1, 2020, from noticing and placarding requirements. By law, applicants generally must give notice of a new permit in the newspaper and place placards visible from the road that include certain information, such as the name and location of the business. PA 19-24 consolidated the beer permits and established a Connecticut craft cafe permit that allows manufacturer permittees to sell for on-premises consumption.

EFFECTIVE DATE: Upon passage

§ 86 — REMONSTRANCE

Limits remonstrances to instances where the issue is not controlled by local zoning

By law, any 10 individuals who are at least age 18 may file a remonstrance with DCP about the applicant's suitability or proposed place of business, and DCP must hold a hearing upon the filing. The act limits these filings to instances where the issue is not controlled by local zoning.

EFFECTIVE DATE: Upon passage

§ 86 — APPLICATIONS WITH NO ACTION

Allows DCP to return applications when no action has occurred in 12 months

The act allows DCP to deem an application withdrawn and return applications when no new permit is issued within 12 months after the filing.

EFFECTIVE DATE: Upon passage

§§ 87-88, 92 & 94-96 — FINES AND APPEALS

Specifies that the appeals of conditions placed on permits are held in accordance with the UAPA and fines on a permit are per violation

The act specifies that (1) permittees may appeal under the Uniform Administrative Procedure Act (UAPA) when DCP places conditions on the permit and (2) fines on a permit are per violation. By law, DCP may impose a fine of up to \$1,000.

The act also specifies that final decisions to suspend or revoke permits are under the UAPA and immediately effective.

In addition, the act specifically subjects certain violations to permit revocation and suspension penalty provisions under CGS § 30-55. In doing so, it:

1. gives DCP more discretion in penalties associated with the sale of alcohol (a) without a suggested price schedule and (b) of a discontinued brand in a closeout sale and
2. eliminates the possibility of up to one-year imprisonment for illegally shipping alcoholic liquor into the state and for any alcoholic liquor provision with an unspecified penalty.

EFFECTIVE DATE: July 1, 2021

§ 89 — NOTICES

Requires notices of decisions of any revocation or suspension of any permit to be posted on DCP's website rather than sent to the town clerk where the permittee operates or operated

The act requires DCP to post notice of any permit revocation or suspension on the department's website rather than sending a certificate of the permit revocation, suspension, or reinstatement to the town clerk where the permittee operates or operated.

EFFECTIVE DATE: July 1, 2021

§ 90 — TECHNICAL CHANGE

Makes a technical change

The act makes a technical change by removing a reference to an obsolete position.

EFFECTIVE DATE: July 1, 2021

§ 91 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)

Specifically allows CUTPA to be used in cases of unfair pricing

The act specifically allows CUTPA to be used in cases of unfair pricing where a wholesaler or retail permittee sells at a price with the intent to destroy or prevent competition.

EFFECTIVE DATE: July 1, 2021

§ 93 — MANUFACTURER REBATES

Prohibits (1) merchandise, novelties, or other items from being used as manufacturers' rebates and (2) requiring alcohol purchase as a prerequisite for purchasing these items

The act prohibits (1) merchandise, novelties, or other items from being used as manufacturers' rebates and (2) permittees from requiring that alcoholic liquor be purchased for a consumer to receive access to any merchandise, novelty,

or other item.

By law, a manufacturer's rebate is the amount due and payable according to a permittee's offer, other than a retail permittee, to refund a consumer for all or a portion of the alcoholic liquor product's purchase price.

EFFECTIVE DATE: July 1, 2021

§ 97 — CAFE PERMITS FOR HIGHER EDUCATION INSTITUTIONS

Allows cafe permits to be issued to any accredited higher education institution

The act allows cafe permits to be issued to higher education institutions accredited by the Board of Regents, Office of Higher Education, or otherwise authorized to award a degree. The permit may be granted for the land and buildings that are subject to the care, custody, and control of these institutions. Under prior law, only UConn and a specified golf course associated with a higher education institution were eligible.

EFFECTIVE DATE: July 1, 2021

§ 98 — OUT-OF-STATE SHIPPERS

Allows out-of-state shipper permittees to sell outside of Connecticut

The act allows out-of-state shipper permittees for alcoholic liquor other than beer to sell alcoholic liquor to manufacturers and wholesaler permittees outside of Connecticut.

EFFECTIVE DATE: July 1, 2021

§ 99 — PACKAGE STORE SHIPPING OUT-OF-STATE

Allows package store permittees to ship to out-of-state consumers

Regardless of the law prohibiting retailers from selling below cost (as defined in existing law), the act allows package store permittees to ship alcoholic liquor to out-of-state consumers, subject to all applicable laws of the jurisdiction where the consumer is located. "Out-of-state" means any U.S. territory or possession, Washington D.C., or Puerto Rico, but not foreign countries.

EFFECTIVE DATE: July 1, 2021

§ 100 — TWO DRINKS AT ONCE

Allows an alcoholic liquor permittee that sells for on-premises consumption to sell up to two drinks at once

The act allows an alcoholic liquor permittee that sells for on-premises consumption to sell up to two drinks at one time. It also requires the DCP commissioner to amend existing regulations to allow for such sales. Regulations limit permittees to serving one drink at a time (Conn. Agencies Regs., § 30-6-A24b(b)).

EFFECTIVE DATE: July 1, 2021

§§ 101 & 102 — MUNICIPAL OPTION

Allows municipalities to decide whether to allow alcoholic liquor (e.g., spirits, wine, and beer) sales legislatively rather than by referendum

The act allows municipalities to determine whether to allow alcoholic liquor sales, or which permit types to allow, through a vote of its legislative body or, in a town with a legislative town meeting, by vote of the board of selectmen, rather than a referendum.

Under the act, if a municipality made a determination before the provision took effect (June 4, 2021), that action remains in effect until the municipality takes further action in accordance with the act's provisions.

EFFECTIVE DATE: Upon passage

§ 103 — SEASONAL OUTDOOR OPEN-AIR PERMIT

Establishes a seasonal outdoor open-air permit that allows alcohol sales in outdoor spaces under certain conditions

The act establishes a seasonal outdoor open-air permit that allows the retail sale of alcoholic liquor for on-premises consumption with a \$2,000 permit fee. This consumption may be done on a lot, yard, green, or other outdoor open space under certain conditions, including the following:

1. the retail sale and consumption of alcoholic liquor is allowed in the space by applicable local zoning, health, and fire marshal officials;
2. the permitted premises is less than one square acre;
3. a temporary fence or wall at least 30 inches high encloses the permitted area; and
4. restrooms or enclosed portable toilets are available within the permitted area or nearby.

The permittee must also make food available for sale to consumers to eat on the premises while the permittee is selling the alcohol. The food may be prepared on the premises, provided by a food truck or caterer, or be prepackaged. The availability of menus for delivery is deemed in compliance with the food requirement. The act specifies that food is not required to be purchased with an alcoholic beverage.

The act allows tents, mobile units, and other temporary fixtures to be included within the permitted premises. A permittee must maintain the permitted premises in a manner consistent with all applicable local zoning, health, and fire requirements.

The permit is effective either from April 1 to September 30 or May 1 to October 31 of the same year. DCP must issue the permit, which is subject to the hours a restaurant permittee may serve alcohol. By law, restaurant permittees may generally serve alcohol from 9:00 a.m. to 1:00 a.m. the next morning on Monday through Thursday, from 9:00 a.m. to 2:00 a.m. the next morning for Friday and Saturday, and 10:00 a.m. to 1:00 a.m. the next morning on Sunday (CGS § 30-91(a)).

Under the act, the permit is not renewable and there is no provisional permit available. Backers may apply for only one permit per calendar year. The act exempts the permittee from the remonstrance requirements.

The act also allows the permittee to sell draught beer for off-premises consumption (e.g., by the growler). Permittees may only sell up to four liters per person per day during the hours package stores can sell. By law, package stores may sell between 10:00 a.m. and 6:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday.

EFFECTIVE DATE: Upon passage

§ 104 — PROHIBITION ON RELABELING AS CONNECTICUT WINE

Prohibits repackaging, relabeling, or selling wine manufactured outside of Connecticut as Connecticut-made wine

Notwithstanding the alcoholic liquor manufacturing, out-of-state shipper's, and out-of-state winery shipper's permit statutes, the act prohibits anyone from repackaging, relabeling, or selling wine manufactured outside the state for the purpose of selling it as Connecticut-made wine.

EFFECTIVE DATE: July 1, 2021

§ 105 — PACKAGE STORE ALLOWABLE ITEMS

Allows package store permittees to sell devices and related accessories designed to access and extract a beverage containing alcohol from a prepackaged container (e.g., pod or pouch)

The act allows package stores to sell devices and related accessories designed primarily for accessing and extracting a beverage containing alcohol from prepackaged containers, including pods, pouches, or similar containers, but excluding devices that are not designed primarily for these purposes, including household blenders.

EFFECTIVE DATE: July 1, 2021

§ 106 — MEAD IN GIFT BASKETS

Allows gift basket retailer permittees to sell mead in their gift baskets

The act allows gift basket retailer permittees to sell mead in their gift baskets. It requires the permittee to purchase the mead from a package store or from a manufacturer permittee for wine, cider, and mead. As under existing law, the mead must not be consumed on the premises. In addition to the items a permittee may already include in a gift basket (e.g., food

items, nonalcoholic beverages, and certain articles of clothing), the act allows the permittee to sell gift baskets with (1) a maximum four bottles of mead or wine per basket and (2) mead-related drinking glasses, bottle openers, and literature.
EFFECTIVE DATE: Upon passage

§ 107 — PROOF GALLON

Specifies that a manufacturer permittee for spirits who produces less than 50,000 proof gallons, rather than gallons, may sell sealed bottles at retail for off-premises consumption

Under the act, a manufacturer permittee for spirits who produces less than 50,000 proof gallons, rather than gallons, in a calendar year may sell sealed bottles at retail for off-premises consumption. Depending on the proof of the manufactured spirits, this may increase or decrease the amount a manufacturer may produce and still be able to sell at retail. (Most spirits are under 50 proof; therefore, this provision will likely allow manufactures to produce additional amounts.) By law, for each consumer, these manufacturer permittees for spirits may sell up to three liters per day but not more than five gallons in any two-month period.

As used for the alcoholic beverage tax, “proof gallon” means the equivalent of one wine gallon (i.e., 128 fluid ounces) at 100 proof (CGS § 12-433).
EFFECTIVE DATE: July 1, 2021

§§ 108 & 109 — CERTAIN ON-PREMISES ALCOHOL PERMITTEES ALLOWED TO SELL FOR OFF-PREMISES CONSUMPTION

Allows, until June 4, 2024, certain alcohol permittees to sell and deliver alcoholic liquor for off-premises consumption that they currently sell for on-premises consumption

The act allows, until June 4, 2024, certain alcohol permittees to sell and deliver sealed alcoholic liquor (e.g., beer, wine, or spirits) for off-premises consumption that they currently sell for on-premises consumption. The act applies to the following permittees:

1. manufacturers, when they are not selling their own product, and
2. hotels; restaurants; and cafes, including those that are deemed cafes because of their status under the prior golf country club, club, or nonprofit club permits. (PA 21-10 reestablished the club and nonprofit club permits and eliminates prior provisions that allowed these permittees to receive a cafe permit. Thus, the reestablished club and nonprofit club permittees would not be able to sell for off-premises consumption.)

The act (1) requires the alcoholic liquor sold for off-premises consumption to be accompanied by food prepared on the permit premises and (2) specifies that sales must be consistent with all local ordinances where the premises is located. Except for manufacturers, permittees may use a container other than the manufacturer’s original sealed container, but it must be securely sealed.

By law, manufacturer permittees may already sell their own product for off-premises consumption under certain conditions and the act does not apply to these sales. The act allows them to deliver their products and specifically allows them to do so without food.

The act allows sales and deliveries only during the hours package stores may operate under state law (see *Background*). The permittee’s direct employee must make the deliveries unless the third-party vendor or entity holds an in-state transporter permit.

The act limits the amounts hotel and restaurant permittees may sell each customer per order to 196 ounces for beer, one liter for spirits, and 1.5 liters for wine.

Securely Sealed Containers

Except for manufacturer permittees, the act allows the alcoholic liquor to be sold and delivered in containers other than the manufacturer’s original sealed container.

Under the act, the alcoholic liquor must be given to the consumer in a securely sealed container that prevents consumption without removing the tamper-evident lid, cap, or seal. The act specifies a securely sealed container does not include one with a lid with sipping holes or openings for straws. It also requires the permittee’s agent or employee to place each securely sealed container into a bag before leaving the permit premises.

Under the act, a sealed container is not deemed an open container, so long as the (1) container is unopened and the seal has not been tampered with and (2) contents have not been partially removed.

Manufacturer Permittees

The act subjects manufacturer permittees to the same limits for off-premises consumption as the amount they may sell at retail from their premises under existing law. By law, for each consumer, manufacturer permittees for (1) spirits that produce less than 50,000 gallons may sell up to three liters per day but not more than five gallons in any two-month period and (2) beer may sell up to nine gallons per day (CGS § 30-16). There is no limit for permittees of (1) a farm winery or (2) wine, cider, and mead.

Background — Package Store Hours

By law, package stores may sell alcohol between 10:00 a.m. and 6:00 p.m. on Sunday and 8:00 a.m. and 10:00 p.m. Monday through Saturday. Sales are also prohibited on Thanksgiving Day, New Year's Day, and Christmas (CGS § 30-91(d)).

EFFECTIVE DATE: Upon passage

§ 110 — REPEALER

Repeals obsolete provisions

The act repeals obsolete provisions due to PA 19-24, including one dealing with barroom partitions and bathrooms, and another with special sporting facility permits.

EFFECTIVE DATE: July 1, 2021

PA 21-38—SB 186*General Law Committee***AN ACT ALLOWING PERSONS SIXTEEN YEARS OF AGE OR OLDER TO OPERATE RIDES AT AMUSEMENT PARKS**

SUMMARY: This act lowers the minimum age for amusement park ride or device operators from 18 to 16. The act excludes from this lowered age requirement operators at “carnivals,” which the act defines as transient enterprises that offer portable mechanical amusement rides or devices for public amusement and entertainment, but not those that lease inflatable devices for private residential use.

Under the act, if an operator is under age 18, he or she must work in an area supervised by someone who is at least age 18 and trained in normal operating and emergency procedures.

Under the act, a “ride or device operator” is someone in charge of a mechanical amusement ride or device who operates it and has direct control of starting or stopping it or its speed. Under existing regulations, operators must be (1) properly trained, familiar with, and adequately supervised to ensure safe operation and (2) trained in normal and emergency shut-down procedures (Conn. Agencies Regs., § 29-136-7a).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

PA 21-50—sSB 894*General Law Committee***AN ACT CONCERNING THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOL-INFUSED CONFECTIONS, THE AUTHORIZATION OF SELF-POUR AUTOMATED SYSTEMS FOR CERTAIN ALCOHOLIC LIQUOR, A STUDY OF EXTENDING ALCOHOLIC LIQUOR SERVICE HOURS AND BACKERS OF GROCERY STORE BEER PERMITS**

SUMMARY: This act makes several unrelated changes in the Liquor Control Act. Specifically, it allows:

1. the sale of alcohol-infused confections (e.g., chocolate), including at package stores;

2. alcoholic liquor permittees authorized to serve alcohol for on-premises consumption to use a self-pour automated system to serve beer, certain ciders, and wine; and
3. a grocery store beer permit backer to also be a backer of a restaurant permit if the restaurant's premises does not abut or share the same space as the grocery store. (By law, permittees and backers of one permit class are generally prohibited from holding a permit or being a backer in another class.)

The act also requires the Liquor Control Commission to study the potential impact of extending alcoholic liquor service hours at gaming and other establishments regulated under the Liquor Control Act and located 50 miles or less from the state border. By January 1, 2022, the commission must report its findings to the General Law Committee.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except provisions allowing multiple backers and the sale of alcohol-infused confections are effective July 1, 2021.

ALCOHOL-INFUSED CONFECTIONS

The act requires the Department of Consumer Protection (DCP) commissioner to (1) adopt regulations to allow the manufacture, sale, and distribution of alcohol-infused confections (e.g., chocolate) containing up to 0.5% alcohol by weight and (2) approve the sale of those confections. It also allows package stores to sell the alcohol-infused confections that the commissioner approves for sale.

Relatedly, the act exempts the confections regulated by the commissioner from being considered adulterated foods under the Connecticut Food, Drug and Cosmetic Act. Existing law already exempts confections containing up to 0.5% alcohol by weight if the alcohol is not infused but instead is derived solely from flavoring extracts.

SELF-POUR ALCOHOL AUTOMATED SYSTEMS

The act allows alcoholic liquor permittees authorized to serve alcohol for on-premises consumption to use a self-pour automated system to serve beer, cider with up to 6% alcohol by volume, and wine.

Under the act, the automated system, upon the permittee's activation of a payment card, may be operated to dispense beer, cider, and wine to a (1) permittee's employee who is authorized to serve alcohol or (2) person who shows a government-issued identification card that matches the name on the payment card and the permittee (or, presumably, his or her employee) verifies to be age 21 or older. The permittee or employee must record the verification that the person is at least age 21.

Under the act, automated systems cannot dispense a serving of more than 32 ounces of beer or cider or 10 ounces of wine before the permittee or employee must reactivate the payment card.

The act also requires DCP to amend its regulations by October 1, 2021, to (1) allow permittees and their employees to use self-pour automated systems to dispense beer, cider, and wine pursuant to the act; (2) ensure that automated systems do not initially dispense more than the maximum amounts at a time; and (3) ensure that someone is only allowed subsequent automated servings after he or she substantially disposes of or consumes the previous serving.

PA 21-59—sHB 5310

General Law Committee

Government Administration and Elections Committee

AN ACT CONCERNING DATA PRIVACY BREACHES

SUMMARY: This act expands the data breach notification law to apply to additional types of information and cover additional individuals who keep this information. It extends the data breach notification requirements to include anyone who owns, licenses, or maintains computerized data that includes personal information ("data managers"), rather than just those who do so in the ordinary course of doing business in the state, as under prior law.

The data breach notification law generally requires data managers to disclose a security breach without unreasonable delay to state residents whose personal information has been, or is reasonably believed to have been, accessed by an unauthorized person. The act generally shortens, from 90 to 60 days after the security breach was discovered, the amount of time data managers have to inform consumers and the attorney general.

The act narrows the circumstances under which those who own or license computerized data with breached information must offer residents appropriate identity theft prevention or mitigation services.

As under existing law, the act deems violations of the data breach notification law a Connecticut Unfair Trade Practices Act (CUTPA) violation (see BACKGROUND). Additionally, under the act, all documents, materials, and information provided in response to a CUTPA investigative demand connected to the security breach investigation are exempt from public disclosure under the Freedom of Information Act. But the attorney general may make it available to third parties for investigative purposes.

EFFECTIVE DATE: October 1, 2021

BROADENING PERSONAL INFORMATION

The act expands the types of information that, when combined with a person's first name or first initial and last name, are considered "personal information" and therefore subject to data breach notification requirements. By law, these types of information are (1) Social Security number, (2) driver's license or state identification card number, (3) credit or debit card number, or (4) financial account number, in combination with other information that would permit access to the account. The act additionally includes the following types of information:

1. taxpayer identification number;
2. identity protection personal identification number issued by the Internal Revenue Service;
3. other identification numbers the government issues that are commonly used to verify identity, such as passport and military identification numbers;
4. information about the person's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional;
5. health insurance policy number or subscriber identification number, or any unique identifier a health insurer uses to identify the person; or
6. biometric data generated by electronic measurements of the person's unique physical characteristics used to authenticate or ascertain identity (e.g., fingerprint, voice print, or retina or iris image).

Under the act, "personal information" also includes a person's username or e-mail address, combined with a password or security question and answer that would allow access to an online account (i.e., breach of login credentials).

SHORTENED NOTIFICATION TIMEFRAME

Under prior law, with some exceptions, data managers must have notified consumers and the attorney general of any data breach within 90 days of discovering it and completed an investigation to determine the incident's nature and scope, identify affected individuals, or restore the data system's integrity. The act eliminates the investigation requirement and shortens the timeframe from 90 to 60 days after the security breach is discovered. The act requires data managers to proceed in good faith to notify additional residents affected by the data breach as quickly as possible if they are identified after the 60-day deadline.

Under prior law, the notification was not required if, after an appropriate investigation and consultation with relevant federal, state, and local law enforcement, the data manager reasonably determined the breach would not likely result in harm to the individuals whose personal information had been acquired and accessed. The act eliminates the consultation requirement and requires data managers to send notice if the breach will harm individuals whose information has been acquired or just accessed.

IDENTITY THEFT SERVICES

Under prior law, those who owned or licensed computerized data that included personal information were required to offer residents appropriate identity theft prevention or mitigation services when their personal information or nonpublic information was breached or believed to have been breached. By law, these services must be provided for free and last for at least 24 months. The act eliminates this requirement for breaches of nonpublic information and narrows the types of personal information breaches subject to the requirement to only breaches of Social Security numbers and taxpayer identification numbers.

By law, "nonpublic information" is data and information that is not publicly available, not related to a consumer's age or gender, and that (1) would materially affect a licensee's business, operation, or security if disclosed or used without authorization; (2) is created by or derived from a consumer or health care provider and concerns behavioral, mental, or physical health, or health care services or payments; or (3) concerns a consumer's name, number, or other identifiable information that can identify a consumer when used in combination with an access or security code to a consumer's financial account; account, credit, or debit card number; biometric records; driver's license or nondriver identification number; or Social Security number (CGS § 38a-38(b)(9)).

NOTICE REQUIREMENTS

E-mail Account Breach

By law, notice to a resident may be provided through written, telephonic, or electronic notice. Substitute notice may be given if (1) the first three methods would cost more than \$250,000, (2) the affected class is over 500,000 people, or (3) there is insufficient contact information. One type of substitute notice is by e-mail.

The act prohibits data managers that furnish e-mail accounts from complying with the data breach notification law by e-mailing the breached e-mail account if they cannot reasonably verify the affected resident's receipt of the notification. In such an event, data managers must provide notice by another method (e.g., written or telephone) or by clear and conspicuous notice delivered to the resident online when the resident is connected to the account from an Internet Protocol address or an online location the data manager knows the resident customarily uses to access the account.

Login Credentials

Under the act, for instances of data breaches involving login credentials (i.e., username and e-mail), data managers may provide notice in electronic or other form. The provided notice directs the resident whose personal information was breached, or is reasonably believed to have been breached, to promptly change any password or security question and answer or take other appropriate steps to protect the affected online account and other online accounts with the same information or questions.

FEDERAL HEALTH DATA PRIVACY COMPLIANCE

Under the act, data managers that are subject to and in compliance with the privacy and security standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Health Information Technology for Economic and Clinical Health Act (HITECH, see BACKGROUND) are deemed to be in compliance with the state data breach notification law under certain conditions. To be in compliance, data managers must:

1. notify the attorney general within the same timeframe under the state data breach notification law if they are required to notify Connecticut residents under HITECH and
2. provide appropriate identity theft prevention and mitigation services for up to 24 months, as applicable.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the Department of Consumer Protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for a violation of a restraining order (CGS § 42-110a et seq.).

Health Information Technology for Economic and Clinical Health (HITECH) Act

The federal HITECH Act (P. L. 111-5, § 13402(h)(2)) addresses privacy and security concerns associated with electronically transmitting health information through several provisions that strengthen the civil and criminal enforcement of federal HIPAA rules.

PA 21-60—sHB 5312
General Law Committee

AN ACT CONCERNING ACCEPTABLE FORMS OF CURRENCY AS PAYMENT IN LOCAL BUSINESSES

SUMMARY: With exceptions, this act prohibits retailers from (1) refusing cash as a form of payment, (2) posting signs stating that cash is not accepted, or (3) charging a higher price to customers who pay with cash. “Cash” means legal tender.

The act’s prohibitions apply to retailers selling goods or services in person, except for transactions:

1. for parking at parking lots and parking garages;
2. at membership-based wholesale clubs offering consumer goods or services;
3. at membership-based retail stores offering consumer goods that require payment through an affiliated mobile device application;
4. for consumer goods, services, or accommodations rentals that typically require posting collateral or security; and
5. for consumer goods or services provided exclusively to employees and other non-customers authorized to be on the employer’s premises.

The act also explicitly exempts transactions conducted by telephone, mail, or the internet.

Under the act, the consumer protection commissioner may adopt implementing regulations.

EFFECTIVE DATE: October 1, 2021

PA 21-126—SB 152
General Law Committee

AN ACT CONCERNING ELECTRONIC DELIVERY TICKETS FOR GASOLINE, KEROSENE, FUEL OILS OR SIMILAR SUBSTANCES

SUMMARY: This act allows fuel retailers to provide customers with an electronic delivery ticket (“e-receipt”), instead of a paper receipt, when delivering fuel (e.g., gasoline, propane, or heating oil). For the retailer to use e-receipts, the retailer, or its agent, and customer must mutually agree to it in writing.

Under the act, an e-receipt must contain the same information as a paper receipt (e.g., quantity of fuel delivered) and be provided within two business days after the delivery. (Customers receive paper receipts simultaneously with delivery.) As with paper receipts, retailers must maintain a record of each e-receipt for at least 12 months, and their records are subject to the sealer of weights and measures’ inspection.

The act generally applies to metered fuel truck deliveries of gasoline (at least 50 gallons) or kerosene, fuel oils, or similar substances (at least five gallons) sold to create power or heat. But, as is the case for paper receipts, the act does not apply to barge, railroad tank car, drum, or slow flow meter deliveries (CGS § 14-329(c)).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021

PA 21-127—SB 264
General Law Committee

AN ACT CONCERNING REIMBURSEMENT FOR WARRANTY CLAIMS TO RETAIL DEALERS OF POWER EQUIPMENT

SUMMARY: By law, for outdoor (i.e., farm, forestry, yard, and garden) equipment warranties contractually serviced by an authorized dealer, the supplier must approve or deny claims for parts and services within 30 days. Suppliers must then pay the claims within 30 days after approving them. This act requires equipment suppliers to compensate their authorized dealers for repairs performed under these warranties at the (1) current net price plus 18% for any parts and (2) dealer’s posted hourly labor rate charged for non-warranty repair work. It requires the dealer to give the supplier prior notice of the labor rate, which must be reasonable in comparison to other similarly sized brand dealers in their geographic area. Under the act, “current net price” means the price listed in a supplier’s price list or catalog in effect at the time a warranty claim is made, minus any applicable discounts allowed.

Under the act, a supplier who denies or charges back certain dealer warranty claims because of certain minor errors must allow the dealer to resubmit the claim, according to the supplier's reasonable guidelines, within 30 days after the initial denial or charge-back. Specifically, suppliers must allow such resubmissions when they deny or charge back a claim following a timely audit based solely on:

1. the dealer's failure to comply with a claim processing procedure, so long as the failure does not challenge the claim's legitimacy;
2. a clerical error; or
3. other administrative technicalities.

The act specifies that a reasonable deadline to submit claims or supporting materials required by the supplier must not be considered a claim processing procedure or an administrative technicality.

EFFECTIVE DATE: January 1, 2022

PA 21-182—sSB 694

General Law Committee

AN ACT EXEMPTING VETERINARIANS FROM THE REQUIREMENT TO REPORT CERTAIN DISPENSED DIABETES DRUGS AND DEVICES TO THE PRESCRIPTION DRUG MONITORING PROGRAM

SUMMARY: This act eliminates a requirement that veterinarians upload to the electronic Prescription Drug Monitoring Program's (PMP) database, or report to the Department of Consumer Protection (DCP), information on dispensed animal patient (1) insulin and glucagon drugs and (2) diabetes and diabetic ketoacidosis devices.

By law, the PMP collects prescription data on most controlled substances (i.e., Schedules II-V) into a centralized online database to prevent improper or illegal drug use or improper prescribing. As prescribing practitioners, veterinarians who dispense controlled substance prescriptions must submit information on the dispensed substances to the PMP or DCP.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 21-192 (§ 5) makes identical changes to exempt veterinarians from reporting to the PMP database dispensed diabetes drugs and devices, but it is effective July 1, 2022.

PA 21-192—sSB 895

General Law Committee

AN ACT CONCERNING CHANGES TO VARIOUS PHARMACY STATUTES

SUMMARY: This act makes several unrelated changes concerning pharmacy practice, including:

1. allowing long-term care pharmacies to use automated prescription dispensing machines in nursing homes (§§ 1 & 2);
2. making minor changes to the law on collaborative drug therapy agreements between pharmacists and practitioners (§§ 1 & 4);
3. authorizing registered syringe service programs, with Department of Consumer Protection (DCP) approval, to use secure machines to provide patients with clean needles and syringes (§ 3);
4. requiring opioid agonists dispensed to treat a substance use disorder to be uploaded into the electronic Prescription Drug Monitoring Program's (PMP) database (§ 5); and
5. exempting veterinarians from reporting to the PMP database dispensed diabetes drugs and devices (§ 5).

The act also makes minor, technical, and conforming changes (§§ 7-12).

EFFECTIVE DATE: Upon passage, except the PMP database provisions (§ 5) are effective July 1, 2022.

§§ 1 & 2 — PRESCRIPTION DISPENSING MACHINES

The act allows licensed long-term care pharmacies to use “automated prescription dispensing machines” in nursing homes. These are machines and associated software operated by a licensed state pharmacy or registered nonresident pharmacy through which the operators, based on a verified prescription, package and label patient-specific medications that are dispensed by the machine. A registered nurse or a licensed practical nurse must administer the dispensed medication packets.

The act requires the DCP commissioner to adopt regulations concerning these machines but specifies that they may be operated before then if DCP approves the operational protocol in writing. Machines must be operated in compliance with the regulations once they are adopted. The fee to operate a machine is \$100 per machine per year.

§§ 1 & 4 — COLLABORATIVE DRUG THERAPY MANAGEMENT AGREEMENTS

By law, certain pharmacists may enter into written protocol-based collaborative drug therapy agreements with physicians or advanced practice registered nurses (APRN) (providers) to manage a patient’s drug therapy. These agreements can authorize a pharmacist to implement, modify, or discontinue a drug therapy the provider prescribes; order associated lab tests; and administer drugs. Each agreement must contain detailed direction concerning the pharmacist’s permitted actions.

The act specifies that (1) a pharmacist is also authorized to continue or deprescribe a drug therapy and (2) agreements may include guideline-directed management rather than be patient-specific. The act also allows an agreement to specifically address issues that may arise during medication reconciliation and concerns related to polypharmacy.

The act replaces prior law’s requirement that a pharmacist update the patient’s provider at least every 30 days with a new requirement that they report any encounters within the agreement’s scope within 30 days or document it in a shared medical record. As is the case when drug therapy is discontinued, the act requires pharmacists to notify the patient’s provider within 24 hours after deprescribing a drug therapy.

Definitions

The act defines “deprescribing” as the systematic process of identifying and discontinuing drugs when existing or potential harms outweigh existing or potential benefits in the context of an individual patient’s care goals, current functioning level, life expectancy, values, and preferences.

“Medication reconciliation” is the process of comparing a patient’s prescribed medications with newly ordered medications to address duplication, omissions, and interactions.

“Polypharmacy” is a patient’s use of multiple drugs, including medication that is inappropriate or not medically necessary, such as medications that are ineffective, duplicative, or not indicated.

§ 3 — SECURE SYRINGE DISPENSING MACHINES

The act authorizes registered syringe service programs, after receiving DCP approval, to use secure, immobile machines to provide patients with up to 10 hypodermic needles and syringes (“needles”) at a time. (Syringe service programs, overseen by the Department of Public Health, provide needle and syringe exchange services to intravenous drug users in communities impacted by HIV or hepatitis C.)

The machines must prevent unauthorized access and dispense only to patients using a patient-specific access number, personalized magnetic strip card, or another technology that identifies individual patients. Machines must store needles as recommended by the manufacturer unless the machines can provide adequate environmental controls.

Machines must be equipped with a locked used needle disposal container, or one must be available near the machine. Only authorized program staff may collect and dispose of used needles. When dispensing needles, the machine must also give information on accessing treatment services.

§ 5 — PMP DATABASE

Opioid Agonists

Under certain conditions, the act requires opioid agonists dispensed to treat a substance use disorder (e.g., methadone) to be uploaded into the PMP database (see BACKGROUND). The requirement applies to the previously exempt substance abuse treatment-related opioid agonist dispensers and administrators (including federal Substance Abuse and Mental Health

Services Administration-certified substance use disorder clinics) when (1) the patient has consented to disclosure and (2) it complies with federal substance abuse confidentiality regulations.

Under the act, signed consent forms must be available, upon request, to DCP for review. If a patient withdraws consent, opioid agonist information related to that patient must no longer be uploaded to the PMP.

Veterinary Diabetes Drugs and Devices

The act eliminates a requirement that veterinarians upload to the PMP database or report to DCP information on dispensed animal patient (1) insulin and glucagon drugs and (2) diabetes and diabetic ketoacidosis devices.

BACKGROUND

PMP

The PMP collects prescription data on most Schedule II-V controlled substances into a centralized online database to prevent improper or illegal drug use or improper prescribing. Prescribing practitioners who dispense controlled substance prescriptions (e.g., physicians, APRNs, and veterinarians) must submit information on the dispensed substance to the PMP.

Related Act

PA 21-182 makes identical changes to exempt veterinarians from reporting to the PMP database dispensed diabetes drugs and devices, but it is effective July 12, 2021.

PA 21-197—sSB 266

General Law Committee

Judiciary Committee

AN ACT CONCERNING REQUIREMENTS FOR HOME CONSTRUCTION CONTRACTORS AND HOME IMPROVEMENT CONTRACTORS AND SALESPERSONS, EXEMPTING CERTAIN PERSONS FROM LOCKSMITH REGISTRATION REQUIREMENTS AND EXPANDING THE APPLICABILITY OF THE SMALL CLAIMS PROCEDURE

SUMMARY: This act makes various changes in the laws governing registered new home construction contractors (also referred to as “new home builders” (NHB)) and home improvement contractors (HIC). Among other things, the act:

1. requires NHBs and HICs to show proof of general liability insurance providing at least \$20,000 in coverage when registering, which under the act must be done online;
2. specifies the contents of an enforceable contract between an NHB and consumer;
3. raises the maximum payout from the guaranty fund for claims involving HICs from \$15,000 to \$25,000; and
4. provides additional methods for consumers to access the guaranty funds by (a) allowing them access after obtaining a binding arbitration decision and (b) raising the maximum claim amount that can be litigated using the Superior Court’s small claims process, if the issue is related to a registered HIC or NHB.

The act also (1) specifies what constitutes home improvement and locksmith work; (2) creates an umbrella home improvement salesperson registration for retailers operating from a fixed location; (3) specifies how a limited license holder who is training for an unlimited license is treated for purposes of the hiring ratio; and (4) makes various technical, conforming, and minor changes.

EFFECTIVE DATE: July 1, 2022, except the hiring ratio provision is effective upon passage (§ 11), and the locksmith provision is effective July 1, 2021 (§ 12).

§§ 1, 3, 5 & 6 — NHB AND HIC REGISTRATION AND OVERSIGHT

By law, NHBs and HICs must register with the Department of Consumer Protection (DCP). They must also pay fees to capitalize guaranty funds (i.e., the New Home Construction Guaranty Fund or the Home Improvement Guaranty Fund (see BACKGROUND)).

NHB and HIC Registration and Guaranty Fund (§§ 1, 3 & 5)

Annual Registration and Guaranty Fund. The act makes NHB registration and the New Home Construction Guaranty Fund contributions an annual, rather than biennial, requirement. The NHB fee is \$120 annually, rather than \$240 biennially, and the guaranty fund contribution is \$240 annually, rather than \$480 biennially.

Additionally, the act requires NHB and HIC registration to be done online, rather than in writing.

Under the act, NHB registrations expire on March 31 annually, rather than on September 30 in odd-numbered years. The act eliminates (1) a provision requiring DCP to charge NHB applicants a registration fee on a pro rata basis depending on the date of application and (2) language specifying that NHB registrations could not be renewed if they were expired for more than six months. The fee for renewal is the same as the application fee.

Procedure for NHBs Operating as HICs. Under prior law, if an NHB also did home improvement work, then the NHB had to register as an HIC. The act exempts NHBs from the registration requirement and \$100 annual registration fee but requires them, before doing such work, to (1) notify DCP in writing of their intent to do home improvement work and (2) pay the annual Home Improvement Guaranty Fund fee (\$100).

General Liability Insurance Requirement for NHBs and HICs (§§ 1 & 6)

The act requires, at the time of annual registration, NHBs and HICs to include proof that they have obtained general liability insurance providing at least \$20,000 in coverage. They must do so by providing the policy number and insurer's business name.

§ 4 — HOME IMPROVEMENT WORK DEFINED

The act specifies that “home improvement” work includes installing or improving alarm systems that do not require a licensed electrician. Under the act, “home improvement” does not include tree or shrub cutting or stump grinding. Therefore, individuals who engage in such alarm work need to be registered, but those cutting trees or shrubs or grinding stumps do not.

§§ 1 & 7 — TRANSFERRING NHB OR HIC REGISTRATION FOLLOWING BUSINESS ORGANIZATION OR NAME CHANGE

Under prior law, registrations were not transferable or assignable. The act allows an NHB or HIC to change his or her business's name or form without paying to re-register with DCP and without being assigned a new registration number. The act also extends this exception for business name or form changes to registered home improvement salespersons who negotiate or solicit home improvement contracts on behalf of a contractor.

§§ 5 & 9 — PLACING CONDITIONS ON CERTAIN NHB AND HIC CERTIFICATES

The act expands DCP's enforcement options regarding NHBs and corporations performing or offering to perform home improvements by allowing the department to place conditions on their registration certificates. Under prior law, DCP was authorized only to revoke completely or suspend such certificates.

The act requires DCP to impose conditions using the same process for revoking or suspending a certificate (i.e., provide notice and an opportunity for a hearing in accordance with the Uniform Administrative Procedure Act). (The act does not modify DCP's enforcement options for other HICs.)

§§ 3 & 8 — GUARANTY FUNDS

Home Improvement Guaranty Fund Claim Amounts

The act raises the maximum consumer reimbursement from the Home Improvement Guaranty Fund from \$15,000 per claim to \$25,000 per claim.

Expanded Access to the Funds Following Binding Arbitration

By law, a consumer who has obtained a court judgment, order, or decree against a registered NHB or HIC can apply to DCP for restitution for the amount of the judgment, order, or decree, other than punitive damages, and subtracting any

amount already recovered from the contractor. The act allows consumers who have obtained a binding arbitration decision against a registered NHB or HIC to access the guaranty fund on the same terms.

Under the act, binding arbitration decisions against or regarding an NHB or HIC are treated as court judgments, orders, and decrees for purposes of accessing the guaranty funds.

Minor Changes

The act also makes minor and conforming changes, including (1) allowing consumers seeking to access the New Home Construction Guaranty Fund to submit to DCP a signed and sworn statement in lieu of a signed and sworn notarized affidavit and (2) eliminating the affidavit and return requirements for Home Improvement Guaranty Fund applicants.

§ 13 — EXPANDED AVAILABILITY OF SMALL CLAIMS PROCESS

The act raises the monetary threshold, from \$5,000 to \$15,000, under which an action claiming loss or damages caused by a registered HIC during their professional work can be brought in the Superior Court's small claims session. It also correspondingly raises the threshold to \$15,000 for actions involving an NHB and a contract for home construction.

§ 10 — NEW UMBRELLA HOME IMPROVEMENT SALESPERSON REGISTRATION FOR RETAILERS

By law, individuals acting as a home improvement salesperson must register individually with DCP with limited exceptions. The act exempts from the individual salesperson registration requirement individuals covered by an umbrella registration that the act authorizes.

The act authorizes retail establishments that operate from a fixed location (e.g., home improvement stores) where goods or services are offered for sale to register on behalf of their salespersons. This umbrella salesperson registration is available only to retailers whose salespersons solicit, negotiate, and complete sales entirely on the retailer's premises, virtually, or by phone.

Retailers must apply for the umbrella registration on a DCP-prescribed form, paying the same \$160 fee that would be due if each salesperson registered individually (i.e., the sum of the \$120 registration fee and \$40 guaranty fund contribution). Retailers must maintain a list of covered salespersons and make it available to DCP on request. A retailer can update its list to substitute one salesperson-employee for a former one without incurring new fees (nor is a refund given). The annual registration renewal fee is based on the retailer's current salesperson roster.

Umbrella salesperson registrations are not transferrable or assignable. A person who is covered under the umbrella registration must apply for a salesperson registration if he or she is doing covered work at a place other than the retailer's premises or by means other than virtually or by phone.

§ 2 — NHB CONTRACT WITH CONSUMER

The act requires NHBs to have a written contract for it to be valid or enforceable against a consumer. This is applicable for the construction or sale of a new home, or any portion of a new home, prior to occupancy. Under the act, the written contract must:

1. be signed by the NHB and consumer;
2. contain the entire agreement between the NHB and consumer;
3. contain the NHB's name, address, and DCP registration number;
4. contain the transaction date and specify a start and completion date;
5. be entered into by a registered NHB; and
6. disclose each corporation, limited liability company, partnership, sole proprietorship, or other legal entity that is or has been an NHB in which the subject NHB's owner or owners have been a shareholder, member, partner, or owner in the past five years.

The NHB must deliver the completed contract to the consumer at the time of execution at no cost. The act authorizes the DCP commissioner to adopt regulations requiring additional contract provisions.

The act requires any changes to the contract to be written and signed by both parties unless the DCP commissioner eliminates the requirement by regulation.

The act specifies that its provisions do not preclude a registered NHB from recovering payment for work performed at the consumer's request if the NHB has a written contract signed by both parties that includes a start and completion date. A court may allow the NHB to recover the reasonable value of provided services if the court determines equity requires it.

§ 11 — HIRING RATIO CALCULATION

DCP regulations establish a “hiring ratio” for the electrical; plumbing; heating, piping, and cooling; sprinkler fitting; and sheet metal working trades. The hiring ratio limits the number of apprentices that an employer may use based on the number of journeypersons or contractors employed (see BACKGROUND).

Under the act, for purposes of this hiring ratio, limited license holders count as journeypersons or contractors if they are working as such when enrolled in an unlimited license apprenticeship program. The act also specifies that the registered apprentice limited license in the unlimited category must not be used to calculate the number of apprentices that the unlimited contractor may hire under the hiring ratio (see BACKGROUND).

§ 12 — DEFINING LOCKSMITH

The act exempts certain work from the definition of locksmithing, therefore exempting individuals who perform such work from registering with DCP as locksmiths. The act exempts individuals who service, install, or repair (1) electronic locks, (2) access control devices, or (3) other similar locking devices that connect to an electronic security system. The exemption only applies if (1) a licensed electrician does any required electrical work and (2) the individual does not publicly hold himself or herself out as a locksmith.

BACKGROUND

Guaranty Funds

The New Home Construction and Home Improvement Guaranty funds reimburse consumers who are unable to recover losses for damages caused by registered new home construction contractors and registered home improvement contractors, respectively. Both funds are capitalized through fees paid by NHBs and HICs. Each fund is capped at \$750,000 annually with excess funds transferred to DCP’s Consumer Protection Enforcement Account and then the General Fund.

Hiring Ratio

By law, each trade has three different basic levels of expertise: apprentice, journeyperson, and contractor. Contractors may offer their services to the public; apprentices and journeypersons must work for contractors. The hiring ratio limits the number of apprentices that an employer may use based on the number of journeypersons or contractors employed. (The hiring ratio is distinct from job (or work) site ratios that apply to registered apprenticeship trades.)

Limited and Unlimited Licenses

Within the contractor and journeyperson classifications, there are two license types: limited and unlimited. An unlimited licensee has permission to do a broad range of work within his or her trade; limited licenses authorize a narrower scope of practice.

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

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PA 21-19—SB 996

Higher Education and Employment Advancement Committee

AN ACT CONCERNING FUNDRAISING BY THE FOUNDATION OF THE UNIVERSITY OF CONNECTICUT

SUMMARY: By law, UConn must have a written operating agreement with the UConn Foundation (“the foundation”) that governs their relationship, and it must contain specific provisions about the cash compensation paid by the university to the foundation. These provisions generally require UConn to (1) decrease and eventually eliminate payments to the foundation as the market value of its endowment exceeds specified thresholds and (2) increase payments if the endowment’s market value falls below those thresholds.

This act requires the agreement to include a provision that renders these payment reduction, elimination, and increase requirements inapplicable in any fiscal year when the foundation’s average fundraising for the previous two years is at least five times its average compensation from UConn during the same period.

EFFECTIVE DATE: July 1, 2021

CONTRACTUAL PROVISIONS GOVERNING CASH COMPENSATION PAID TO THE FOUNDATION

Under state law, all foundations related to public higher education institutions must enter into a written operating agreement with those institutions. For UConn and its foundation specifically, the written operating agreement must provide that UConn decrease the total cash compensation payment to the foundation in a fiscal year from either the amount paid in the preceding fiscal year or in the base fiscal year 2016, whichever is greater, according to the market value threshold requirements of the endowment fund outlined in the table below.

**Required Cash Compensation Reductions From UConn
to the Foundation Under Existing State Law**

<i>Change in Cash Compensation Paid by UConn to the Foundation</i>	<i>Market Value Threshold of the Foundation's Endowment Fund (as of January 1 of preceding FY)</i>
Decrease of \$1 million	\$500 million to less than \$700 million
Decrease of \$1.5 million	\$700 million to less than \$900 million
Decrease of \$3 million	\$900 million to less than \$1.25 billion
No compensation permitted	\$1.25 billion or more

Source: CGS § 4-37f(10)(E)

Alternatively, if the endowment fund’s market value decreases to an amount below any of the first three thresholds listed in the above table as of January 1 of the preceding fiscal year, then existing state law requires UConn to increase its payments to the foundation to the same amount that it paid prior to exceeding the threshold. These increased payments continue until the July 1 following a January 1 on which the market value of the endowment fund once again exceeds the threshold (CGS § 4-37f(10)).

The act requires UConn and the UConn Foundation’s agreement to include a new provision under which existing law’s scheduled payment reductions, eliminations, or increases would not apply in any fiscal year in which the foundation’s two-year average of total gifts and commitments raised for the preceding two fiscal years, according to its annual report to the Higher Education and Employment Advancement Committee and legislative leadership, is at least five times its average compensation from UConn during the same period.

PA 21-45—sSB 998

Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF HIGHER EDUCATION REGARDING PRIVATE OCCUPATIONAL SCHOOLS AND CLOSURE PLANS OF INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: This act makes the following changes in the laws governing private occupational schools and higher education institution closure:

1. changes the threshold for when nonaccredited private occupational schools must include certain financial statements in their Office of Higher Education (OHE) filings for a certificate of authorization and their annual financial status statement (§§ 1 & 2);
2. allows OHE's executive director to revoke a private occupational school's certificate of authorization or deny its renewal if the school does not file its completed renewal application by its due date or extended due date (§§ 3 & 4);
3. requires out-of-state private occupational schools seeking to operate distance learning programs in Connecticut to follow an application process and standards established by OHE (§§ 5-7);
4. removes prior law's prohibitions and requirements affecting representatives of unauthorized private occupational schools (§ 5);
5. requires independent higher education institutions to submit a plan to OHE by January 1, 2022, describing their specific plans for responding to emergency events and managing student-related closure issues (§ 8); and
6. requires independent higher education institutions to submit to OHE written notice of permanent impending closure (§ 8).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§§ 1 & 2 — NONACCREDITED PRIVATE OCCUPATIONAL SCHOOL FILINGS

By law, private occupational schools must send to OHE financial statements detailing their financial condition as part of their (1) application for a certificate of authorization and (2) annual financial status statement. The act requires nonaccredited private occupational schools to use a licensed certified public accountant or licensed public accountant to compile these statements, in accordance with American Institute of Certified Public Accountants standards, if the school receives less than \$50,000 in annual tuition revenue. Under prior law, these standards applied only if the unaccredited school annually enrolled fewer than 10 students.

§§ 5-7 — DISTANCE LEARNING PROGRAMS OFFERED BY OUT-OF-STATE PRIVATE OCCUPATIONAL SCHOOLS

The act requires out-of-state private occupational schools seeking to operate a distance learning program in Connecticut to apply to OHE and follow its standards. The office must approve or reject each application in accordance with these standards. Under the act, a "distance learning program" is a program of study that broadcasts lectures or conducts classes online or by correspondence and does not require in-person attendance.

Under the act, OHE authorization to operate the distance learning program is valid for one year and may be renewed annually. The office must establish an application and renewal fee schedule for all approved out-of-state private occupational schools.

§ 5 — UNAUTHORIZED PRIVATE OCCUPATIONAL SCHOOLS

Additionally, the act removes prior law's prohibition against a representative of a private occupational school that has not received state authorization from doing the following without first obtaining a permit from the OHE executive director: (1) visiting prospective students' residences, (2) soliciting enrollments, (3) selling occupational instruction, (4) making representations, or (5) giving counsel to prospective students. It also removes the provision making any contract entered into in violation of these prohibitions unenforceable by the school.

The act also removes the requirement that representatives from these unauthorized schools located outside of Connecticut file a one-year permit application with OHE and pay a nonrefundable \$500 fee into the private occupational student protection account. This account is used to refund tuition to students who cannot complete a course at a private

occupational school that became insolvent or stopped operating.

§ 8 — PRIVATE COLLEGE AND UNIVERSITY CLOSURE

The act imposes new requirements on independent higher education institutions, which are nonpublic, nonprofit degree-granting institutions whose primary purpose is not religious vocation instruction (CGS § 10a-173(a)(3)). These requirements relate to closure planning and notice.

Closure Plan Submission

The act requires each private higher education institution to submit a closure plan to OHE by January 1, 2022. The plan must address, at a minimum, the institution's (1) planned response to a natural disaster, pandemic, data security threat, or other catastrophic event impacting operations and (2) management of student records, education continuity for enrolled students, and administration of financial aid and refunds.

The act allows regionally accredited private institutions to comply with these requirements by submitting the same closure plan it submitted to its accreditation agency. Additionally, these institutions must submit any closure plan updates within 30 days after the institution's governing board approves them.

Permanent Closure Notice

Under the act, any private higher education institution planning to close permanently must submit written notice to OHE within 30 days after its governing board authorizes the closure. The notice must contain at least the following information:

1. planned date of operations termination;
2. planned date and location for the student records transfer;
3. organization's name and address that will receive and maintain the student records;
4. name and contact information of the designated office or official who will manage transcript requests;
5. arrangement to facilitate a teach-out to continue enrolled students' education;
6. evidence of communication with the U.S. Department of Education about managing student refunds, state or federal grants and scholarships, and state loans; and
7. evidence of communication with the regional accreditation agency about the closure, if applicable.

PA 21-81—sHB 6374

Higher Education and Employment Advancement Committee

AN ACT CONCERNING SEXUAL MISCONDUCT ON COLLEGE CAMPUSES

SUMMARY: This act makes various changes in laws related to dealing with sexual misconduct (i.e., sexual assault, stalking, or intimate partner violence) at higher education institutions. Principally, it:

1. establishes a 20-member Council on Sexual Misconduct Climate Assessments and requires it to report to the Higher Education and Employment Advancement Committee every two years;
2. requires the council to, among other things, (a) develop a list of data points for higher education institutions to collect using sexual misconduct climate assessments and (b) establish guidelines for implementing the assessments;
3. requires higher education institutions to biennially (a) conduct a sexual misconduct climate assessment and distribute it to enrolled students, starting by March 1, 2023, and (b) report the results to the Higher Education and Employment Advancement Committee; and
4. generally prohibits a higher education institution from disciplining students or employees for violating the institution's drug or alcohol policy, if they, in good faith and regardless of whether they were the alleged victim, reported or disclosed an alleged sexual misconduct incident that occurred during, or was connected to, the policy violation.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2021

COUNCIL ON SEXUAL MISCONDUCT CLIMATE ASSESSMENTS

Duties

The act establishes the Council on Sexual Misconduct Climate Assessments within the Legislative Department and requires it to:

1. develop a list of data points for higher education institutions to collect through student responses to sexual misconduct climate assessments, including (a) student awareness of institutional sexual misconduct policies and procedures; (b) the response to, and results of, a student's reported sexual misconduct to the institution or law enforcement; and (c) student perceptions of campus safety;
2. recommend one or more sexual misconduct climate assessments that collect the data points the council identified;
3. recommend assessment implementation guidelines, including procedures for (a) achieving a high response rate to ensure statistical accuracy, (b) protecting respondents' confidentiality, and (c) receiving responses from the most broad and diverse segment of the student population possible; and
4. perform other acts necessary and appropriate to carry out its required duties.

Membership

Under the act, the council's 20 members include the (1) Higher Education and Employment Advancement Committee co-chairpersons, (2) public health commissioner, (3) UConn president, and (4) Every Voice Coalition of Connecticut staff director, or their designees. The council also includes four appointed members and 11 designated members, as shown in the table below. Appointed and designated members may be legislators.

Appointed and Designated Council Members

Appointed Members		
Appointing Authority	Number of Appointees/Designees	Qualifications
House speaker	One	Expert in developing and designing sexual misconduct climate assessments
Senate president pro tempore	One	Expert in statistics, data analytics, or econometrics related to higher education assessments
House minority leader	One	Representative of the Victim Rights Center of Connecticut
Senate minority leader	One	Title IX coordinator at a Connecticut higher education institution
Designated Members		
Board of Regents for Higher Education	Two	One representative each from the Connecticut State University System and the regional community-technical college system
Connecticut Conference of Independent Colleges	One	Representative of a Connecticut independent higher education institution
Connecticut Alliance to End Sexual Violence	Three	Two sexual assault or intimate partner violence victims: one who lives in a rural community and one who lives in an urban community At least one designee who is black, indigenous, or a person of color

Connecticut Coalition Against Domestic Violence	One	A victim of intimate partner violence
True Colors, Inc.	One	A person who identifies as lesbian, gay, bisexual, transgender, or queer
Every Voice Coalition of Connecticut	Three	One public higher education institution student One independent higher education student At least one student who is black, indigenous, or a person of color

The act requires appointing and designating authorities to make their appointments by September 1, 2021, and fill any vacancies within 30 days. A vacancy that occurs before a term expires must be filled for the balance of the term.

Under the act, members serve four-year terms, except for initial appointments, which terminate on June 30, 2026. Members may serve more than one term and must continue to serve until their successors are appointed or designated.

Council members are not paid but may be reimbursed for necessary expenses, within available funds.

Meetings and Procedures

The act requires the Higher Education and Employment Advancement Committee co-chairpersons to select the chairperson from among the council's members. The chairperson must schedule and hold the first meeting by September 1, 2021. After that, the council must meet upon the call of the chairperson or a majority of council members. Under the act, a majority of members constitutes a quorum to transact business. Appointed or designated members who fail to attend three consecutive meetings, or 50% of all meetings held in a calendar year, are deemed to have resigned from the council.

The Higher Education and Employment Advancement Committee's administrative staff serves as the council's administrative staff.

Reporting Requirements

Starting by January 1, 2022, the act requires the council to report every two years to the Higher Education and Employment Advancement Committee and each Connecticut higher education institution on the (1) list of data points it developed and (2) recommended sexual misconduct climate assessments and implementation guidelines.

SEXUAL MISCONDUCT CLIMATE ASSESSMENT

The act requires each Connecticut higher education institution, by March 1, 2023, and every two years after that, to (1) conduct a sexual misconduct climate assessment that collects the data points the council develops and (2) distribute the assessment to each enrolled student in accordance with the council's recommended guidelines.

Assessment Requirements

The act allows an institution to use any sexual misconduct climate assessment, including one recommended by the council or developed by a higher education institution or a national association, as long as it collects all data points the council developed.

It requires each higher education institution to include with the assessment a statement that the (1) respondents' identities are confidential, (2) students should not disclose personally identifying information with their responses, and (3) responses cannot be used as a basis for a disciplinary action or legal proceeding.

Disclosure Requirements

The act requires each higher education institution, starting within six months after distributing the biennial assessment described above, to post on its website:

1. the assessment's campus-level results;
2. the uniform campus crime report required under existing law; and
3. an internet link to the sexual assault, stalking, and intimate partner violence report it submits to the committee on the assessment results. (See below.)

Existing law requires each higher education institution to annually submit certain information about sexual assault, stalking, and intimate partner violence to the Higher Education and Employment Advancement Committee. This information must include, among other things:

1. a copy of its most recent policies on sexual assault, stalking, and intimate partner violence;
2. a copy of its most recent notification about the rights and options of a student or employee who reports or discloses an alleged violation of its required sexual assault, stalking, and intimate partner violence policy or policies; and
3. the number of incidences of sexual assault, stalking, and intimate partner violence reported and disclosed to the institution.

The act adds the sexual misconduct climate assessment summary results to this list and requires institutions to submit them every two years.

INSTITUTIONAL DRUG AND ALCOHOL POLICY VIOLATIONS AND ALLEGED INCIDENTS OF SEXUAL MISCONDUCT

The act prohibits a higher education institution from taking disciplinary action against a student or employee for violating the institution's drug or alcohol policy if (1) he or she reports an alleged incident of sexual assault, stalking, or intimate partner violence that occurred during, or was connected to, the policy violation and (2) the policy violation did not place another person's health or safety at risk.

PA 21-132—HB 6402

Higher Education and Employment Advancement Committee

AN ACT CONCERNING HIGHER EDUCATION

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§ 8 — STUDY OF HEALTH INSURANCE BENEFITS FOR PART-TIME CONNECTICUT STATE SYSTEM OF HIGHER EDUCATION EMPLOYEES AND RETIREES

Requires the state comptroller, in consultation with BOR and UConn BOT, to study and develop a plan to extend eligibility to participate in the state's medical group plan to certain part-time, professional employees and retirees

§§ 9-12 — PROHIBITION AGAINST CHARGING GRADUATION FEES AT PUBLIC HIGHER EDUCATION INSTITUTIONS

Prohibits assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, Charter Oak State College, or UConn

§ 13 — OPEN EDUCATIONAL RESOURCE COUNCIL REPORTING DEADLINE

Delays the Connecticut OER Coordinating Council's first annual reporting deadline; exempts unexpended funds appropriated to the council from lapsing at the end of the fiscal year

§ 14 — STUDENT ATHLETE COMPENSATION

Allows student athletes to earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program

SUMMARY: This act makes numerous changes in higher education laws, as described below.

EFFECTIVE DATE: July 1, 2021, except that provisions (1) establishing a Postsecondary Prison Education Program Office task force (§ 2) and (2) studying extending health insurance benefits to certain higher education system employees (§ 8) take effect upon passage.

§ 1 — COLLEGE CREDIT FOR MILITARY TRAINING

Requires each higher education institution's governing body to review and update its policies on awarding college credit for a student's military training, coursework, and education

The act requires, by July 1, 2022, and every five years thereafter, each higher education institution's governing body to review and update its policies on awarding college credit for a student's military training, coursework, and education.

By law, the Board of Regents for Higher Education (BOR) and the UConn Board of Trustees (BOT), in consultation with higher education institutions in the state, must develop and adopt guidelines on awarding college credit for a student's military training, coursework, and education. Upon guideline adoption, the governing body of each higher education institution must develop and implement policies governing the awarding of college credit for these matters.

EFFECTIVE DATE: July 1, 2021

§ 2 — POST SECONDARY PRISON EDUCATION PROGRAM OFFICE TASK FORCE

Establishes a 16-member task force to study establishing a Postsecondary Prison Education Program Office

The act establishes a 16-member task force to study the costs and benefits of establishing a Postsecondary Prison Education Program Office within the Department of Correction (DOC).

Scope

Under the act, the task force study must examine at least the following topics:

1. any existing office dedicated to postsecondary prison education in Connecticut and its responsibilities;
2. the process and standards for approving education programs at correctional facilities;
3. the ability for virtual education programs at correctional facilities;
4. DOC's administrative process for students who submit education program complaints;
5. DOC's process and standards for approving curriculum and course materials for students in correctional facilities;
6. whether DOC participates in the state's education, workforce, and employment longitudinal data system;
7. available space for providing prison education programming in correctional facilities;
8. the demand for space in correctional facilities for prison education programming; and
9. strategies used by other state or county correctional agencies to increase the number of people who can access prison education programs using federal Pell grant awards.

Membership

Under the act, the task force's 16 members include:

1. three each appointed by the House speaker and Senate president pro tempore;
2. two each appointed by the House and Senate majority and minority leaders;
3. the Office of Policy and Management's undersecretary for criminal justice or her designee; and
4. the DOC commissioner or his designee.

Under the act, appointed members may be legislators. Appointing authorities must make appointments by July 30, 2021, and fill any vacancies.

Leadership, Staff, and Reporting Deadlines

The act requires the House speaker and Senate president pro tempore to choose the task force chairpersons from among its membership. These chairpersons must schedule and hold the task force's first meeting by August 29, 2021. The Higher Education and Employment Advancement Committee's administrative staff serve as the task force staff.

Under the act, the task force must report its findings and recommendations to the Higher Education and Judiciary committees by January 1, 2022. The task force terminates when it submits the report or on January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

§ 3 — CAMPUS MENTAL HEALTH COALITIONS

Requires certain higher education institutions, by January 1, 2022, to establish a mental health coalition to assess the presence of mental health services and programs

Membership

The act requires each higher education institution in Connecticut, excluding Charter Oak State College or online institutions, by January 1, 2022, to establish a mental health coalition with representatives from each of its campuses to assess the institution's mental health services and programs. The assessment requirement does not apply to a school accredited by the International Accreditation of Counseling Services or another nationally or regionally recognized accrediting body for mental health services.

Under the act, each institution's president must appoint individuals to the coalition from each campus that reflect the institution's student body demographics, including at least one member from the institution's (1) administration; (2) counseling services office, if any; (3) health services office, if any; (4) senior and mid-level staff; (5) student body; (6) residential life office, if any; (7) faculty; and (8) any other individuals the president designates, including a community mental health services provider.

The act requires each higher education institution to ensure that coalition members are educated on the (1) mental health services and programs offered at each institution's campus; (2) the coalition's role and function at the institution; and (3) protocols and techniques to respond to student mental illness that have been developed with consideration given to the students' race, cultural background, sexual orientation, gender identity, religion, socio-economic status, or status as a veteran or service member of the U.S. armed forces.

Duties

The act requires each mental health coalition to do the following:

1. assess the presence of mental health services and programs offered by the higher education institution (unless exempt from this requirement, see above);
2. review the results and develop a plan to address weaknesses in the institution's services and programs; and
3. review and recommend improvements to (a) the variety of mental health services available to the institution's students, including on-campus services, telehealth services, community-based services, or emergency mobile psychiatric services; (b) the comprehensiveness of mental health services available to students, including recommendations for obtaining accreditation from a nationally or regionally recognized accrediting body for mental health services; and (c) the campus-wide policies and procedures adopted under this act (see § 6).

Under the act, "mental health services" are counseling, therapy, rehabilitation, crisis intervention, or emergency services that screen, diagnose, or treat mental illness. "Mental health programs" are education, outreach, research, or training initiatives aimed at students to prevent mental illness, such as poster and flyer campaigns, electronic communications, films, guest speakers, conferences, or other campus events.

EFFECTIVE DATE: July 1, 2021

§ 4 — EVALUATION TRAINING WORKSHOPS

Allows the OHE executive director and DMHAS commissioner, in consultation with certain specialists, to jointly offer training workshops on best practices for assessing and providing mental health services and programs at higher education institutions

The act allows the Office of Higher Education (OHE) executive director and Department of Mental Health and Addiction Services (DMHAS) commissioner to jointly offer training workshops for campus mental health coalitions on best practices for assessing and providing mental health services and programming at each higher education institution. They must do this in consultation with an epidemiologist or other specialist with expertise in mental health issues at higher education institutions.

§ 5 — PROVIDER PARTNERSHIPS

Requires institutions that lack campus resources for providing mental health services to maintain a memorandum of understanding with at least one community-based mental health care provider

The act requires, by January 1, 2022, a higher education institution that lacks campus resources for providing mental health services to students to enter into and maintain a memorandum of understanding with at least one community-based mental health care provider or, in consultation with DMHAS, with an emergency mobile psychiatric service provider to (1) provide students access to mental health services on or off campus and (2) assist institutions in developing mental health programming.

§ 6 — INSTITUTIONAL STUDENT MENTAL HEALTH POLICY

Requires each institution's governing board to adopt a student mental health policy by January 1, 2022, and update it as needed

The act requires each higher education institution's governing board to adopt, and update as necessary, campus-wide student mental health policies and procedures by January 1, 2022. These policies and procedures must include (1) the types of mental health services and programming provided to students each academic year, (2) protocols for student mental health leave, and (3) the resources available for crisis response, imminent danger, and psychiatric hospitalization.

EFFECTIVE DATE: July 1, 2021

§ 7 — GRANT WRITER FOR MENTAL HEALTH FUNDING

Requires BOR to employ a grant writer to apply for funding to improve mental health services at community-technical colleges

The act requires BOR, by January 1, 2022, to employ a grant writer to identify and apply for available grant funding to implement or improve mental health services and programs offered by the regional community-technical colleges to address student mental illness.

EFFECTIVE DATE: July 1, 2021

§ 8 — STUDY OF HEALTH INSURANCE BENEFITS FOR PART-TIME CONNECTICUT STATE SYSTEM OF HIGHER EDUCATION EMPLOYEES AND RETIREES

Requires the state comptroller, in consultation with BOR and UConn BOT, to study and develop a plan to extend eligibility to participate in the state's medical group plan to certain part-time, professional employees and retirees

The act requires the state comptroller, in consultation with BOR and BOT, to study and develop a plan to extend eligibility to participate in the state's group medical insurance plan to:

1. part-time, professional employees of the state higher education system who have taught at least 90 credit hours in the aggregate at any university in the system and
2. retired, part-time professional employees who have taught at least 180 credit hours in the aggregate within the system, regardless of whether the hours were completed at the rate of nine credits per semester.

The study must (1) determine the feasibility and cost of including these employees and retirees and (2) include a method for paying the employer's portion of the premium that does not require the employee to wait to be reimbursed until the end of the semester. The comptroller must report on the study to the Higher Education and Employment Advancement Committee by January 1, 2022.

By law, any part-time, professional employee of the state's public higher education system may choose to participate in the state's group medical insurance plan. Employees who participate must pay the premiums for the coverage plan they select. In practice, these employees must meet a 20-hour per week employment threshold as established in the state comptroller's issued guidance to be eligible to participate.

EFFECTIVE DATE: Upon passage

§§ 9-12 — PROHIBITION AGAINST CHARGING GRADUATION FEES AT PUBLIC HIGHER EDUCATION INSTITUTIONS

Prohibits assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, Charter Oak State College, or UConn

The act prohibits BOR from assessing or charging a graduation fee to students enrolled in (1) a regional community-technical college, (2) the Connecticut State University System (CSUS), or (3) Charter Oak State College.

The act extends the same prohibition to BOT for UConn students' graduation fees.

EFFECTIVE DATE: July 1, 2021

§ 13 — OPEN EDUCATIONAL RESOURCE COUNCIL REPORTING DEADLINE

Delays the Connecticut OER Coordinating Council's first annual reporting deadline; exempts unexpended funds appropriated to the council from lapsing at the end of the fiscal year

The act delays the Connecticut Open Educational Resource (OER) Coordinating Council's first annual reporting deadline from January 1, 2021, to February 1, 2022.

By law, the council must establish an OER program to lower the cost of textbooks and course materials for high-impact courses at state higher education institutions. "High-impact" courses are instruction courses for which OERs would make a significant positive financial impact on the students taking the course due to the number of students taking the course or the market value of the course's required printed textbook or other resources.

EFFECTIVE DATE: July 1, 2021

§ 14 — STUDENT ATHLETE COMPENSATION

Allows student athletes to earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program

Generally, beginning September 1, 2021, the act allows student athletes enrolled at a higher education institution in the state to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program and (2) obtain legal or professional representation from an attorney or sports agent through a written agreement, as long as he or she complies with the higher education institution's policy on student athlete endorsement contracts and employment activities. Under the act, if an institution adopts or updates its policy before September 1, 2021, then the above authorizations apply on the date of policy adoption. (PA 21-2, June Special Session (JSS), extends this date to January 1, 2022; see *Related Acts* below.)

Under the act, a "student athlete" is a student enrolled at a higher education institution participating in a sports program at the collegiate level for which eligibility participation requirements are established by a national association to promote or regulate college athletics (i.e., an intercollegiate athletic program). A "sports agent" is a duly licensed person who negotiates or solicits a contract on behalf of a student athlete in accordance with the federal Sports Agent Responsibility and Trust Act.

An "endorsement contract" is a written agreement under which a student athlete is employed or receives compensation for another party's use of the student athlete's person, name, image, or likeness to promote a product, service, or event. "Compensation" includes the direct or indirect receipt of cryptocurrency, money, goods, services, other items of value, in-kind contributions, and other forms of payment or remuneration.

Institutional Policy on Endorsement Contracts and Employment Activities

The act requires each higher education institution to adopt at least one policy on student athlete endorsement contracts and employment activities. The policy must:

1. require student athletes to disclose and submit a copy of each executed endorsement contract, written employment agreement, and representation agreement to the institution;
2. prohibit a student athlete from entering into an agreement that conflicts with the provisions of an agreement to which the institution is a party, provided the institution must disclose the conflicting provisions to the student athlete or his or her attorney and sports agent;
3. prohibit a student athlete from using or consenting to the use of any institutional marks (i.e., a higher education institution's name, logo, trademarks, mascot, unique colors, copyrights, and other defining insignia) while performing the endorsement contract or employment activity;
4. prohibit a student athlete's performance of the endorsement contract or employment activity from interfering with any academic obligations or official team activities (i.e., all games, practices, exhibitions, scrimmages, team appearances, team photograph sessions, sports camps sponsored by the higher education institution, and other team-organized activities, including individual photograph sessions, news media interviews, and other related activities specified by the institution); and
5. identify any prohibited endorsements (i.e., the use of the student athlete's person, name, image, or likeness in association with any product, category of companies, brands, or types of endorsement contracts).

The act also requires each higher education institution's governing board, by September 1, 2021, to adopt or update its policies to carry out the act's student athlete provisions. (PA 21-2, JSS, extends this date to January 1, 2022; see *Related Acts* below.)

Compensation Exclusions

The act specifies that it does not require a higher education institution or an athletic association or conference, including the National Collegiate Athletic Association (NCAA), to compensate a student athlete for use of his or her name, image, or likeness.

It also specifies that an institution or athletic association is not due compensation from a student athlete or other person in situations where a student athlete's endorsement contract or employment activity does not comply with the act's requirements, including the requirement that student athletes comply with their institution's endorsement contracts and employment activities policy.

Institution's Responsibilities and Student Rights

The act specifies that it does not:

1. qualify a student athlete's scholarship from a higher education institution as compensation or deem a student athlete an institution's employee;
2. require an institution to take any action that would violate the federal Discrimination Based on Sex and Blindness Act;
3. prohibit a student athlete from engaging in employment activity that entails coaching or performing a sport, if it is unrelated to an intercollegiate athletic program; or
4. prohibit an institution from using a student athlete's name, image, or likeness in connection with official team activities.

Prohibitions on Institutions and Athletic Associations and Conferences

The act prohibits institutions and athletic associations or conferences from doing the following, based on a student athlete's endorsement contract, employment activity, or attorney or sports agent representation:

1. restricting a student's eligibility to participate in an intercollegiate athletic program,
2. prohibiting or preventing the student from earning compensation from an endorsement contract or employment activity, or
3. prohibiting or preventing the student from being represented by an attorney or sports agent.

Additionally, the act prohibits athletic associations and conferences, based on a student's contract, activity, or representation, from preventing an institution from participating in intercollegiate sports. It also prohibits institutions from restricting or revoking a student athlete's eligibility for a scholarship based on his or her contract, activity, or representation.

Under the act, if a student's contract, activity, or representation does not comply with the act's requirements, an institution or an athletic association or conference may (1) prohibit the student athlete's participation in an intercollegiate athletic program, (2) revoke his or her eligibility for a scholarship, or (3) take any other punitive or legal action.

Freedom of Information Act (FOIA) Disclosure Exemption

Regardless of FOIA's requirements, the act prohibits higher education institutions from disclosing any record of the compensation a student athlete receives from an endorsement contract or employment activity unless the institution receives the athlete's written consent.

EFFECTIVE DATE: July 1, 2021

BACKGROUND*Related Acts*

PA 21-2, JSS, §§ 54-57, prohibits charging graduation fees at public higher education institutions.

PA 21-2, JSS, § 34, exempts the OER Coordinating Council's unexpended operating funds from lapsing at the end of each fiscal year.

PA 21-2, JSS, § 146, delays from September 1, 2021, to January 1, 2022, the date by which (1) student athletes may begin earning compensation through an endorsement contract or employment in an activity unrelated to a intercollegiate athletic program and (2) higher education institutions must adopt or update their related policies. It also prohibits student athletes from receiving compensation for the use of their name, image, or likeness, as an incentive to attend a specific institution or athletic program.

PA 21-168—sHB 6517

Higher Education and Employment Advancement Committee
Appropriations Committee

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE TO ANALYZE THE
 IMPLEMENTATION OF LAWS GOVERNING DYSLEXIA INSTRUCTION AND TRAINING**

SUMMARY: This act makes the following changes in state laws governing educator preparation programs, teacher certification, and elementary student reading proficiency assessments:

1. establishes an Office of Dyslexia and Reading Disabilities (hereafter “the office”) in the State Department of Education (SDE) to verify whether educator preparation programs and teacher certification applicants have complied with requirements in state law relating to dyslexia instruction and training (§§ 1-2 & 4);
2. bars the State Board of Education (SBE) from approving any teacher preparation programs, beginning September 1, 2022, until the office verifies that the program complies with state law relating to dyslexia instruction and training (§ 3);
3. requires SDE to issue a teaching certificate to any level of applicant (initial, provisional, or professional), beginning September 1, 2023, if the office verifies that he or she has fulfilled certain literacy training and education requirements (§ 4);
4. allows applicants for certain teaching certification endorsements to substitute student teaching experience for supervised practicum hours (§ 5);
5. requires the office to provide guidance to higher education institutions and other teacher preparation program providers about how to verify practicum hour supervisor qualifications (§ 6);
6. requires SDE to revise previously developed reading assessments for grades kindergarten through three (“K-3”) to include new methodologies for measuring reading proficiency (§ 7);
7. allows SDE to partner with a public college or university to establish a data center to guide the department and boards of education in the use and effectiveness of reading assessments (§ 7);
8. requires each local or regional board of education to develop a voluntary family history questionnaire to help identify students who are at risk for reading proficiency challenges (§ 8); and
9. requires SDE to report to legislative committees about the (a) progress of the office’s establishment and staffing, (b) results of the verification of teacher preparation programs’ and teacher certificate applicants’ compliance with state law, and (c) guidance given to boards of education about reading assessment administration (§§ 9 & 10).

The act also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2021

§§ 1-4 — OFFICE OF DYSLEXIA AND READING DISABILITIES

The act establishes the office in SDE. It must be managed by a chief who is qualified to perform the office’s duties by training and experience, including expertise in higher education, dyslexia, and structured literacy. It tasks the office with performing the following duties:

1. verifying whether teacher preparation programs and teacher certification applicants (a) fulfill existing law’s requirements about dyslexia instruction and training and (b) meet compliance standards relating to dyslexia instruction and training established by the act and
2. relating to these compliance standards, (a) reviewing and recommending changes, as necessary, to SBE’s approval process for teacher preparation programs and (b) providing guidance to and consulting with SDE’s Talent Office.

Under the act, the office’s chief must appoint full-time staff necessary for operations. The staff must include support staff and people with expertise in education preparation program (1) accreditation analysis and approval and (2) curriculum analysis related to structured literacy and dyslexia.

Development of Compliance Measures and Audit Procedures (§ 1)

The act requires the office to develop compliance measures and audit procedures by July 1, 2022, for determining whether educator preparation programs fulfill requirements in state law about (1) instruction in literacy skills and processes (see BACKGROUND) and (2) whether these programs include supervised practicum hours or student teaching experience and instruction in the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia in any programs of study in the diagnosis and remediation of reading and language arts. The office must consider the recommendations in Appendices D and E of the Task Force to Analyze the Implementation of Laws Governing Dyslexia Instruction and Training’s final report (“task force final report,” see BACKGROUND). The office must submit these compliance measures and audit procedures to the Education and Higher Education and Employment Advancement committees by that same date.

Additionally, the act requires the office to develop the following items by July 1, 2022, and update them as necessary:

1. structured literacy competency targets to identify structured literacy competencies an educator should achieve based on certification level and endorsement type, with consideration of the recommendations in Appendix F of the task force final report (see BACKGROUND);

2. a list of sample course assignments and evaluations for higher education institutions and other SDE-approved educator preparation programs to review and consider that align with the structured literacy competency targets and compliance measures the office developed; and
3. model dyslexia in-service training programs for local and regional boards of education to use that also align with the structured literacy competency targets.

Teacher Preparation Program Compliance Measures and Verification (§ 2)

Under the act, beginning on September 1, 2022, the office must use the compliance measures and audit procedures it develops to verify whether any educator preparation program that submits an initial or continued approval application to SBE is complying with existing law on:

1. instruction in dyslexia detection and recognition and evidence-based structured literacy interventions and
2. inclusion of supervised practicum hours or student teaching experience and instruction in dyslexia detection and recognition and evidence-based structured literacy interventions for students with dyslexia in programs of study for remedial reading, remedial language arts, and reading consultants or special education.

Additionally, the act allows the office to complete the compliance verification by reviewing the information gathered by a national accrediting agency that accredits educator preparation programs for SDE, so long as the agency uses the compliance measures and audit procedures developed by the office under the act.

Under the act, the office must report annually to the Education and Higher Education and Employment Advancement committees about the compliance verification results for each educator preparation program, with a first reporting deadline of January 1, 2023.

Additionally, by that same date, the act requires the office to do the following, annually:

1. review and request updates as necessary about webinar modules and trainings developed or endorsed by SDE to align the modules with the office's compliance measures and
2. submit status reports on the compliance of these modules and trainings to the Education and Higher Education and Employment Advancement committees.

Approval of New Educator Preparation Programs (§ 3)

Beginning September 1, 2022, the act prohibits SBE from approving any educator preparation programs until the office completes the compliance verification described above (§ 2), using the compliance measures and audit procedures it develops as required by the act.

Teacher Certification Applicant Compliance Measures and Verification (§ 4)

Beginning September 1, 2023, the act requires SBE to issue any appropriate level of teaching certificate (initial, provisional, or professional) to an applicant who meets specified requirements in state teacher certification law as verified by the office in consultation with SDE's Talent Office and Bureau of Educator Standards and Certification. The act establishes two verification requirements specific to the type of teaching certificate that the applicant seeks.

First, if the applicant is seeking an initial certificate and has graduated from a Connecticut educator preparation program, the act requires the office to certify that he or she has completed at least 12 clock hours of instruction in detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia.

Second, if the applicant is seeking an initial certificate with an endorsement in comprehensive special education or integrated early childhood and special education, the act requires the office to certify that he or she has complied with the requirements in state law about completing a program of study in the diagnosis of remediation of reading and language arts that includes supervised practicum hours or student teaching experience and instruction in the detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia.

§ 5 — APPLICANT REQUIREMENTS FOR CERTAIN TEACHING CERTIFICATE ENDORSEMENTS

Beginning on July 1, 2021, the act allows the following applicants to complete a student teaching experience as an alternative to completing supervised practicum hours:

1. any certified employees applying for a comprehensive special education or integrated early childhood and special education endorsement or
2. applicants for an initial, provisional, or professional teaching certificate and a comprehensive special education or integrated early childhood and special education endorsement.

§ 6 — SUPERVISORS OF PRACTICUM HOURS

Beginning January 1, 2022, the act requires the office to provide guidance to higher education institutions and other educator preparation program providers about how to verify whether practicum hour supervisors have obtained at least four of the following qualifications:

1. a satisfactory score on the SBE-approved reading instruction exam or a comparable reading instruction exam;
2. a valid initial, provisional, or professional SBE-issued teaching certificate;
3. a master's degree in remedial reading or a closely related field;
4. specific and documented knowledge of structured literacy principles and practices;
5. training for practicum supervision, coaching, and evaluation of a reading interventionist; or
6. at least three years' work experience providing structured literacy interventions for students with remedial reading needs, including students with dyslexia.

Under the act, higher education institutions and other educator preparation program providers must give preference to practicum supervisor candidates who meet the above six qualifications and also have (1) experience in the design, implementation, or monitoring of structured literacy interventions or (2) previous practicum supervisor experience.

§ 7 — K-3 READING ASSESSMENTS

Under the act, SDE must revisit the reading assessments for grades K-3 that state law previously required it to develop and approve by January 1, 2016. The department must now reconsider these assessments by July 1, 2022, considering the recommendations made in Appendix G of the task force final report (see BACKGROUND). Local and regional boards of education must begin using these assessments in the 2023-24 school year to identify K-3 students who are below proficiency in reading.

Additionally, the act makes changes to the assessments' methodology for identifying these students' abilities. In addition to the requirements in existing law, it specifically requires that the assessments:

1. be evidence-based, as defined in federal law (see BACKGROUND), be brief, and have proven psychometrics for validity;
2. measure oral language, rapid automatic name or letter name fluency, and reading comprehension, in addition to the methods in existing law (i.e., phonics, phonemic awareness, fluency, and vocabulary); and
3. be given at least three times each school year in fall, winter, and spring, rather than periodically at unspecified times during the school year as prior law required.

The act also requires SDE to provide guidance to local and regional boards of education by January 1, 2023, about administering the approved reading assessments. This guidance must address the following topics at a minimum:

1. appropriate grade levels for each reading assessment;
2. combining approved reading assessments when needed to ensure each ability is measured during each school year using one or more grade level-appropriate reading assessments;
3. advice on how each board's goals, student body characteristics, and resources should inform the choice of reading assessments used by each board;
4. advice on how aggregate data derived from reading assessments should guide each board's prevention and early intervention initiatives; and
5. the requirement that approved reading assessments be administered in both English and a student's native language, if available, for any student receiving literacy instruction in his or her native language.

Under the act, the SDE commissioner must submit the revised reading assessments and the newly developed or approved guidance for school boards to the Education Committee by February 1, 2023.

Data Center

The act allows SDE to partner with a public college or university to establish a data center to guide SDE and boards of education in the use and effectiveness of reading assessments. The center may track, but is not limited to tracking, the following types of data:

1. which reading assessment each board of education uses and
2. student information, disaggregated by categories to keep it personally nonidentifiable (presumably, to protect students' identities), including by a student's demographic background, school district, and reading assessment dates and scores.

§ 8 — VOLUNTARY FAMILY HISTORY QUESTIONNAIRE

The act requires SDE to develop or approve a voluntary family history questionnaire by January 1, 2022. This questionnaire must be distributed annually, beginning with the 2022-23 school year, to help identify, in whole or in part, students who are at risk of reading proficiency challenges.

§§ 9 & 10 — SDE REPORTS TO LEGISLATIVE COMMITTEES

The act requires SDE to make two types of reports to the Education and Higher Education committees in addition to the ones described above.

First, the department must submit status reports on the establishment and staffing of the Office of Dyslexia and Reading Disabilities. This report is initially due by January 1, 2022, followed by annual updates until the office is fully staffed.

Second, the department must submit a report by January 1, 2023, and annually thereafter outlining the (1) outcomes of the compliance verification it conducted as required by the act and (2) reading assessments it developed or approved and the related guidance it provided to boards of education about their administration.

BACKGROUND

Literacy Skills and Processes Instruction in Teacher Preparation Programs

Any teacher preparation program that leads to professional teacher certification must include instruction in literacy skills and processes that reflects current research and best practices in the literacy training field. The instruction must (1) be incorporated into the requirements of the student's major and concentration and (2) include at least 12 clock hours of instruction in dyslexia detection and recognition of, and evidence-based structured literacy interventions for, students with dyslexia (CGS § 10-145a(e)).

Final Task Force Report, Appendices D, E, F & G

The Task Force to Analyze the Implementation of Laws Governing Dyslexia Instruction and Training, established by the legislature in Special Act 19-8, issued a final report of findings and recommendations on December 31, 2020.

Appendix D of this report contains task force-approved teacher preparation program candidate outcomes and compliance targets. Appendix E contains an audit protocol framework. Appendix F contains structured literacy educator competency standards for districts to use. Appendix G contains a "Menu of K-3 Screeners," which lists approved reading tests for students in grades K-3; the skills that each test measures; and grades levels during which the tests should be administered.

Definition of "Evidence-Based"

Under federal law, "evidence-based" (in relation to a state, local education agency, or school activity) means an activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes, based on either:

1. strong evidence from at least one well-designed and well-implemented experimental study; moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
2. demonstration of a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and inclusion of ongoing efforts to examine the effects of such activity, strategy, or intervention (20 U.S.C. § 7801(21)).

Related Act

PA 21-2 (June Special Session) also changes the law regarding reading assessments for K-3 students. Under § 398, the Center for Literacy Research and Reading Success, which the act establishes, must compile a list of approved reading assessments for school districts to use beginning with the 2023-24 school year, giving consideration to Appendix G of the task force final report. It also allows SDE to establish a data center in partnership with a college or university to track the same types of data as those described in this act.

PA 21-184—sSB 954

Higher Education and Employment Advancement Committee

AN ACT REQUIRING THE REPORTING OF ACCIDENTS THAT RESULTED IN SERIOUS PHYSICAL INJURIES OR DEATH AT INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: This act adds a new reporting requirement to the annual uniform campus crime report that all Connecticut colleges and universities must prepare for each of their campuses. By law, the report must contain crimes committed in the immediately preceding calendar year on the property that the institution owns or controls, limited to the following offenses: (1) those published in the most recent edition of the FBI and Department of Justice’s Uniform Crime Reports for the United States, part I, and (2) sexual assault, stalking, and family violence, as defined in state law.

The act renames the report the “uniform campus crime and safety incident report” and requires the institutions’ reports to also include the number of accidents from the immediately preceding calendar year that occurred on their property and that resulted in serious physical injury or death. This property includes campuses or dormitories in another country than an institution owned or controlled for purposes of an international studies or exchange program (i.e., study abroad).

Under the act, “serious physical injury” means physical injury that creates substantial risk of death or causes serious disfigurement, serious health impairment, or serious loss or impairment of a bodily organ’s function.

Additionally, the act removes the requirement that the Connecticut State Colleges and Universities’ president determine how institutions must prepare their uniform campus crime reports. It also makes other technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

PA 21-190—SB 716

Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE FEDERAL STUDENT LOAN BORROWERS’ BILL OF RIGHTS ACT OF 2019

SUMMARY: This act generally requires private student loan servicers to provide certain information to private student loan borrowers and cosigners about (1) borrower and cosigner rights and responsibilities, (2) cosigner release eligibility, and (3) parameters for the cosigner release application process, which the act sets. Exempt from this requirement are certain banks, credit unions, and their subsidiaries, as well as the Connecticut Higher Education Supplemental Loan Authority (CHESLA).

The act broadens the list of prohibited actions for any student loan servicer (i.e., servicing federal or private student education loans) and its control persons (i.e., individuals who directly or indirectly exercise control over it) by banning them from engaging in an abusive act or practice when servicing a student loan, as described in the federal Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203) (Dodd-Frank Act). Under the Dodd-Frank Act, an act or practice is abusive if, among other things, it materially interferes with a consumer’s ability to understand a term or condition of a consumer financial product or service.

The act also exempts the federal and private servicers and their control persons from requirements to have supervisory policies and procedures and comply with state Department of Banking (DOB) standards if a federal law, agreement, or contract requires otherwise.

Lastly, the act expands the scope of “servicing” covered by the state student loan servicer law to include (1) maintaining account records for, and communicating with, a student loan borrower about a loan when no scheduled periodic loan payments are required and (2) interacting with a student loan borrower to facilitate a loan, including helping prevent a default on loan obligations. The “servicing” covered by prior law was limited to (1) receiving scheduled periodic payments from a student loan borrower under the terms of a student education loan; (2) applying principal and interest payments and other payments to the amounts received from a student loan borrower, as under the terms of a student education loan; and (3) performing other related administrative services.

EFFECTIVE DATE: July 1, 2021

BORROWER AND COSIGNER INFORMATION AND COSIGNER RELEASE REQUIREMENTS

The act requires private student education loan servicers to provide student loan borrowers and cosigners with certain information about their loans, including their rights and responsibilities and the terms of a cosigner’s release. Cosigners must have the same access to loan related documents as borrowers.

The act also (1) sets parameters for the servicers to follow when someone seeks a cosigner release and (2) requires them to maintain a record management system about cosigner release applications.

Exempt from these requirements are the following entities: banks, out-of-state banks with a physical presence in Connecticut, and credit unions; their wholly owned subsidiaries; operating subsidiaries where the owners are wholly owned by the bank or credit union; and CHESLA.

Under the act, a “cosigner” is someone who is liable for another person’s obligation without compensation, regardless of how the contract or instrument designates it, excluding an obligation under a private education loan that consolidates a consumer’s pre-existing private education loans. It includes anyone whose signature is requested as a condition to grant credit or forbear on collection, but not an individual’s spouse whose signature is needed to perfect the security interest in a loan (15 U.S.C. § 1650(a)).

Notice to Borrowers and Cosigners

Rights and Responsibilities. Under the act, a private loan servicer must provide certain information to student loan borrowers and cosigners regarding their rights and responsibilities (1) before sending the first loan billing statement or (2) immediately after receiving a transferred or assigned private student education loan. This information includes the following:

1. how the loan obligation will appear on the cosigner’s consumer report (i.e., a communication of certain information by a consumer reporting agency that is used or expected to be used or collected to serve as a factor in establishing eligibility for credit, insurance, employment, or other purposes set out in federal law (15 U.S.C. § 1681a));
2. how cosigners will receive notice if the loan becomes delinquent, including how to cure the delinquency to avoid a negative credit rating and losing release eligibility; and
3. cosigner release eligibility, including the number of on-time payments and other required criteria.

Cosigner Release Information. The act requires private student loan servicers to annually send their loan borrowers and cosigners written information on cosigner release, including the criteria for release approval and the release application process (see below). The servicer must also include this information in any response to a cosigner’s release application.

Access to Records and Documents. The act requires private student loan servicers to provide cosigners with access to the same loan documents and records that are available to the borrowers. If a borrower has electronic access to private loan documents and records, the act requires the servicer to extend this same access to the cosigner.

Cosigner Release Process

Eligibility. The act prohibits private student loan servicers from requiring a borrower to make more than 12 consecutive timely payments to be eligible for a cosigner release. In addition, it requires the servicers to consider a borrower who paid the equivalent of 12 months of principal and interest during any 12-month period as having satisfied the timely payment requirement, regardless of whether the borrower made the payments on a monthly basis.

When a borrower satisfies the applicable consecutive timely payment requirement, the act requires its servicer to send written notice to the borrower and cosigner that the payment requirement was satisfied and the cosigner may be eligible for release. The servicer must also send information on the cosigner release application process and any additional criteria that a cosigner must satisfy to be eligible. This notice and information must be sent by mail, or by email if the borrower chose to receive electronic communications.

Unless the loan agreement otherwise prohibits it, if a cosigner has a total and permanent disability, the act also requires a private student loan servicer to (1) release the cosigner from his or her loan repayment obligation upon being notified of the disability and (2) not require that a new cosigner be added to the loan after releasing the original cosigner. The cosigner’s disability must be determined by a federal or state agency or a doctor of medicine or osteopathy legally authorized to practice in Connecticut.

Incomplete Application. The act requires a servicer to notify the borrower and cosigner in writing if the release application is incomplete and provide a description of the missing or additional required information and the date by which it must be provided.

Application Approval or Denial. Under the act, a servicer must, within 30 days after receiving a cosigner release application, provide the borrower and cosigner written notice of its approval or denial. If the application is denied, the notice must inform the borrower and cosigner that they can request all documents and information used in the decision, including (1) the credit score threshold the servicer used, (2) the borrower’s or cosigner’s consumer report and credit score, and (3) any other document relevant or specific to the borrower or cosigner. The servicer must also provide any adverse action notices required under federal law if the denial was due to information in a consumer report.

Appeal of Release Denial. The act requires servicers to provide a borrower or cosigner with (1) the right to request an appeal of a release denial; (2) an opportunity to submit additional information or documentation that the borrower is able, willing, and stable enough to make the payment obligations; and (3) the right to request that a different loan servicer employee review and make a determination on the cosigner release application.

Servicer Actions Related to Cosigner Release. The act prohibits private student loan servicers, when responding to a cosigner release application, from imposing restrictions on a borrower or cosigner that could permanently prevent him or her from qualifying for a cosigner release, including restricting how many times they can apply.

The act also prohibits servicers from imposing negative consequences on a borrower or cosigner during the 60 days after issuing a notice of incomplete application information or until making a final decision for cosigner release. “Negative consequences” include additional eligibility criteria, negative credit reporting, loss of cosigner release eligibility, late fees, interest capitalization, or other financial penalties or injury.

And upon receiving a request from a borrower or cosigner for a change that would restart the count of the consecutive timely payments required for cosigner release eligibility (see above), the act requires a servicer to provide the borrower and cosigner (1) written notice of the change’s impact on release eligibility and (2) a chance to withdraw or reverse the change.

Records Management. The act requires a private student loan servicer to establish and maintain a comprehensive record management system that is reasonably designed to ensure the accuracy, integrity, and completeness of cosigner release application data and information. The system must include the (1) number of applications received, (2) application approval and denial rates, and (3) primary reasons for denial.

SERVICER PROHIBITED ACTS

Dodd-Frank Act

The act prohibits a student loan servicer and its control persons from engaging in an abusive act or practice when servicing a student loan, as described in the federal Dodd-Frank Act.

Under the Dodd-Frank Act, an act or practice is abusive if it materially interferes with a consumer’s ability to understand a term or condition of a consumer financial product or service. It is also abusive if it takes unreasonable advantage of a consumer’s (1) lack of understanding of the material risks, costs, or conditions of the product or service; (2) inability to protect his or her own interests in selecting or using the product or service; or (3) reasonable reliance on the person offering or providing the product or service to act in his or her best interests (12 U.S.C. § 5531).

Existing state law prohibits, among other things, (1) using a scheme to defraud or mislead borrowers; (2) engaging in an unfair or deceptive practice; and (3) misrepresenting or omitting information related to servicing a student loan (CGS § 36a-850).

Exemption for Federally Related Loans

Prior law required student loan servicers and their control persons to (1) establish, enforce, and maintain policies and procedures to supervise employees, agents, and operations and achieve compliance with student loan servicing requirements and (2) comply with DOB student loan servicing standards. The act exempts servicers and control persons from these requirements if they must do otherwise under a federal law, federal student loan agreement, or contract with the U.S. Department of Education (ED).

BACKGROUND

Related Act

PA 21-130, §§ 1 & 7, (1) adds identical definitions for private and federal student education loans and private student education loan servicers and (2) also exempts servicers and control persons from needing to have supervisory policies and procedures and comply with DOB standards when a federal law, agreement, or ED contract requires otherwise.

PA 21-34—sHB 6531

*Housing Committee***AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS, THE VALIDITY OF INLAND WETLANDS PERMITS IN RELATION TO CERTAIN OTHER LAND USE APPROVALS, AND EXTENDING THE TIME OF EXPIRATION OF CERTAIN LAND USE PERMITS**

SUMMARY: This act makes unrelated changes regarding (1) certain individuals’ right to counsel in eviction proceedings and (2) local land use approvals.

It establishes a statewide “right to counsel program” to provide free legal representation to income-eligible tenants, lessees, or occupants of any residential building or land (i.e., “covered individuals”) in a covered matter initiated on or after July 1, 2021. Under the act, a “covered matter” is an (1) eviction proceeding or (2) administrative proceeding necessary to preserve a state or federal housing subsidy or prevent a proposed lease termination.

The act requires the judicial branch to use available federal funds to either contract with, or enter a memorandum of agreement with, an entity to administer the program (i.e., “administering entity”). It also establishes an 11-member working group to advise on matters and policies affecting the right to counsel program.

The act requires the administering entity, within available funding, to fund the provision of legal representation under the program by designated organizations (i.e., nonprofit legal services organizations). Additionally, it requires the administering entity to (1) determine, in consultation with the working group and designated organizations, how to phase in the program based on certain relevant factors and (2) starting by January 1, 2023, annually report to the Housing Committee and Judicial Department on the number of individuals represented under the program, the extent of the representation, case outcomes, and tenant engagement and education.

It also requires the judicial branch, in consultation with the administering entity, working group, and designated organizations, to approve a one-page, plain-language notice that landlords and certain others must use to inform individuals of their rights under the program starting October 1, 2021.

The act also specifies that it does not establish any right enforceable by a covered individual against a designated organization or the administering entity.

Regarding local land use approvals, the act generally delays the effective date of municipal inland wetlands permits to coincide with the effective period of related local land use approvals (e.g., special permits, zoning variances, site plans, and subdivision plans) (§ 2). The act also gives developers more time to complete certain ongoing projects without seeking reapproval from local land use boards, commissions, or agencies. It applies only to approvals and permits that were (1) granted on or after July 1, 2011, but before the act’s passage (June 10, 2021), and (2) unexpired on March 10, 2020 (§§ 2-9).

EFFECTIVE DATE: July 1, 2021, except the concurrent wetlands permit provision (§ 2) is applicable to permits issued on or after July 1, 2021, and the extended land use approval provisions are effective upon passage (§§ 3-9).

§ 1 — RIGHT TO COUNSEL PROGRAM*Program Eligibility*

Under the act, the right to counsel program is available to income-eligible residential tenants, lessees, or occupants who are parties in an eviction or certain administrative proceedings as described above. The act specifies that it applies to any residential land or building, apartment, or dwelling unit, including trailers or mobile manufactured homes and associated lots. Under the act, an individual is “income-eligible” if he or she:

1. has a household income at or below 80% of the state median income adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (HUD), at the time of the request for representation or
2. receives one of the following types of public assistance: Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program benefits, Medicaid, Supplemental Security Income, refugee resettlement benefits, state rental assistance, or federal Housing Choice Voucher Program assistance.

Designated Organization’s Minimum Standards

The administering entity, within available funding, must fund the provision of legal representation under the program by designated organizations. Under the act “legal representation” means (1) representation in a covered matter provided by a designated organization to a covered individual and (2) all legal advice, advocacy, and assistance associated with the representation, subject to and in accordance with the Rules of Professional Conduct.

A designated organization is a nonprofit legal services organization that has (1) substantial expertise in (a) housing and landlord tenant law and (b) furnishing free legal assistance to eligible individuals and (2) a demonstrated history of serving the low-income community. In addition, it must:

1. identify the geographic area in which it provides legal representation,
2. have a plan to reach and provide legal representation to income-eligible individuals with limited English proficiency, and
3. provide appropriate supervision and training.

A designated organization may subcontract with a nonprofit or community organization to provide legal representation and tenant outreach and education under the program.

Working Group

The act establishes an 11-member working group to advise on matters and policies affecting the right to counsel program to effectuate the right to counsel.

Members and Appointments. The working group consists of the following members:

1. two each appointed by the Senate president and the House speaker;
2. one each appointed by the Senate and House majority and minority leaders;
3. the Department of Housing (DOH) commissioner, or her designee;
4. a representative of the administering entity; and
5. a judicial branch representative.

All initial appointments must be made by July 31, 2021. Members serve a four-year term and may be reappointed or continue to serve until a successor is appointed. Appointing authorities fill vacancies.

Meetings and Staff. The DOH commissioner, or her designee, must serve as the working group's chairperson and schedule the first meeting, which must be held by August 30, 2021. The chairperson must convene the working group on a regular basis but not less than three times per year. The act requires DOH to provide administrative support to the working group.

Relevant Factors to Phase in the Program

The act requires the administering entity, in consultation with the working group and designated organizations, to determine how to phase in the program based on all relevant factors, including the:

1. prioritization of certain groups of individuals by income, zip codes, census tracts, or other priority criteria they develop;
2. availability of program funding;
3. number of available trained legal services attorneys; and
4. scope of the need for legal representation.

Funding

The act allows the administering entity to receive funds or services from the government, corporations, associations, or individuals to fund program administration, the provision of legal representation, and tenant outreach and education.

Under the act, the judicial branch must appoint additional housing mediators to facilitate the resolution of summary process actions, if the branch receives state or federal funds under the act for that purpose. Under existing law, Superior Court judges or a committee they authorize may appoint housing mediators as they deem necessary, within available appropriations (CGS § 47a-69).

Plain-Language Notice of Tenants' Rights

The act requires the judicial branch, in consultation with the administering entity, working group, and designated organizations, to approve a one-page, plain-language notice to inform tenants of their rights under the program. The notice must (1) include a phone number for information and applying for assistance and (2) be available publicly and on the judicial branch's website by October 1, 2021.

Starting October 1, 2021, the act requires an owner, lessor, or landlord; their agent or legal representative; a housing authority; or a housing subsidy program administrator, as applicable, to attach a copy of the plain-language notice to a (1) notice to quit delivered to a covered individual for an eviction proceeding, (2) summons and complaint for a summary

process eviction action, (3) lease termination notice for a public or subsidized housing unit, and (4) notice to terminate a state or federal housing subsidy.

Under the act, the court must include similar plain language information in any notice scheduling a mediation or hearing that is sent to a self-represented party in an eviction proceeding.

§ 2 — EFFECTIVE DATE OF INLAND WETLANDS PERMITS

The act delays the effective date of municipal inland wetlands permits to coincide with the effective period of related local land use approvals. Under the act, if the inland wetlands permit is just one of the local land use approvals required to develop a property, the wetlands permit does not take effect until the other local approvals are effective.

By law, inland wetlands permits are generally valid for the same length of time as the other land use approvals issued for the development, up to a maximum of 10 years.

§§ 7-9 — SPECIAL PERMIT OR EXCEPTION PROJECT COMPLETION DEADLINES

The act establishes a minimum validity period for special permit or exception approvals (1) granted on or after July 1, 2011, but before June 10, 2021; (2) that were unexpired on March 10, 2020; and (3) that specified a deadline by which all work connected to the approval must be completed. Under the act, these approvals are valid for a minimum of 19 years after the approval is granted. Prior law did not impose any minimum validity periods for these approvals (see BACKGROUND).

The act specifies that (1) the applicable land use board, commission, or agency may extend these approvals beyond 19 years and (2) this minimum 19-year validity period applies to special permits or exceptions approved by a municipality exercising land use powers under the statutes or a special act.

§§ 3-9 — OTHER PROJECT COMPLETION DEADLINES

Municipalities Exercising Authority Under the Statutes (§§ 3-8)

By law, when a planning or zoning commission, combined planning and zoning commission, or an inland wetlands agency operating under the statutes approves a project, it must set an expiration date that falls within the timeframes the law specifies. Consequently, a developer must complete the project before that date or resubmit it to the local commission or agency for approval. Generally, the maximum timeframe (including any extensions granted) is 10 years from the date of approval. The act extends these timeframes for approvals that were (1) granted on or after July 1, 2011, but before June 10, 2021, and (2) unexpired on March 10, 2020. Under the act, except for large residential subdivisions, the initial deadline must be at least 14 years after approval, and the extended deadline cannot be more than 19 years after approval. Large residential subdivision approvals are valid for 19 years.

The table below shows the prior and extended deadlines that apply to subdivision, wetlands, and site plans approvals granted within the above timeframe by municipalities operating under the statutes.

Statutory Deadlines and Extensions Under Prior Law and the Act

Land Use Approval (CGS §)	Prior Law	Act
Residential site plans for projects with 400 or more units (§ 8-3(j))	Deadline: 10 years after approval	No change
	No extensions	
Business site plans for projects with at least 400,000 square feet (§ 8-3(j))	Deadline: 5-10 years after approval (set locally)	No change
	Extension: up to 10 years from approval	
Other site plans (§ 8-3(i))	Deadline: 5 years after approval	At least 14 years after approval
	Extension: up to 10 years from approval	Up to 19 years from approval

Land Use Approval (CGS §)	Prior Law	Act
Subdivisions plans for 400 or more dwelling units (§ 8-26g)	Deadline: 10 years after approval	19 years after approval
	No extensions	No change
Other subdivisions (§ 8-26c(a)&(b))	Deadline: 5 years after approval	At least 14 years after approval
	Extension: up to 10 years from approval	Up to 19 years from approval
Wetlands permits associated with another approval (e.g., site plans and subdivisions) (§ 22a-42a(d)(2))	Deadline: 10 years after approval or the date the associated land use approval expires (whichever is earlier)	At least 14 years after approval
	Extension: up to 10 years from approval	Up to 19 years from approval
Other wetlands (§ 22a-42a(d)(2))	Deadline: 2-5 years after approval (set locally)	At least 14 years after approval
	Extension: up to 10 years from approval	Up to 19 years from approval

Municipalities Exercising Authority Under a Special Act (§ 9)

The act sets a minimum approval duration of 14 years for site plan and subdivision approvals and other permits (except special permits or exceptions, see above) granted by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals, or inland wetlands agency exercising land use powers under a special act. The act applies only to approvals that were (1) granted on or after July 1, 2011, but before the act's passage (June 10, 2021), and (2) unexpired on March 10, 2020.

The act specifies that local boards or agencies may approve extensions, but caps the total duration of an approval, including extensions, at 19 years (except special permits or exceptions, see above). The 14- and 19-year timeframes are calculated based on the initial approval date and apply regardless of conflicting special acts or approval conditions.

BACKGROUND

Related Act

PA 21-163 gives developers more time to complete an ongoing project that was approved before July 1, 2011.

Special Permits and Exceptions and Related Caselaw

“Special permit” and “special exception” are synonymous. The designated local land use agency may grant special permits or exceptions pursuant to the Zoning Enabling Act (CGS § 8-2) or a special act, as applicable. Special permits and exceptions allow one to use a property in a manner explicitly permitted by the zoning regulations but subject to conditions not applicable to other uses in the same district. The rationale for special permits and exceptions is that while certain land uses may be generally compatible with the uses permitted as of right in a particular zoning district, their nature is such that their precise location and mode of operation must be individually regulated.

In February 2021, the Connecticut Appellate Court issued a decision applicable to municipalities that exercise zoning powers under the statutes. It held that the law authorizes these municipalities to impose temporal conditions on special permits or exceptions, such as a condition requiring development to be completed by a specific date (*International Investors v. Fairfield Planning & Zoning Commission*, 202 Conn. App. 582, cert. granted, 336 Conn. 928 (March 30, 2021)).

PA 21-48—sSB 356

Housing Committee

Appropriations Committee

AN ACT ESTABLISHING AN ENERGY EFFICIENCY RETROFIT GRANT PROGRAM FOR AFFORDABLE HOUSING

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP), by September 1, 2021, to establish an energy efficiency retrofit grant program using available federal or other funds. It authorizes the DEEP commissioner to receive funds from the federal government, corporations, associations, or individuals to fund the program.

Generally, the act requires that the program award grants for installing energy efficient upgrades to affordable housing, including housing authority property or, at the DEEP commissioner's discretion, other landlord-owned dwelling units. Starting by January 1, 2023, the commissioner must annually report on the program to the Energy and Technology and Housing committees.

The act also expands eligibility for the new residential clean energy program that the electric distribution companies (EDCs, i.e., Eversource and United Illuminating) must make available to certain residential customers beginning January 1, 2022. Specifically, the act makes residential customers living in multifamily dwellings of five or more units eligible if they meet certain requirements.

EFFECTIVE DATE: Upon passage

§ 1 — ENERGY EFFICIENCY RETROFIT GRANT PROGRAM

Purpose and Standards

The act requires the energy efficiency retrofit grant program to award grants for installing energy efficient upgrades to (1) affordable housing, including housing authority property, or (2) at the commissioner's discretion, other landlord-owned dwelling units. Under the act, as under existing law, housing is defined as "affordable" when people earning no more than the area median income for the municipality where the housing is located, as determined by the U.S. Department of Housing and Urban Development (HUD), spend no more than 30% of their income on it (CGS § 8-39a).

The act requires that the upgrades include energy efficiency and weatherization measures. The upgrades may include the installation of rooftop solar photovoltaic panels, energy storage systems located on the customer's premises, electric vehicle charging infrastructure, heat pumps, balanced ventilation, and the mitigation of health and safety hazards (e.g., gas leaks, mold, vermiculite, asbestos, lead, and radon) to the extent they impede the installation of the upgrades and weatherization measures.

Under the act, DEEP must develop program standards. When doing so, the department (1) may consult with other state agencies, quasi-public agencies, and housing authorities and (2) must consider the energy performance standards developed by the economic and community development and energy and environmental protection commissioners for state-owned and state-financed housing projects, among other buildings.

Coordination With Other Entities and Consultants

The act authorizes DEEP to coordinate with other state agencies, quasi-public agencies, and housing authorities to implement the grant program in conjunction with existing state programs that help residents install or obtain energy efficient upgrades. In addition, the department may retain consultants with expertise in energy efficiency retrofit programs or distributed energy programs, or both, to help develop or administer the grant program.

Application Process

Under the act, grant applicants must apply to the DEEP commissioner on forms she prescribes. The forms must require applicants to provide the following information:

1. a description of the proposed project and its budget,
2. an explanation of the project's expected benefits from energy efficient upgrades,
3. the applicant's financial and technical capacity to undertake the project, and
4. any other information the commissioner deems necessary.

Grant Prioritization

The act requires the commissioner to prioritize grants to applicants that:

1. upgrade affordable housing or dwelling units for households that include an individual who (a) qualifies for utility financial hardship programs or (b) receives means-tested assistance administered by the state or federal government and
2. use local contractors that pay the prevailing wage and who make good faith efforts to hire, or cause to be hired, available and qualified minority business enterprises (MBEs; small contractors owned by women, minorities, or people with disabilities).

Reporting

The act requires the DEEP commissioner, starting by January 1, 2023, to annually report to the Energy and Technology and Housing committees. The report must include (1) the grant program's standards, (2) an analysis of the scope of residences served by the program, and (3) proposed goals for the annual percentage of affordable housing units that the program can serve.

§ 2 — RESIDENTIAL CLEAN ENERGY PROGRAM

Existing law requires the Public Utilities Regulatory Authority (PURA) to establish tariffs (generally, sets of rates, rules, and policies for a program) for a new residential clean energy program by July 1, 2021. By law, EDCs must offer certain options to residential customers under the new program beginning January 1, 2022.

Under prior law, only residential customers living in single-family dwellings or two- to four-unit multifamily dwellings were eligible for the new tariffs. The act expands eligibility to residential customers living in multifamily dwellings of five or more units that meet one of the following requirements:

1. at least 60% of the multifamily dwelling's units are occupied by people and families with income at or below 60% of the area median income, as determined by HUD, or
2. PURA determines the multifamily dwelling is affordable housing.

PURA must make its determination in consultation with DEEP, HUD, the Department of Housing, the Connecticut Green Bank, and the Connecticut Housing Finance Authority.

Under existing law, the new residential clean energy program must provide options to residential customers for EDCs to purchase products generated by Class I renewable energy sources (e.g., wind and solar) located on the customer's premises and with a nameplate capacity of up to 25 kilowatts. Under the act, for multifamily dwellings of five or more units, the generation project (i.e., the Class I facility) only qualifies for the new residential clean energy program if:

1. each dwelling unit receives an appropriate share of the benefits from the generation project and
2. generation project benefits used to offset common area usage are no greater than an appropriate share.

The act requires PURA to initiate an uncontested proceeding to implement the distribution of benefits from generation projects.

Prior law limited the size of generation projects eligible for the new residential clean energy program to the load of the customer's individual meter. The act expands the size limit for qualified multifamily dwellings to the load of the premises.

PA 21-65—sHB 6319

Human Services Committee

Judiciary Committee

AN ACT CONCERNING PAYMENT RECOVERIES AND INCENTIVES UNDER PUBLIC ASSISTANCE PROGRAMS

SUMMARY: This act adds a notification requirement and filing deadline to the process of administering certain small estates to recover state claims when a person supported or cared for by the state dies. In addition, the act expands and makes permanent a pilot incentive program for nonprofit human services providers. It also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 1 — SMALL ESTATE ADMINISTRATION

By law, when a person supported or cared for by the state dies and leaves an estate worth less than \$40,000, the administrative services commissioner or his authorized representative must certify to the probate court (1) the estate's value and (2) that the state's claim, together with certain final expenses (i.e., last illness and funeral), equals or exceeds the estate's value. (PA 21-2, July Special Session, §§ 454-458, which amends PA 21-3, §§ 2-4, expands restrictions for placing liens to recover public assistance and deems additional previously filed claims released as of FY 22). By law, the court must then issue a certificate that he or his representative is the legal estate representative to recover the state's claim (CGS §§ 4a-14 to -16).

The act requires the commissioner or his authorized representative, after completing a financial accounting of the estate's assets and debt, to first make a reasonable effort to inform the next of kin in writing that he or his designee intends to become the estate's legal representative to recover the state's claim for care or assistance rendered to the decedent. It requires the commissioner or his designee to file with the probate court no later than 30 days after making the notification attempt. The provisions apply to the estates of individuals who received care or support (1) in a public assistance program, (2) in an institution maintained by the department of Developmental Services or Mental Health and Addiction Services, (3) while an inmate of the Department of Correction, or (4) as a child committed to the commissioner of Children and Families or Social Services.

§ 2 — NONPROFIT INCENTIVE PROGRAM

The act requires the Office of Policy and Management (OPM) secretary to expand an incentive program for nonprofit human service providers that realize savings in the state-contracted services they deliver. Current practice requires nonprofits to return any realized savings. Under the act, the program must allow providers to keep any savings they realize from the contracted service cost if they meet their contractual requirements, rather than keeping a percentage of those savings, as under prior law.

Prior law required OPM to establish a pilot program to allow eight participating nonprofit human service providers to keep some of the savings they realize, but it was not implemented. The act removes this eligibility criteria to allow participation by any contracted nonprofit providers of human services, which by law include service providers to persons with intellectual, physical, or mental disabilities or autism spectrum disorder.

PA 21-66—sHB 6320

Human Services Committee

AN ACT CONCERNING THE AUTISM SPECTRUM DISORDER ADVISORY COUNCIL

SUMMARY: This act (1) adds a third chairperson to the Autism Spectrum Disorder council, to be elected by council members, and (2) requires both elected chairs to be chosen from the six appointed council members who are either individuals with autism or parents or guardians of individuals with autism. Under prior law, the council had two chairpersons, one of whom was elected from the members at large. Unchanged by the act, the other chairperson is the Department of Social Services (DSS) commissioner or her designee.

By law, the Autism Spectrum Disorder Council consists of 25 members, including persons with the disorder, their parents or guardians, advocates, and service providers. The council advises DSS on policies and programs for people with autism spectrum disorder, services provided by the department's Division of Autism Spectrum Disorder Services, and implementing the autism feasibility study's recommendations. It may also recommend policy and program changes.
EFFECTIVE DATE: July 1, 2021

PA 21-71—sHB 6634

Human Services Committee

AN ACT CONCERNING ESSENTIAL SUPPORT PERSONS AND A STATE-WIDE VISITATION POLICY FOR RESIDENTS OF LONG-TERM CARE FACILITIES

SUMMARY: This act allows long-term care facility residents, or their representatives, to designate a primary and a secondary “essential support person” who may visit the resident despite general visitation restrictions for other visitors. The act applies to residents in nursing homes and managed residential communities that provide assisted living services.

The act also requires the Department of Public Health (DPH) commissioner to establish a statewide policy for visiting long-term care facility residents. If there is a declared public health emergency, the commissioner must establish visitation requirements that incorporate a resident's need for essential support from an essential support person and other visitors.

By law, the State Long-Term Care Ombudsman's duties include providing services to protect the health, safety, welfare, and rights of long-term care facility residents. The act specifies that this includes services designed to address the impact of socialization, visitation, and the role of essential support persons on the residents' health, safety, and well-being.
EFFECTIVE DATE: Upon passage

ESSENTIAL SUPPORT PERSON

Under the act, an “essential support person” is someone a resident or his or her representative designates who may visit with the resident in accordance with rules established by the DPH commissioner to provide essential support as reflected in the resident's person-centered care plan. “Essential support” includes (1) assisting with activities of daily living and (2) providing physical, emotional, psychological, and socialization support. A secondary essential support person serves as the primary's backup.

The act allows for a primary or secondary essential support person to visit a resident despite general visitation restrictions for other visitors as long as they follow the rules DPH establishes under a statewide visitation policy (see below).

STATEWIDE VISITATION POLICY

The act requires the DPH commissioner to establish a statewide policy for visiting long-term care facility residents of nursing homes and managed residential communities that provide assisted living services (long-term care facilities). The policy must apply to all these facilities and incorporate a resident's need for health, safety, and well-being, including essential support from an essential support person.

Public Health Emergencies

If the governor declares a public health emergency, the act requires the DPH commissioner to establish requirements, in accordance with applicable federal requirements and guidance, for visitation with long-term care facility residents. The requirements must (1) incorporate a resident's need for essential support from an essential support person and other visitors and (2) include the circumstances, if any, under which a facility may restrict visitors, including essential support persons.

Under the act, the requirements must address the following topics:

1. arrangements for visiting a resident through various means, including (a) outdoor visitation, (b) virtual visitation through technology, and (c) indoor visitation allowed whether or not the resident is nearing the end of life, as determined by attending health care professionals;
2. a resident's needs for physical, emotional, psychological, and socialization support based on his or her person-centered care plan (which the resident or representative develops in consultation with health professionals);
3. safety protocols for all visitors to a facility if a communicable disease outbreak or a public health emergency declaration occurs;

4. permission for an essential support person to visit with a resident despite general visitation restrictions, as long as (a) the essential support person complies with the commissioner's safety protocols and (b) the commissioner determines that visitation will benefit the resident's health, safety, and well-being; and
5. a requirement that facility staff work with residents, their representatives, family members, or the State Ombudsman to identify an essential support person and provide him or her with access to the resident if a resident has not designated one.

PA 21-72—sHB 6637

Human Services Committee

AN ACT CONCERNING A MENTAL HEALTH BILL OF RIGHTS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS

SUMMARY: This act establishes a bill of rights for individuals in need of mental health services who are deaf, deafblind, or hard of hearing. It specifies that the rights afforded these individuals must be available to them only to the extent that they are implemented in accordance with the general statutes, federal law, and the state and U.S. constitutions.

The act changes the name of the Advisory Board for Persons Who are Deaf or Hard of Hearing to the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind. It makes several minor and conforming changes in the statutes governing the advisory board to:

1. allow board representation by service providers who work with individuals who are deafblind;
2. expand the board's duties to include considering and advocating for the service needs of individuals who are deafblind (e.g., making legislative recommendations; monitoring services; and discussing best practices with agency heads); and
3. eliminate the requirement that the governor appoint the eight ex-officio members, thus enabling their immediate board participation upon assuming their outside positions.

The act also defines several terms related to the bill of rights and the duties of the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind.

EFFECTIVE DATE: July 1, 2021

MENTAL HEALTH BILL OF RIGHTS

The act establishes a bill of rights for individuals in need of mental health services who are deaf, deafblind, or hard of hearing under which an individual has a right to:

1. culturally and linguistically affirmative mental health services that accommodate his or her unique needs;
2. accessible mental health services delivered in his or her primary language or communication mode or style;
3. specialized mental health services, when necessary, that provide appropriate and fully accessible counseling and therapeutic options using an appropriate oral, aural, or speech-based system tailored to his or her unique needs;
4. express his or her opinion in determining the extent, content, and purpose of mental health treatment or services that accommodate his or her unique needs;
5. programs offering access to a full continuum of services, including all modes of therapy and evaluations;
6. programs informed by appropriate research, curricula, staff, and outreach; and
7. express his or her views on the development and implementation of state and regional programs for his or her mental health service needs.

The act defines "culturally and linguistically affirmative mental health services" as the provision of a full continuum of mental health services to a deaf, deafblind, or hard of hearing person through an appropriately licensed mental health professional fluent in the primary language, communication mode or style, and cultural needs of the person requiring these services.

"Accessible mental health services" is defined under the act as the provision of a full continuum of mental health services with the use of auxiliary aids and services necessary for a deaf, deafblind, or hard of hearing person to communicate with appropriately qualified mental health professionals who are not fluent in the primary language or communication mode or style of the person requiring these services, including qualified interpreters using the language or communication mode used by the person, written communications, or assistive listening devices.

BACKGROUND*Related Act*

PA 21-151 makes the same changes to the Advisory Board for Persons Who are Deaf or Hard of Hearing.

PA 21-122—SB 763*Human Services Committee**Judiciary Committee***AN ACT REQUIRING DRIVERS OF PARATRANSIT VEHICLES TO REPORT SUSPECTED ABUSE, NEGLECT, EXPLOITATION OR ABANDONMENT OF ELDERLY PERSONS**

SUMMARY: This act adds paratransit vehicle drivers to the list of mandated reporters who must report to the Department of Social Services (DSS) when they have reasonable cause to suspect that an elderly person needs protective services or has been abused, neglected, exploited, or abandoned. A paratransit vehicle is a motor bus, taxicab, or other motor vehicle in livery service that is (1) operated under a Department of Transportation certificate or by a transit district and (2) on call or on demand or used to transport passengers for hire.

By law, mandated reporters must report to DSS within 72 hours, and those who fail to do so are subject to a fine of up to \$500. Intentional failure to report is a class C misdemeanor for the first offense and a class A misdemeanor for subsequent offenses.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2021

PA 21-123—SB 909*Human Services Committee***AN ACT CONCERNING CHANGES TO THE HUSKY B PROGRAM**

SUMMARY: This act prohibits copayments under HUSKY B (the state's Children's Health Insurance Program) from exceeding copayments paid by active state employees enrolled in one of the state's point of enrollment health care plans. Under prior law, these copayments were required to be equal.

The act also repeals the HUSKY Plus program, which provides supplemental coverage for HUSKY B enrollees with intensive physical health needs that exceed the basic benefit package (e.g., provides power wheelchairs as a service benefit). It makes several technical and conforming changes to remove program references in statute.

EFFECTIVE DATE: Upon passage

PA 21-133—sHB 6470*Human Services Committee***AN ACT CONCERNING HOME HEALTH, TELEHEALTH AND UTILIZATION REVIEW**

SUMMARY: This act requires the Department of Social Services (DSS) commissioner, to the extent permissible under federal law, to provide Medicaid reimbursement for telehealth services to the same extent as services provided in person. Existing law requires DSS to provide Medicaid coverage for categories of telehealth services if the DSS commissioner determines they are (1) clinically appropriate to be provided through telehealth, (2) cost effective for the state, and (3) likely to expand access in certain circumstances (CGS § 17b-245e).

Prior law allowed the DSS commissioner, at her discretion, to cover audio-only telehealth services under the state's medical assistance programs (e.g., Medicaid) until June 30, 2023. The act instead requires her to do so, without a sunset

date, when (1) she determines doing so is clinically appropriate; (2) providing comparable covered audiovisual telehealth services is not possible; and (3) audio-only services are provided to people who are unable to use or access comparable, covered audiovisual services. Both the authorization under prior law and the requirement under the act are applicable to the extent permissible under federal law.

The act also expands the types of health care providers who can order home health care services to include advanced practice registered nurses (APRNs) and physician assistants (PAs), in addition to physicians under existing law.

It allows DSS to waive or suspend prior authorization requirements and other utilization review criteria and procedures for Medicaid and the Children's Health Insurance Program (CHIP).

The act makes a minor change to a provision allowing telehealth providers to provide services from any location. It also removes obsolete provisions and makes conforming changes.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — ORDERS FOR HOME HEALTH CARE SERVICES

Existing Department of Public Health (DPH) regulations generally require physicians to sign patient care plans that include a needs assessment for home health services (Conn. Agencies Regs. § 19-13-D73). The act supersedes this and any other state regulation and allows APRNs and PAs, as well as physicians, to order home health care agency, hospice home health care agency, and home health aide agency services.

The act also allows APRNs and PAs, in addition to physicians, who are licensed in bordering states to order home health care agency services. The act expands this authority to also explicitly apply to hospice home health care agency services and home health aide agency services.

The act extends any DPH regulation, policy, or procedure that applies to a physician ordering home health services to also apply to APRNs and PAs. This includes provisions on reviewing and approving care plans for these services.

The act similarly allows APRNs and PAs to order home health care services covered by DSS (i.e., under medical assistance programs, such as Medicaid). Under the act, any DSS regulation, policy, or procedure that applies to physicians ordering home health care services also applies to APRNs and PAs, including related provisions on care plan review and approval.

§ 3 — TELEHEALTH PROVIDER LOCATION

PA 21-9 establishes requirements for the delivery of telehealth services and insurance coverage of these services until June 30, 2023. Among other things, the law allows telehealth providers, regardless of any contrary state laws, to provide telehealth services from any location. Under the act, this provision applies (1) subject to compliance with all applicable federal requirements and (2) regardless of any state licensing standards.

§ 5 — PRIOR AUTHORIZATION AND UTILIZATION REVIEW

The act allows the DSS commissioner to waive or suspend, in whole or in part, any prior authorization or other utilization review criteria and procedures for Medicaid and CHIP. The act requires her to include notice of any waiver or suspension in a provider bulletin sent to affected providers and posted on the Connecticut Medical Assistance Program website at least 14 days before implementing it. (An executive order issued during the COVID-19 pandemic contained similar provisions (Executive Order 7EE, § 4, issued April 23, 2020); the order was repealed on May 20, 2021.)

BACKGROUND

Related Acts

PA 21-9 establishes requirements for the delivery of telehealth services and insurance coverage of these services until June 30, 2023.

PA 21-121, § 52, also allows APRNs and PAs to issue orders for home health care agency services, hospice agency services, and home health aide agency services.

PA 21-148—sSB 955

Human Services Committee

AN ACT CONCERNING REVISIONS TO PROVISIONS OF THE GENERAL STATUTES AFFECTING THE DEPARTMENT OF SOCIAL SERVICES AND A STUDY OF PAYMENT PARITY FOR HUMAN SERVICES PROVIDERS

SUMMARY: This act limits participation in the state-funded Connecticut Home Care Program for Persons with Disabilities (see BACKGROUND) to those who are ineligible for Medicaid or Medicaid waivers (§ 8). It also expands the seven-member Statewide Health Information Exchange board of directors to include the Department of Social Services (DSS) commissioner, or her designee, as an ex-officio voting member (§ 9).

The act requires the DSS commissioner, in collaboration with the Mental Health and Addiction Services and Housing commissioners, to do the following:

1. study whether state-contracted human services providers receive disparate payment rates under programs they administer in different regions of the state and
2. report by November 1, 2021, on the rate study and any rate adjustment recommendations to the Appropriations, Housing, Human Services, and Public Health committees (§ 11).

For the study, “human services” includes (1) physical and behavioral health services and (2) housing and shelter services provided to homeless persons.

The act makes other various changes to the laws governing DSS. Specifically, it eliminates the following:

1. references to the state’s Weatherization Assistance Program from the annual Low-Income Home Energy Assistance Program reporting requirements (the Department of Energy and Environmental Protection now administers the program in partnership with community action agencies) (§ 1);
2. the requirement that DSS include a copy of the transcript of the cognizance committees’ review proceeding when submitting to the Centers for Medicare & Medicaid Services (a) a Medicaid waiver application or renewal or (b) certain proposed amendments to the Medicaid state plan (§ 2);
3. the requirement that DSS develop uniform regulations for licensing human services facilities, which the state auditors interpreted as requiring DSS to promulgate for these facilities regardless of whether they are within its purview (§ 3);
4. an outdated requirement that DSS, in collaboration with the Council on Medical Assistance Program Oversight, annually prepare a report, within available appropriations, that includes a comparison of the performance of each Medicaid managed care organization and other member service delivery choices (managed care is no longer used by the state Medicaid program) (§ 4);
5. references to freestanding medical clinics from a provision on Medicaid rate adjustments based on cost reporting (these clinics are not paid via this method and are instead paid according to a fee schedule) (§ 5);
6. the requirement that DSS adopt regulations to certify federally qualified health centers (the state Medicaid plan no longer uses this aspect of Medicaid managed care) (§ 6);
7. the requirement that the Office of Child Support Services within DSS (a) establish, maintain, and periodically update a list of delinquent child support obligors and (b) publish, on the DSS website, a list of the 100 individuals with the highest delinquent child support obligations, which in practice DSS has never published (§ 10); and
8. three obsolete statutes about an inactive Temporary Family Assistance client advisory board (CGS § 17b-184), a formulary for certain generic prescription drug costs that are now reimbursed according to federal regulations (CGS § 17b-274a), and a reporting requirement on employment opportunities and training for persons with disabilities (CGS § 17b-610) (§ 12).

The act additionally (1) replaces a reference to the Connecticut Law Journal, instead requiring DSS to post notices of its intent to adopt regulations regarding community health centers on its website and the eRegulations system, and (2) makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the provisions about the Connecticut Home Care Program for Persons with Disabilities, Statewide Health Information Exchange board of directors, and human service provider rate study are effective upon passage.

BACKGROUND

Connecticut Home Care Program for Persons With Disabilities

Under existing law, this state-funded pilot program serves up to 100 people with disabilities who are age 18 to 64, are

inappropriately institutionalized or at risk of becoming so, and meet certain asset limits.

PA 21-151—sSB 1055

Human Services Committee

AN ACT CONCERNING THE DEPARTMENT OF AGING AND DISABILITY SERVICES

SUMMARY: This act makes various changes and updates in the statutes governing the Department of Aging and Disability Services (ADS). More specifically, it:

1. consolidates gift acceptance and use provisions that allow ADS to accept gifts and bequests;
2. replaces the Assistive Technology Revolving Fund, which makes direct loans, with a program to make and guarantee loans for the same purposes;
3. updates the format of a required informational resource about the voter application process; and
4. changes the name of the Advisory Board for Persons Who are Deaf or Hard of Hearing and eliminates required appointments for its eight ex-officio members.

The act also makes technical and conforming changes, including repealing an obsolete statute that referred to the Department of Social Services taking over programs of the former Department on Aging, as they were instead merged into ADS (CGS § 17a-301b).

EFFECTIVE DATE: July 1, 2021

§§ 1, 2, 6 & 7 — GIFT ACCEPTANCE AUTHORIZATION

The act consolidates under one provision, the ADS commissioner's existing authority to accept and use gifts under three separate statutory provisions. It specifies that she may accept and use gifts, grants, reimbursements, or bequests made by will or otherwise for carrying out the donor's purposes or the laws governing ADS, provided they are made under conditions that she judges proper and consistent with state and federal law. If she accepts them, they must be held, invested, reinvested, and used according to the conditions of the gift, grant, reimbursement, or bequest.

To effectuate the consolidation, the act eliminates two similar provisions that authorized the ADS (formerly the Department of Rehabilitation Services (DRS)) commissioner to accept and use gifts, grants, bequests, personal property, and reimbursements for the donor's specified purposes, if any, or to support its programs. It also eliminates an authorization for ADS (formerly DRS) to expend its appropriation to engage consultants.

§ 3 — ASSISTIVE TECHNOLOGY LOANS

Prior law authorized the ADS commissioner to establish and administer the Assistive Technology Revolving Fund, which made direct loans to people with disabilities, senior citizens, or their family members to purchase necessary assistive technology and adaptive equipment and services.

The act instead authorizes her to establish and administer state financing activities as outlined in the federal Assistive Technology Act. This is to be known as the Assistive Technology Loan Program, which must make and guarantee loans to people with disabilities, older adults, or their family members, for the same purposes as the prior fund.

§ 4 — VOTER INFORMATIONAL RESOURCE

Prior election law required ADS to make a videotape presenting the oath statement on voter application forms in voice and sign language and provide it to the secretary of the state. The secretary then had to give a copy to municipal registrars of voters upon request. The statement specifies each voter eligibility requirement, has an attestation that the applicant meets each requirement, and requires his or her signature under penalty of perjury. The act instead requires ADS to produce an accessible version (e.g., an online video) of the oath statement, in consultation with the secretary, and provide it to her. In turn, the secretary must make it available to registrars of voters.

§ 5 — ADVISORY BOARD APPOINTMENTS

The act changes the name of the Advisory Board for Persons Who are Deaf or Hard of Hearing to the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind. It makes several minor and conforming changes in the statute

governing the board's membership to allow representation by service providers who work with individuals who are deafblind.

Prior law required the governor to appoint the board's 16 members, eight of whom are members by virtue of holding another office. The act eliminates the requirement that he appoint these ex-officio members, thus enabling their immediate board participation upon assuming their outside positions.

Background — Related Act

PA 21-72 (§ 5) makes the same changes to the Advisory Board for Persons Who are Deaf or Hard of Hearing.

PA 21-14—SB 1003

Insurance and Real Estate Committee

AN ACT PROHIBITING CERTAIN HEALTH CARRIERS AND PHARMACY BENEFITS MANAGERS FROM EMPLOYING COPAY ACCUMULATOR PROGRAMS

SUMMARY: This act requires certain health carriers and pharmacy benefits managers, when calculating a covered individual's cost sharing liability (e.g., coinsurance, copayment, or deductible) for a covered benefit, to credit discounts provided and payments made by a third party for any portion of the cost sharing. Thus, it prohibits copay accumulator programs, under which drug manufacturer coupons and copay assistance generally do not apply toward a covered individual's cost sharing responsibility.

The act applies to each insurer, hospital or medical service corporation, HMO, or fraternal benefit society that delivers, issues, renews, amends, or continues in Connecticut on or after January 1, 2022, individual or group health insurance policies that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. It also applies to managed care organizations that deliver, issue, renew, amend, or continue contracts in Connecticut on or after January 1, 2022, and pharmacy benefit managers entering into contracts with health carriers on or after that date.

EFFECTIVE DATE: January 1, 2022

PA 21-22—sHB 6389

Insurance and Real Estate Committee

AN ACT CONCERNING EXPLANATIONS OF BENEFITS

SUMMARY: This act requires certain health insurance carriers and their third-party administrators (TPAs) to (1) provide an explanation of benefits (EOBs) to covered individuals for benefits they receive and (2) allow covered individuals, who may legally consent to receive covered medical services, to make a specific written selection about whether and how to receive the EOBs (see BACKGROUND). The act requires health insurance carriers and TPAs to disclose EOB delivery options to covered individuals in plain language, and display or print them clearly and conspicuously in all coverage documents, privacy communications, EOBs, and Internet websites made available to Connecticut consumers.

It prohibits a health insurance carrier from requiring a covered individual to waive his or her right to limit disclosure under the act as a precondition to issuing, delivering, renewing, amending, or continuing a policy. The act specifies that it does not limit a covered individual's or policy holder's ability to request an adverse determination review.

The act applies to insurers, health care centers (i.e., HMOs), hospital and medical service corporations, fraternal benefit societies, and any other entity that delivers, issues, renews, amends, or continues a health insurance policy in Connecticut (i.e., "health insurance carriers") that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. It also applies to TPAs providing services to these health insurance carriers.

It also makes conforming and technical changes.

EFFECTIVE DATE: January 1, 2023

EXPLANATION OF BENEFITS (EOBs)

Delivery Method

The act requires health insurance carriers and TPAs to issue EOBs to consumers, but it also allows covered individuals who may legally consent to receiving covered services to (1) specify how EOBs are delivered or (2) opt out of receiving them entirely.

Health insurance carriers and TPAs must allow a legally consenting consumer who is a covered individual to specify in writing that EOBs must be delivered solely to him or her by:

1. mailing it to his or her address or any other specified address or
2. making it available electronically and notifying him or her electronically of its availability, including by e-mail or other electronic means, in compliance with certain federal privacy laws (e.g., through a patient portal).

Under the act, the consumer's choice remains valid until he or she specifies another method in writing to the carrier.

The health insurance carrier or TPA must comply with a consumer's written request for a specific delivery method within three business days after receiving it. Additionally, it must provide written confirmation of receipt and, if contacted by the consumer, advise on the status of his or her selection.

Opting Out

Covered individuals who can legally consent to benefits may specify, in writing, that the health insurance carrier or TPA not issue an EOB. In such a case, the carrier or TPA cannot require the covered individual to explain this decision unless required by law or pursuant to a court order.

Disclosures

Additionally, the act requires health insurance carriers and TPAs to make available to consumers a statement disclosing that any covered individual who can legally consent to receiving covered benefits may specify that the carrier (1) not issue EOBs concerning him or her or (2) issue them only to the consumer using the method he or she chooses.

The statement must be in an easily readable, accessible, and understandable format and include a space for the consumer to provide a mailing or email address.

Under the act, the disclosure statement described above must be included in the benefits information that carriers must provide upon enrollment and that both carriers and the Connecticut Health Insurance Exchange (Access Health CT) must make available on their websites.

BACKGROUND

Medical Consent

Generally, adults may legally consent to medical procedures. By law, a minor may legally receive certain medical examinations or treatment without his or her parent's consent, including sexually transmitted disease testing (CGS § 19a-216) and alcohol or drug dependence treatment (CGS § 17a-688).

PA 21-47—sSB 89

Insurance and Real Estate Committee

AN ACT CONCERNING TRAVEL INSURANCE AND SUICIDE

SUMMARY: This act prohibits an insurance company from issuing a travel insurance policy in the state that excludes coverage because the insured person's dependent relative who resides in his or her household, spouse, child, or travelling companion dies by suicide. By law, travel insurance policies generally cover the interruption or cancellation of a trip or an event; loss of baggage or personal effects; damage to accommodations or rental vehicles; or sickness, accident, disability, or death occurring during travel.

EFFECTIVE DATE: October 1, 2021

PA 21-57—SB 1008

Insurance and Real Estate Committee

AN ACT CONCERNING HEALTH EQUITY, THE CORONAVIRUS PANDEMIC AND PULSE OXIMETERS

SUMMARY: This act requires the Department of Public Health (DPH), by January 1, 2022, and in consultation with the Insurance Department, to develop educational materials on pulse oximeters. (Pulse oximeters are electronic devices that estimate the percentage of oxygen in a person's blood and are typically placed on a finger. There are both prescription and over-the-counter versions.)

Under the act, the educational materials must ensure that health care providers, insurers, other health carriers, pharmacists, pharmacies, and pharmacy benefits managers doing business in the state are informed that a pulse oximeter is

more likely to produce an inaccurate blood oxygen level reading for individuals of color as compared to individuals who are white.

The act requires DPH and the Insurance Department, by July 1, 2022, to each post these educational materials on its website. By this same date, they also must distribute these materials, as follows:

1. DPH must distribute them to health care providers and pharmacies and to in-state medical schools for dissemination to their students and
2. the Insurance Department must distribute them to health carriers and pharmacy benefits managers.

The act prohibits certain insurers and others providing health insurance from denying coverage for an otherwise covered benefit if the denial is exclusively based on the insured's blood oxygen level as measured by a pulse oximeter.

EFFECTIVE DATE: July 1, 2021, except the insurance coverage provision is effective January 1, 2022.

APPLICABILITY OF INSURANCE COVERAGE PROVISION

The act's insurance coverage provision applies to individual or group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2022, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. The act applies to insurers, HMOs, hospital or medical service corporations, fraternal benefit societies, or other entities providing this coverage. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

PA 21-93—HB 6590

Insurance and Real Estate Committee

AN ACT PROHIBITING CERTAIN INSURANCE DISCRIMINATION AND ESTABLISHING A TASK FORCE TO STUDY INSURANCE COSTS BORNE BY BUSINESSES LOCATED IN DISTRESSED MUNICIPALITIES

SUMMARY: This act prohibits health carriers (e.g., health insurers and HMOs) that issue disability income protection policies from refusing to insure a person, varying the terms of coverage, or charging a different rate for coverage because the person has been a victim of domestic violence. Prior law prohibited health carriers issuing other types of health insurance policies from taking these actions because a person had been a family violence victim, which was an undefined term. The act instead prohibits them from taking these actions because a person has been a victim of domestic violence, as defined in state law (see BACKGROUND).

The act also prohibits:

1. property and casualty insurers from making any distinction or discrimination against a person when issuing, renewing, amending, or terminating a policy or setting premiums or coverage terms because the person has been a domestic violence victim and
2. life insurers from making any distinction or discrimination against a person in premiums, rates, or the amount payable on a policy because of the person's sexual orientation, gender identity, or domestic violence victim status (existing law already prohibits these actions based on a person's race).

Under the act, any health carrier or insurer that violates these prohibitions commits a Connecticut Unfair Insurance Practices Act (CUIPA) violation (see BACKGROUND).

The act also establishes a nine-member task force to study the insurance costs borne by businesses in distressed municipalities. It specifies the appointing authorities and member qualifications. The task force must report findings and recommendations to the Insurance and Real Estate Committee by January 1, 2022. It terminates when it submits its report or January 1, 2022, whichever is later.

Lastly, the act makes technical changes.

EFFECTIVE DATE: October 1, 2021, except the task force provisions are effective upon passage.

TASK FORCE

The act establishes a task force to study the insurance costs borne by businesses in distressed municipalities. Under the act, the task force must study, at a minimum, insurance underwriting practices affecting businesses in distressed municipalities, and the factors driving the insurance rates they pay.

The task force includes the insurance commissioner or his designee, and eight appointed members, as shown in the table below.

Appointed Members' Qualifications and Appointing Authorities

Appointing Authority	Number	Qualifications
House speaker	One	Must be an advocate for groups historically underrepresented in the business community
Senate president pro tempore	One	Must be a Connecticut-licensed insurance producer
House majority leader	One	None
Senate majority leader	One	None
House minority leader	One	Must have experience working for an insurer doing business in Connecticut
Senate minority leader	One	None
Governor	Two	One must be an advocate for groups historically underrepresented in the business community

The appointing authorities must make initial appointments by July 28, 2021, and fill any vacancies. Members appointed by legislative leaders may be legislators.

Under the act, the House speaker and Senate president pro tempore select the task force's chairpersons from among its members. The chairpersons must schedule the first meeting and hold it by August 27, 2021.

The Insurance and Real Estate Committee's administrative staff serves as the task force's administrative staff.

BACKGROUND

Victim of Domestic Violence

By law, "victim of domestic violence" means a person who has been abused or subjected to extreme cruelty by any of the following:

1. physical acts that resulted in, or threatened to result in, physical injury;
2. sexual abuse;
3. sexual activity involving a child in the home;
4. being forced to participate in nonconsensual sexual acts or activities;
5. threats of, or attempts at, physical or sexual abuse;
6. mental abuse; or
7. neglect or deprivation of medical care (CGS § 17b-112a).

Connecticut Unfair Insurance Practices Act

CUIPA prohibits engaging in unfair or deceptive acts or practices in the business of insurance. It authorizes the insurance commissioner to conduct investigations and hearings, issue cease and desist orders, impose fines, revoke or suspend licenses, and order restitution for per se violations (i.e., violations specifically listed in statute). The law also allows the commissioner to ask the attorney general to seek injunctive relief in Superior Court if he believes someone is engaging in other unfair or deceptive acts not specifically defined in statute.

Fines may be up to (1) \$5,000 per violation to a \$50,000 maximum or (2) \$25,000 per violation to a \$250,000 maximum in any six-month period if the violation was knowingly committed. The law also imposes a fine of up to \$50,000, in addition to or in place of a license suspension or revocation, for violating a cease and desist order.

PA 21-96—HB 6622

Insurance and Real Estate Committee

AN ACT CONCERNING PRESCRIPTION DRUG FORMULARIES AND LISTS OF COVERED DRUGS

SUMMARY: This act prohibits certain health carriers (e.g., insurers and HMOs) from removing from a formulary (i.e., a list of covered prescription drugs) or moving to a higher cost-sharing tier, any covered prescription drug during the plan year, except as specifically allowed (see below). This applies (1) to health carriers that offer a health benefit plan that covers prescription drugs and uses a formulary and (2) regardless of any other general statute provision (see BACKGROUND).

Additionally, the act requires the Office of Health Strategy (OHS), at least annually, to conduct a study to determine the financial impact of the act's requirements on the cost of commercial health plans in the state, including those offered and sold on the exchange (i.e., Access Health CT). Beginning by January 31, 2023, OHS must annually report the study results for the preceding year to the insurance commissioner and the Insurance and Real Estate Committee.

EFFECTIVE DATE: January 1, 2022

PERMITTED FORMULARY CHANGES

Under the act, a health carrier may remove a prescription drug from a formulary with at least 90 days' advance notice to a covered person and his or her treating physician if the U.S. Food and Drug Administration (FDA):

1. issues an announcement, guidance, or similar statement questioning the drug's clinical safety, unless the treating physician states in writing that the drug remains medically necessary for the covered person, or
2. approves the drug for over-the-counter use.

The act allows a carrier to move a drug to a higher cost-sharing tier if it is available in-network for \$40 or less per month in any tier. It also allows a carrier to move a brand name drug to a higher cost-sharing tier if it adds an FDA-approved generic alternative to the formulary at a lower cost-sharing tier than the brand name drug.

Lastly, the act specifies that it does not prevent or prohibit a carrier from adding a prescription drug to a formulary at any time.

APPLICABILITY OF THE ACT'S PROVISIONS

The act generally applies to each insurer, HMO, hospital or medical service corporation, fraternal benefit society, or other entity that delivers, issues, renews, amends, or continues individual or group health insurance policies in Connecticut on or after January 1, 2022, that cover (1) basic hospital expenses, (2) basic medical-surgical expenses, (3) major medical expenses, or (4) hospital or medical services. However, it does not apply to a grandfathered health plan, which is a plan that existed on March 23, 2010, and has not made significant coverage changes since.

Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

BACKGROUND

Related Law

The law prohibits health carriers that cover outpatient prescription drugs from denying coverage for any drug removed from a formulary if (1) an insured person was using the drug to treat a chronic illness and had been covered for it before the removal and (2) his or her attending physician states in writing, after the removal, that the drug is medically necessary and why it is more beneficial than other formulary drugs (CGS §§ 38a-492f & 38a-518f).

PA 21-125—HB 6588

Insurance and Real Estate Committee

AN ACT CONCERNING PSYCHOTROPIC DRUGS AND MENTAL HEALTH SERVICES

SUMMARY: This act prohibits certain health insurance policies that cover outpatient prescription drugs from:

1. requiring a health care provider to prescribe a supply of outpatient psychotropic drugs greater than that which he

or she deems clinically appropriate or

2. imposing a cost-sharing amount (i.e., coinsurance, copayment, deductible, or out-of-pocket expense) for a less than 90-day supply of these drugs that exceeds the 90-day, reduced pro-rata cost-sharing amount, provided the prescriber deems a 90-day supply clinically inappropriate.

These provisions apply to individual or group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2022, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) hospital or medical services, including those provided under an HMO plan; or (5) single service ancillary health coverage, including vision, dental, or prescription drug coverage. Because of the federal Employee Retirement Income Security Act (ERISA), certain state insurance requirements do not apply to self-insured benefit plans.

The act also prohibits mental health care benefits provided under state law, with state funds, or to state employees, from requiring a health care provider to prescribe an outpatient psychotropic drug in a quantity greater than that which the provider deems clinically appropriate.

Lastly, the act establishes a 10-member task force to study mental health service provider networks.

EFFECTIVE DATE: January 1, 2022, except the task force provision is effective upon passage.

MENTAL HEALTH SERVICE PROVIDER NETWORK TASK FORCE

The act establishes a 10-member task force to study ways to encourage mental health service providers to participate in provider networks. The task force must report its findings and recommendations to the Insurance and Real Estate Committee by January 1, 2022. It terminates on the date it submits the report or on January 1, 2022, whichever is later.

The task force consists of the insurance commissioner, or his designee, and the following members:

1. one appointed by the House speaker, who represents the Connecticut Health Insurance Exchange (i.e., “the exchange”);
2. one each appointed by the Senate president pro tempore, House majority leader, and House minority leader;
3. one appointed by the Senate majority leader, who represents a carrier offering or selling a qualified health plan through the exchange;
4. one appointed by the Senate minority leader, who has experience working for a carrier offering or selling health insurance in the large group market;
5. the Office of Health Strategy’s executive director or her designee; and
6. two appointed by the governor, both of whom must be licensed healthcare providers, one of whom must also have experience working within a provider network.

Under the act, the legislatively-appointed members may be members of the General Assembly. Appointing authorities must make their initial appointments by August 6, 2021, and fill any vacancies.

The House speaker and the Senate president pro tempore pick the task force’s chairpersons. The chairpersons must schedule the first meeting, which must be held by September 5, 2021.

The act requires the Insurance and Real Estate Committee’s administrative staff to serve as the task force’s staff.

PA 21-137—sSB 841

Insurance and Real Estate Committee

Judiciary Committee

AN ACT CONCERNING THE INSURANCE DEPARTMENT’S RECOMMENDED CHANGES TO THE INSURANCE STATUTES

SUMMARY: This act makes a number of unrelated changes in the insurance statutes concerning (1) insurers’ use of genetic testing results, (2) the cancellation of homeowners insurance policies, (3) loss ratio requirements for credit insurance policies, and (4) insurance producer prelicensure education requirements.

The act prohibits certain insurance entities from requesting, requiring, purchasing, or using direct-to-consumer genetic testing results without the tested individual’s written consent. It also prohibits the entities from conditioning rates, coverage, or other insurance terms on (1) an individual undergoing genetic testing or (2) the genetic testing results of the individual’s family members unless the results are in his or her medical records. The act makes a violation of these provisions a Connecticut Unfair Insurance Practices Act (CUIPA) violation (see BACKGROUND) (§§ 1-3).

The act also codifies existing Insurance Department administrative policy for homeowners insurance policy cancellations. It requires insurers to notify consumers of a cancellation, establishes the cancellation process and timeframes, and specifies permissible cancellation reasons (§ 4).

Additionally, the act establishes a loss ratio requirement for credit life and credit accident and health insurance policies of at least 50% and requires the insurance commissioner to adopt related regulations (§§ 5 & 6). “Loss ratio” means annual incurred claims divided by earned premiums.

Lastly, the act reduces, from 40 to 20, the number of course study hours an insurance producer license applicant must complete before sitting for a license examination (§ 7). This conforms with the National Association of Insurance Commissioners’ uniform licensing standards.

EFFECTIVE DATE: October 1, 2021, except the provisions on canceling homeowners insurance policies are effective July 1, 2021.

§§ 1-3 — GENETIC TESTING RESULTS

The act prohibits insurers, health care centers (i.e., HMOs), and fraternal benefit societies from requesting, requiring, purchasing, or using direct-to-consumer genetic testing results without the tested individual’s informed written consent. This applies to the issuance, withholding, extension, or renewal of annuities and life, credit life or accident, disability, long-term care, accidental injury, specified disease, and hospital indemnity insurance policies.

The act also prohibits insurers, HMOs, and fraternal benefit societies from conditioning rates, the issuance or renewal of coverage or benefits, or other insurance terms on (1) a requirement or agreement that an individual undergo genetic testing or (2) the genetic testing results of the individual’s family members unless the results are in his or her medical records.

The act makes a violation of the above provisions a CUIPA violation. (CUIPA already prohibits insurers, HMOs, and fraternal benefit societies that issue health insurance policies from refusing to insure, limiting coverage, or charging a different rate based on genetic information (CGS § 38a-816(19)).)

§ 4 — HOMEOWNERS INSURANCE CANCELLATION

The act codifies existing Insurance Department administrative policy for homeowners insurance policy cancellations. It outlines the process and timeframes for insurers to notify consumers of a cancellation and specifies the permissible cancellation reasons.

Cancellation Process, Timeframes, and Reasons

Under the act, if an insurer wants to cancel a policy for premium nonpayment, it must send a written cancellation notice to the named insured at least 10 days before the cancellation’s effective date. The notice must disclose that (1) the insured can avoid cancellation by paying the premium before the effective date and (2) any excess premium will be refunded to the insured upon request.

If a policy is not a renewal policy and has been in effect for fewer than 60 days, and the insurer wants to cancel it for a reason other than premium nonpayment, the insurer must send a written cancellation notice to the named insured at least 30 days before the cancellation’s effective date. The notice must disclose the cancellation reason, the effective date, and that any excess premium will be refunded to the insured upon request.

If a policy is not a renewal policy and has been in effect for at least 60 days or is a renewal policy, and the insurer wants to cancel it for either (1) fraud or misrepresentation of a material fact by the insured in obtaining the insurance that would have caused the insurer to not issue or renew the policy or (2) any physical change in the covered property that materially increases a hazard insured against, then the insurer must send a written cancellation notice to the named insured at least 30 days before the cancellation’s effective date. The notice must include the effective date and that any excess premium will be refunded to the insured upon request. (Under the act, an insurer may cancel such a policy only for these specified reasons or premium nonpayment.)

Cancellation Method

Under the act, a homeowners insurance policy cancellation notice is effective only if the insurer sends it to the named insured by registered or certified mail or mail evidenced by a certificate of mailing. But if the insured agrees, the insurer may send a cancellation notice electronically and evidenced by a delivery receipt.

Policy Transfer to Affiliate

Under the act, an insurer does not have to issue a cancellation notice if it transfers a policy to an affiliate with no interruption of coverage and no changes in coverage terms. However, the new insurer may apply its rates and rating plans at renewal.

Insured May Cancel Anytime in Writing

The act specifies that a named insured under a homeowners insurance policy may cancel the policy anytime by sending the insurer a written notice with the cancellation effective date.

§§ 5 & 6 — LOSS RATIO REQUIREMENT FOR CREDIT INSURANCE

The act establishes a loss ratio requirement for credit life and credit accident and health insurance policies of at least 50%.

Under prior law, the insurance commissioner had to disapprove a credit insurance policy form (e.g., policy, certificate, application, rider) if the rates charged, by reasonable assumptions, were excessive in relation to the benefits provided. The act instead requires him to disapprove a policy form if the rates charged, by reasonable assumptions and as determined according to benchmark loss ratio calculations, are excessive in relation to the benefits provided.

The act also requires the commissioner to disapprove a policy form that does not comply with the loss ratio requirement. However, he may approve a premium rate deviation for a policy.

The act requires the commissioner to adopt regulations that reflect the above requirements.

BACKGROUND

Connecticut Unfair Insurance Practices Act

CUIPA prohibits engaging in unfair or deceptive acts or practices in the business of insurance. It authorizes the insurance commissioner to conduct investigations and hearings, issue cease and desist orders, impose fines, revoke or suspend licenses, and order restitution for per se violations (i.e., violations specifically listed in statute). The law also allows the commissioner to ask the attorney general to seek injunctive relief in Superior Court if he believes someone is engaging in other unfair or deceptive acts not specifically defined in statute.

Fines may be up to (1) \$5,000 per violation to a \$50,000 maximum or (2) \$25,000 per violation to a \$250,000 maximum in any six-month period if the violation was knowingly committed. The law also imposes a fine of up to \$50,000, in addition to or in lieu of a license suspension or revocation, for violating a cease and desist order.

PA 21-149—SB 1004

*Insurance and Real Estate Committee
Appropriations Committee*

AN ACT CONCERNING DENTAL AND VISION INSURANCE COVERAGE FOR CHILDREN, STEPCHILDREN AND OTHER DEPENDENT CHILDREN

SUMMARY: This act requires certain health, dental, and vision insurance policies to continue coverage for a child, stepchild, or other dependent child until the policy anniversary date on or after the date the child turns age 26. Prior law with respect to health policies (1) did not explicitly apply to stepchildren or other dependent children and (2) allowed the policies to terminate coverage for children before age 26 if they obtained coverage through their own employment. In practice, dental and vision policies often ended coverage for children after age 18.

The act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) accidents only; (5) limited benefits; (6) hospital or medical services, including those provided under an HMO plan; or (7) single service ancillary coverage, including dental or vision coverage. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2022

PA 21-150—SB 1046

Insurance and Real Estate Committee

AN ACT CONCERNING LONG-TERM CARE INSURANCE

SUMMARY: This act requires the insurance commissioner to develop a minimum set of affordable benefit options that long-term care (LTC) insurers (i.e., insurers, HMOs, fraternal benefit societies, and hospital or medical service corporations) must offer to policyholders if they file a premium rate increase of 20% or more for an individual or group LTC policy. By law, insurers filing for a rate increase of 20% or more must spread the premium increase over at least three years. The act also prohibits them from filing an additional rate increase during this period.

It also prohibits an insurer from issuing, delivering, renewing, continuing, or amending an individual or group LTC policy on or after January 1, 2022, unless that insurer is also authorized or licensed to sell another line of insurance in Connecticut (e.g., health insurance).

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2022

MINIMUM AFFORDABLE BENEFIT OPTIONS

Under the act, the commissioner must develop and prescribe a minimum set of affordable benefit options to be offered by LTC insurers that file for rate increases of 20% or more. He must do so after consulting with other state governments and conducting a nationwide review. The act (1) requires the commissioner to notify these insurers of the minimum set of affordable benefit options when they file a covered rate increase and (2) authorizes him to adopt implementing regulations.

By law, LTC insurers must give policyholders the option of reducing their benefits to reduce their premium rate before implementing a rate increase. Under the act, insurers must also allow policyholders to elect coverage reflecting the minimum set of affordable benefit options. As with the option to reduce benefits in existing law, insurers must (1) notify policyholders of this new option, including a description of the minimum set of affordable benefit options, and (2) allow policyholders at least 30 days to select new coverage before they are deemed to have chosen to keep the existing policy.

PA 21-156—HB 6387

Insurance and Real Estate Committee

AN ACT CONCERNING INSURANCE DISCRIMINATION AGAINST LIVING ORGAN DONORS AND ESTABLISHING A CHRONIC KIDNEY DISEASE ADVISORY COMMITTEE

SUMMARY: This act prohibits an insurer issuing, delivering, or amending a life, long-term care, or disability-income protection insurance policy from discriminating against living organ donation by:

1. declining or limiting coverage solely because the insured is a living organ donor;
2. prohibiting the insured from donating an organ as a condition of maintaining coverage; or
3. otherwise discriminating in offering, issuing, amending, or cancelling a policy, or in setting prices, conditions, or coverage of the policy, solely because the insured is a living organ donor.

The act applies to policies issued on or after January 1, 2022, and makes a violation of these provisions a Connecticut Unfair Insurance Practices Act (CUIPA) violation (see BACKGROUND).

The act also establishes a chronic kidney disease advisory committee to, among other things, work with policymakers, public health organizations, and educational institutions to increase awareness of chronic kidney disease and develop related educational programs. Beginning by January 1, 2022, the committee must annually report its findings and recommendations to the Public Health Committee.

EFFECTIVE DATE: January 1, 2022, except the advisory committee provisions take effect upon passage.

CHRONIC KIDNEY DISEASE ADVISORY COMMITTEE

Purpose

Under the act, the advisory committee must:

1. work with policy makers, public health organizations, and educational institutions to increase awareness of the

disease in Connecticut and develop educational programs that (a) include ongoing health and wellness campaigns based on relevant research, (b) are intended to reduce the burden of kidney disease, (c) promote preventive screenings, and (d) are promoted through social media and public relations campaigns;

2. examine chronic kidney disease, kidney transplantation (including transplantation as a preferred treatment), living and deceased kidney donation, and racial disparities in the rates of afflicted individuals;
3. examine methods to reduce the occurrence of chronic kidney disease by controlling the most common risk factors (i.e., diabetes and hypertension) through early detection and prevention at the community level and primary care disease management;
4. identify barriers to adopting best practices and the policies available to address them;
5. develop an equitable, sustainable, cost-effective plan to raise awareness about the importance of early detection, screening, diagnosis, and treatment of chronic kidney disease and prevention; and
6. examine the potential for an opt-out organ or kidney donor registry.

Membership

Under the act, the advisory committee must consist of at least 21 required members and include the chairs and ranking members of the Public Health Committee and the public health commissioner, or their designees. The remaining required members are appointed as follows:

1. one appointed by the House speaker who represents the renal provider community;
2. one appointed by the Senate president pro tempore who represents a medical center with a kidney-related program;
3. one each appointed by the House and Senate majority and minority leaders;
4. one appointed by the governor;
5. one each appointed by the chief executive officers of the National Kidney Foundation and the American Kidney Fund;
6. one each appointed by the chairs and ranking members of the Public Health Committee; and
7. three appointed jointly by Public Health Committee chairs, one each representing the kidney physician community, a nonprofit organ procurement organization, and the Connecticut kidney patient community.

In addition to the members described above, the Public Health Committee chairs may also appoint other members they deem necessary to represent public health clinics, community health centers, minority health organizations, and health insurers.

Under the act, any of the legislatively-appointed members may be General Assembly members. The appointing authorities must make initial appointments by August 11, 2021, and fill any vacancies.

Under the act, the House speaker and Senate president pro tempore select the advisory committee's chairpersons from among the members. The chairpersons must schedule the first meeting and hold it by September 10, 2021.

Administration

The Office of Legislative Management, in consultation with the advisory committee's chairpersons, must select the committee's administrative staff.

The act allows the advisory committee to conduct virtual meetings at the chairpersons' discretion.

BACKGROUND

Connecticut Unfair Insurance Practices Act

CUIPA prohibits engaging in unfair or deceptive acts or practices in the business of insurance. It authorizes the insurance commissioner to conduct investigations and hearings, issue cease and desist orders, impose fines, revoke or suspend licenses, and order restitution for per se violations (i.e., violations specifically listed in statute). The law also allows the commissioner to ask the attorney general to seek injunctive relief in Superior Court if he believes someone is engaging in other unfair or deceptive acts not specifically defined in statute.

Fines may be up to (1) \$5,000 per violation to a \$50,000 maximum or (2) \$25,000 per violation to a \$250,000 maximum in any six-month period if the violation was knowingly committed. The law also imposes a fine of up to \$50,000, in addition to or in place of a license suspension or revocation, for violating a cease and desist order (CGS § 38a-815 et seq.).

PA 21-157—sHB 6391

Insurance and Real Estate Committee

AN ACT CONCERNING THE INSURANCE DEPARTMENT'S RECOMMENDATIONS REGARDING THE GENERAL STATUTES

SUMMARY: This act makes various unrelated changes in the insurance statutes. It:

1. changes the adverse determination process, including (a) eliminating a filing fee for external and expedited external adverse determination reviews and (b) requiring health carriers, rather than the insurance commissioner, to notify covered individuals about these reviews (§ 5);
2. makes several changes to the Insurance Data Security Law, which generally requires insurers and other entities regulated by the Insurance Department to inform the department and insureds of cybersecurity breaches, including (a) clarifying that the law's scope is limited to breaches of nonpublic information; (b) delaying implementation of certain information security provisions by one year; (c) imposing deadlines by which certain exempt entities must submit certification to the commissioner; and (d) changing which entities must notify the commissioner and insureds, and the circumstances under which they must do so (§ 3);
3. requires health care centers (i.e., HMOs) and insurers to provide documentation to the insurance commissioner, upon his request, that substantiates the number of lives they reported covering or insuring in their annual reports, and allows the commissioner to fine HMOs and insurers (a) who fail to comply by the statutory deadline or (b) whose annual reports contain data discrepancies not attributable to good faith mistakes (§ 1);
4. aligns Connecticut's insurance laws with the National Association of Insurance Commissioners' (NAIC) 2019 amendments to its "Credit for Reinsurance Model Law" thus (a) avoiding federal preemption and (b) conforming to agreements between the United States and the European Union and United Kingdom, which were entered into pursuant to federal law (§§ 6-9);
5. changes the insurance statutes relating to surety bail bond agents, to, among other things, (a) establish an automatic license expiration process for when a surety bail bond agent fails to pay the required annual \$450 examination fee; (b) require that money in the surety bail bond examination account be transferred to the General Fund at the end of the calendar year, instead of the end of the fiscal year; and (c) authorize the insurance commissioner to adopt regulations establishing continuing education requirements for surety bail bond agents (§§ 10 & 11);
6. repeals the requirement that the insurance commissioner annually submit a report to the Insurance and Real Estate Committee containing information he has received related to (a) fires caused by arson, (b) workers' compensation fraud unit quarterly reports, (c) motor vehicle insurance fraud, and (d) health insurance fraud (§ 2); and
7. allows insurers, in their discretion, to pay the insurance fund assessment in full when the first installment is due on June 30, instead of quarterly (the insurance department assesses domestic insurers to fund the department, Office of Health Strategy, Office of Healthcare Advocate, and the Department of Rehabilitation Services' fall prevention program) (§ 4).

The act also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021, except the HMO and insurer reporting provisions (§ 1) and insurance fund assessment payment provision (§ 4) are effective July 1, 2020, and the provisions changing the data security law (§ 3) and repealing the insurance commissioner reporting requirement (§ 2) are effective upon passage.

§ 5 — EXTERNAL REVIEW PROCESS

By law, a covered person or his or her authorized representative may request, in certain circumstances, that an independent review organization (IRO) conduct an external review of an adverse determination from his or her health carrier.

Filing Fee

The act eliminates the requirement that covered individuals submit a \$25 filing fee with their request for an external or expedited external adverse determination review. Under prior law, the fee was (1) waived if the commissioner found the covered person was indigent or unable to pay and (2) returned if the review was overturned.

Process and Deadlines

The act requires the commissioner to assign an IRO within one business day, instead of one calendar day, after receiving

a complete request for expedited external adverse determination review. Existing law requires him to meet this same deadline for external adverse determination reviews that are not expedited.

The act also requires health carriers, instead of the commissioner, to notify covered individuals, or their representatives, and the commissioner, about (1) accepted external or expedited external adverse determination requests and (2) where and how covered individuals may submit additional information. By law, a covered person or their representative must be notified that they may submit additional information to the IRO within five business days. An IRO must consider any information it receives in this timeframe and may consider information received after it. (Existing law requires carriers to notify the commissioner and the covered individual of whether the review is accepted within one business day.)

Lastly, the act requires health carriers to provide the necessary health information to the IRO within five business days (for an external review) or one calendar day (for an expedited external review) from the date they accept the review instead of the date they receive the IRO's name from the commissioner.

§ 3 — INSURANCE DATA SECURITY LAW

The act makes several changes to the state Insurance Data Security Law's requirements regarding information security programs, security event notification, confidential information, and the commissioner's enforcement authority (CGS § 38a-38).

Covered Data and Entities

The act clarifies that the insurance data security law only applies to cyber security events resulting in unauthorized access to nonpublic, rather than any, information. And it limits "nonpublic information" to electronic information.

As under existing law, nonpublic information is information that:

1. concerns a consumer's name, number, or other identifiable information that can identify the consumer when combined with certain other information (e.g., credit or debit card numbers, biometric records, driver's license number, or Social Security number);
2. would materially impact a licensee's business, operation, or security if disclosed or used without authorization; or
3. is created or derived from a consumer or health care provider and concerns behavioral, mental, or physical health, or health care services or payments.

The act also explicitly applies the law's requirements to fraternal benefit societies, interlocal risk management agencies, or employers' mutual associations. (These organizations are exempt from certain other insurance laws.) But it exempts from the law any Superior Court commissioner acting as a title agent.

Information Security Program Requirements

Delayed Implementation. The act delays by one year, until October 1, 2021, the deadline for insurers and other covered entities to implement an information security program. By law, information security programs must, among other things, (1) contain administrative, technical, and physical safeguards to protect nonpublic information and the company's information systems and (2) define, and periodically reevaluate, a schedule for retaining nonpublic information and a mechanism to destroy this information when it is no longer needed.

It also delays by one year, until October 1, 2022, the date by which insurers and other covered entities must require third-party service providers to implement appropriate measures to protect data and nonpublic information.

It additionally extends by one year, until September 30, 2022, the grace period during which licensees with fewer than 20 employees are exempt from the law's information security program requirements. It correspondingly exempts licensees with fewer than 10 employees beginning October 1, 2022, rather than October 1, 2021.

Annual Certification and Record Retention. By law, Connecticut-domiciled insurers must (1) annually submit to the commissioner a written statement certifying that the insurer has complied with the law's risk assessment and information security program provisions and (2) maintain all supporting data, records, and schedules for examination for at least five years after submitting its certification. The act extends these requirements to Connecticut-domiciled HMOs and fraternal benefit societies. For all covered entities, the act requires this certification by April 15, instead of February 15.

The act also allows a domestic insurer, HMO, or fraternal benefit society that is a member of an insurance holding company system to submit one certification statement on behalf of all the holding company members.

Remediation. Existing law requires insurers that identify areas, processes, or systems that require material improvements, redesigns, or updates to (1) document and identify their planned and underway remediation efforts and (2) make the documents available to the commissioner upon his request. The act extends this requirement to HMOs and fraternal benefit societies and specifies that companies may comply directly or through an affiliate.

Exemption for Health Insurance Portability and Accountability Act (HIPAA) Compliance. Licensees subject to, and that certify to the commissioner they comply with, the federal HIPAA are deemed to have satisfied the law's information security program requirements. The act requires this certification to be submitted annually by April 15.

Exemption for Compliance with Other Jurisdictions' Requirements. Under the prior law, licensees that complied with another, commissioner-approved jurisdiction's requirements, and annually certified that to the commissioner, were deemed to have satisfied the law's information security program requirements. The act limits this exception to licensees that comply with New York's Cybersecurity Requirements for Financial Services Companies regulations (23 NYCRR 500 et seq.). The act also moves the deadline for the annual written statement from February 15 to April 15.

Cyber Security Event Notification

Notification Deadline and Required Information. Prior law required licensees to notify the commissioner within three business days after a cybersecurity event occurred and report certain related information. The act specifies that a licensee must notify the commissioner within three business days after first determining that a cybersecurity event occurred and correspondingly adds the date on which the cybersecurity event was discovered to the information that must be reported.

Expanded Reporting Requirements for Insurers and Connecticut Insurance Producers. The act establishes expanded reporting requirements for domestic insurers and Connecticut insurance producers. Under prior law, these entities had to report a cybersecurity event if certain conditions were met (e.g., the event impacted at least 250 Connecticut residents). Under the act, these entities must report a cybersecurity event if it is reasonably likely that the event will materially harm a Connecticut consumer or the licensee's business.

Expanded Notification Requirements for all Licensees. Prior law appeared to limit the commissioner notification requirement to domestic insurers and insurance producers as described above. The act extends the notification requirements to any licensee that reasonably believes that the nonpublic information involved in the cybersecurity event affects at least 250 Connecticut residents if:

1. it must send a cybersecurity notice to any governing, regulatory, or supervisory body under federal or state law or
2. it is reasonably likely the cybersecurity event will materially harm any Connecticut consumer or the licensee's business.

The act also requires the licensee to report the total number of consumers residing in Connecticut that, to the licensee's knowledge at the time of the report, are impacted by the cybersecurity event. Prior law required a licensee to report the total number of impacted Connecticut consumers.

Third-Party Reporting Deadlines. The act also changes how the reporting deadline is calculated for cybersecurity events of third-party service providers. Under the act, it begins with the first day after a licensee has actual knowledge of a cybersecurity event, instead of when they become aware of it.

Confidential Information

By law, material and other information provided to the commissioner is confidential and privileged, and exempt from disclosure under the state's Freedom of Information Act and any subpoena or discovery in a private cause of action. However, the commissioner may share this information with certain other parties, including the NAIC. The act extends this confidentiality and privilege to all materials and information provided to, or in custody or control of, NAIC or a third-party consultant.

Commissioner Authority

The act allows the commissioner, after a hearing, to take any action necessary or appropriate to enforce the law's provisions. By law, he may suspend or revoke a license and impose a civil fine, among other actions.

§ 1 — REPORTING REQUIREMENTS AND PENALTIES

By law, certain domestic HMOs and insurers must annually report to the commissioner on the number of Connecticut lives they insure or enroll. This data is used to calculate the public health fee they must pay. The act allows the commissioner to require each HMO or insurer, or any other appropriate person, to submit any records the HMO, insurer, or person possesses that were used to prepare the annual report.

The act allows the commissioner to assess an insurer or HMO a civil fine of up to \$15,000 if he determines that there is a discrepancy, other than one made in good faith, between the actual number of covered lives and the reported number. By law, anyone aggrieved by the commissioner's decision may request a hearing and, if necessary, appeal the decision to

the Superior Court under the Uniform Administrative Procedure Act (CGS § 38a-19).

The act also establishes a \$100 per day penalty, due in a form and manner the commissioner prescribes, for failing to submit the report by the statutorily required September 1 deadline.

These provisions are applicable to HMOs and insurers that provide policies covering (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan.

§§ 6-9 — CREDIT FOR REINSURANCE

The act aligns Connecticut's insurance laws with NAIC's 2019 amendments to its "Credit for Reinsurance Model Law." Doing so (1) avoids federal preemption and (2) conforms to agreements between the United States and the European Union and United Kingdom (together, the "covered agreements"), which were entered into pursuant to federal law. These covered agreements eliminate collateral requirements as a condition for entering into a reinsurance agreement with a Connecticut-domiciled insurer or allowing the insurer to recognize credit for reinsurance.

Under existing state law, an insurer may count reinsurance as a credit for an asset or a reduction for a liability on certain financial statements, including annual reports to the insurance commissioner, if the reinsurer meets specified statutory requirements pertaining to minimum surplus, licensing, filing, and examinations. Reinsurance is a transaction in which an insurance company transfers a portion of risk (the ceding insurer) to another insurance company (the assuming insurer or reinsurer) so that a large loss does not fall on any one company.

The act specifies that, in general, credit for reinsurance is allowed only with respect to cessions for the kinds or classes of business which the assuming insurer is licensed or permitted to write or assume in its domiciliary state or, if it is an insurer in another country (i.e., alien insurer), the state in which it is licensed to transact insurance or reinsurance.

The act also allows credit for reinsurance when the reinsurance is ceded to an assuming insurer that meets newly specified criteria as described below. The assuming insurer must comply with any related regulations the commissioner adopts.

The act requires the commissioner to publish a list of assuming insurers that meet all conditions specified in statute and to which cessions will be granted credit for reinsurance. It authorizes him to revoke or suspend an assuming insurer's eligibility in accordance with regulations if the insurer no longer meets the statutory requirements. After a suspension or revocation, no credit for reinsurance is generally allowed, except to the extent that they have been secured in accordance with state law.

Requirements for Assuming Insurers

The act allows credit for reinsurance when the reinsurance is ceded to an assuming insurer that is licensed and has its head office, or is domiciled, in a reciprocal jurisdiction. Credit may be taken for reinsurance agreements entered into, amended, or renewed on or after October 1, 2021, and only for losses incurred on or after the later of when the assuming insurer meets all requirements and the agreement's effective date.

Under the act, a "reciprocal jurisdiction" is (1) a non-U.S. jurisdiction subject to a covered agreement; (2) an NAIC-accredited U.S. jurisdiction; or (3) a qualified jurisdiction that meets requirements consistent with the covered agreements, as specified in regulations the commissioner adopts. The act requires the commissioner to publish a list of reciprocal jurisdictions, for which he must consider NAIC's list of reciprocal jurisdictions. It authorizes him to remove a jurisdiction from his list if it no longer meets the requirements of a reciprocal jurisdiction.

Under the act, an assuming insurer from a reciprocal jurisdiction must, among other things, maintain minimum capital and surplus, or its equivalent, and a minimum solvency or capital ratio, all of which the commissioner must specify in regulations. If the assuming insurer is an association, it also must maintain a central fund with a balance in amounts specified in regulations. The act requires the assuming insurer's supervisory authority to confirm annually to the commissioner that the insurer complies with these requirements.

Under the act, an assuming insurer must also give the commissioner certain assurances in a manner the commissioner specifies in regulations, including that it will:

1. give prompt notice if it falls below the minimum requirements or if any regulatory action is taken against it for serious noncompliance with applicable law;
2. consent to the jurisdiction of the state's courts and appoint the commissioner as agent for service of process, although parties to a reinsurance agreement may agree to alternative dispute resolution mechanisms if they are enforceable under applicable laws;
3. pay all final enforceable judgments obtained by a ceding insurer; and
4. agree in its reinsurance agreement to provide security equaling 100% of the assuming insurer's liabilities

attributable to the ceded reinsurance if the assuming insurer resists the enforcement of an enforceable final judgement or arbitration award.

Additionally, the assuming insurer must confirm that it is not participating in any “solvent scheme of arrangement” with the state’s ceding insurers and agree to notify the commissioner and the ceding insurer if it enters into one. In that case, the assuming insurer must provide security of 100% of the assuming insurer’s liabilities to the ceding insurer.

The act requires the assuming insurer to comply with any related regulations the commissioner adopts, including those about paying claims promptly and providing the commissioner with documentation upon request. It specifies that it does not preclude an assuming insurer from providing the commissioner information voluntarily.

§§ 10 & 11 — SURETY BAIL BOND AGENTS

A surety bail bond agent sells bail bonds in criminal cases through a contract with an insurer. The insurance commissioner licenses and regulates the agents.

License Expiration Process

Under the act, a surety bail bond agent’s license expires on February 1 if the agent fails to pay the required annual \$450 examination fee by January 31. But if the agent pays the fee within 30 days after the expiration, the commissioner must immediately reinstate the agent’s license. The act requires the commissioner to notify each agent of the expiration provision annually by December 15.

Transfer of Account Money

By law, examination fees are deposited in the surety bail bond examination account, which is an account within the Insurance Fund that the commissioner uses to pay the costs of examining agents’ books and records. The act changes when money remaining in the account is transferred to the General Fund from the end of the fiscal year to the end of the calendar year. So, it allows the commissioner access to the money for a longer period of time than under prior law.

PA 21-167—sHB 6624

*Insurance and Real Estate Committee
Appropriations Committee*

AN ACT CONCERNING LICENSING REQUIREMENTS FOR REAL ESTATE BROKERS, SALESPERSONS AND TEAMS

SUMMARY: This act increases the minimum prior work experience required to apply for a real estate broker’s license on or after January 1, 2022. Principally, it requires applicants to have a minimum number of hours worked and real estate transactions closed in the prior three years.

The act also establishes a registration process for real estate “teams,” which are groups of at least two licensed real estate brokers, or salespeople affiliated with the same sponsoring broker, that advertise using a team name. It allows the Department of Consumer Protection (DCP) commissioner, in her discretion, to engage third parties to implement the team registration process; however, it prohibits her from spending state funds to hire consultants to make program changes to the licensing system.

Under the act, teams must register with DCP in a form and manner the commissioner prescribes. Initial registrations are valid for one year and cost \$565. Teams may apply for one-year renewals for \$375.

The act also makes technical changes.

EFFECTIVE DATE: January 1, 2022

REAL ESTATE BROKER MINIMUM EXPERIENCE AND EDUCATION REQUIREMENTS

The act requires a broker license applicant, before sitting for the written licensure exam, to meet the act’s expanded experience requirements in addition to existing law’s education requirements. However, by law and unchanged by the act, the Connecticut Real Estate Commission or the DCP commissioner may waive all of these requirements if the applicant is found to have equivalent experience or education.

Under the act, in the three years prior to applying, an applicant must have:

1. been actively engaged as a licensed real estate salesperson under a Connecticut-licensed real estate broker's supervision for at least 1,500 hours and
2. represented a seller, buyer, lessor, or lessee in at least four closed real estate transactions.

Under prior law, an applicant had to be actively engaged as a licensed real estate salesperson under the supervision of a Connecticut-licensed real estate broker for at least two years.

The act requires the supervising broker or his or her authorized representative to certify whether an applicant's active engagement meets the hourly experience requirement within 90 days after the applicant provides it to him or her.

REAL ESTATE TEAMS

Under the act, real estate team registrations must include the name and contact information for each team member, including the name and contact information for the team's sponsoring real estate broker. The sponsoring licensed real estate broker serves as the team's primary contact and must ensure it (1) complies with all existing real estate advertising laws and regulations and (2) accurately and timely files registration forms and updates.

Registrations must also include the team's name, which must (1) include the full name of at least one licensed real estate broker or real estate salesperson who is a team member or (2) be immediately followed by "at/of" and the full name of the sponsoring real estate broker. The act prohibits team names from including (1) any abbreviation, term, or phrase that implies the team is a business entity (e.g., "LLC" or "company") or (2) the name of anyone who is not a licensed real estate broker or salesperson.

The act requires teams to notify DCP about any changes to registration information within 12 days after the date of the change in a form and manner the commissioner prescribes. Additionally, the act requires teams to pay DCP a \$25 fee for any change made to, or transfer of, a team's registration after the initial registration is filed.

The act requires teams to include the name of the team's sponsoring real estate broker prominently in all of their advertisements and comply with all advertising requirements and standards that apply to real estate brokers. Among other things, these requirements and standards:

1. prohibit misrepresenting or concealing any material facts in any transaction,
2. prohibit misrepresenting the price of real estate, and
3. establish minimum disclosure requirements for advertising on websites (Conn. Agencies Regs. § 20-328-5a).

PA 21-187—sHB 6589

Insurance and Real Estate Committee

AN ACT CONCERNING THIRD-PARTY ACCESS TO PARTICIPATING DENTAL PROVIDER CONTRACTS

SUMMARY: This act prohibits the parties to a dental provider contract from allowing third-party access to the contract (i.e., the health carrier's dental network) unless the third party meets certain requirements. It also:

1. allows participating dental providers to decline to participate in third-party access if these parties grant a third party access to the contract in violation of the act's provisions and
2. prohibits health carriers (e.g., insurers and HMOs) and their contractors or subcontractors from refusing to contract with a dental provider because the provider declines third-party access to the contract.

The act applies to contracts entered, amended, or renewed on or after January 1, 2022.

EFFECTIVE DATE: January 1, 2022

DEFINITIONS

Under the act, a "participating dental provider" is a dentist or dental office providing services to patients under a participating dental provider contract. A "participating dental provider contract" is a contract between a participating dental provider and a carrier or its contractor or subcontractor in which the provider agrees to provide services to covered individuals with an expectation that the carrier pays or reimburses them.

A "third party" is a person who contracts with a health carrier or its contractors or subcontractors to gain access to dental services or discounts provided under a participating dental provider contract, but it excludes an employer or other group that the health carrier (or its contractors or subcontractors) administers.

CONTRACTS BETWEEN A HEALTH CARRIER AND AN INTERMEDIARY OR PARTICIPATING DENTAL PROVIDER

The act generally prohibits participating dental provider contracts between a health carrier and an intermediary (i.e., a person authorized to negotiate and execute these contracts on behalf of dentists or dental offices or networks) or participating dental provider from allowing a third party to gain access to the contract. However, it allows the health carrier to grant a third party access if, within 30 days after executing, renewing, or amending the third-party contract (or a later date mutually agreed to), the health carrier allows each participating dental provider to (1) decline to participate in third-party access to the contract or (2) contract directly with the third party, if the third party is a health carrier.

Under the act, a dental provider declining third-party access does not constitute grounds for a health carrier to terminate the contract.

CONTRACTS BETWEEN PARTICIPATING DENTAL PROVIDERS OR INTERMEDIARIES AND HEALTH CARRIERS

The act also limits contracts between (1) a participating dental provider or an intermediary and (2) a health carrier (or its contractors or subcontractors). It generally prohibits these contracts from allowing the health carrier or its contractors or subcontractors to give the third party access to the participating dental provider contract. However, it allows this access if the participating dental provider contract:

1. allows the health carrier or its contractors or subcontractors to contract with a third party and grants it access, and allows the third party to obtain the health carrier's rights and responsibilities as if it were the health carrier or its contractors or subcontractors, as applicable;
2. clearly identifies the provisions allowing the health carrier, or its contractor or subcontractor, to grant third-party access; and
3. allows a participating dental provider to decline to participate in third-party access.

It also establishes requirements for participating dental provider contracts that allow a health carrier to grant access to a third party. In such an event, the third party must comply with all terms of the contract and the health carrier (or its contractor or subcontractor) must:

1. disclose electronically or in writing the third party's identity to each participating dental provider under the contract on the date it contracts with it for access;
2. make publicly available on its website a list containing the name of every third party with which it contracts that is granted access to the participating dental provider contract and update it at least every 90 days;
3. require a third party to identify the source of any discount provided under the contract on each remittance advice or explanation of payment under which the third party takes this discount, excluding electronic transactions required by the federal Health Insurance Portability and Accountability Act;
4. notify a third party in writing before the contract termination date, with the third party's right to a discounted rate under the contract ending when the contract does, if it intends to end a participating provider contract; and
5. provide a copy of a participating provider contract to any participating dental provider within 30 days of request.

EXEMPTIONS

The act exempts from its provisions any contract that grants the following entities access to a participating dental provider contract:

1. a health carrier or other entity operating in accordance with the health carrier's (or contractor's or subcontractor's) brand licensee program when the health carrier or other entity is a party to the provider contract;
2. a health carrier's (or contractor's or subcontractor's) affiliate that is a party to the dental provider contract, if the health carrier, contractor, or subcontractor makes a list of affiliates publicly available on its website; or
3. dental services provided to Medicaid beneficiaries or through the Children's Health Insurance Program (CHIP).

PA 21-4—sHB 6462

Judiciary Committee

AN ACT CONCERNING USE OF FORCE BY A PEACE OFFICER

SUMMARY: This act delays the effective date of 2020 legislative changes regarding the use of force by law enforcement officers (see BACKGROUND) from April 1, 2021, to January 1, 2022 (PA 20-1, July Special Session (JSS), § 29). Among other things, these provisions (1) limit the circumstances under which a law enforcement officer's use of deadly physical force is justified and establish factors to consider when evaluating whether the officer's action was reasonable and (2) limit when officers may use chokeholds or similar restraints (see BACKGROUND).

The act also modifies the circumstances in which officers are justified in using deadly physical force as established under PA 20-1, JSS, § 29, by, among other things:

1. basing the objective reasonableness standard on the officer's given circumstances at that time;
2. requiring officers to have reasonably determined that no reasonable alternatives exist, rather than having exhausted such alternatives, if using deadly force when making an arrest or preventing escape; and
3. establishing the condition that the escaping person poses a significant threat of death or serious physical injury to others, among other requirements.

It also makes technical and conforming changes.

EFFECTIVE DATE: March 31, 2021, for the effective date postponement and January 1, 2022, for the provision modifying the use of deadly force justification.

USE OF DEADLY PHYSICAL FORCE

Objective Reasonableness Standard

Under PA 20-1, JSS, § 29, one condition that justifies an officer's use of deadly physical force is that the officer's actions are objectively reasonable under the circumstances. This act specifies that the actions must be objectively reasonable given the circumstances at that time.

PA 20-1, JSS, § 29, unchanged by the act, allows officers to use deadly physical force to:

1. defend themselves or a third person from the use or imminent use of deadly physical force or
2. (a) arrest a person they reasonably believe has committed or attempted to commit a felony that involved the infliction of serious physical injury or (b) prevent the escape from custody of a person they reasonably believe has committed a felony that involved the infliction of serious physical injury.

As under existing law, officers must reasonably believe the use of force is necessary.

Making an Arrest or Preventing Escape

In situations where an officer is making an arrest or preventing an escape, PA 20-1, JSS, § 29, places additional conditions on when deadly physical force may be used. This act modifies these conditions as follows.

It eliminates the requirement for officers to exhaust reasonable alternatives to the use of deadly force; instead, it requires that they reasonably determine that there are no available reasonable alternatives to using deadly force. Additionally, the act requires that they reasonably believe the force they used does not create unreasonable, rather than substantial, risk to a third party.

Preventing Escape. In situations where an officer is preventing an escape, the act additionally establishes the condition that, to justify an officer's use of deadly force, the escaping person must pose a significant threat of death or serious physical injury to others.

DETERMINING WHETHER DEADLY FORCE WAS REASONABLE

PA 20-1, JSS, § 29, established factors for evaluating whether an officer's use of deadly physical force was objectively reasonable. These factors included, among others, whether the officer's conduct led to an increased risk of the situation that preceded the use of force. This act narrows this factor to whether the officer's unreasonable conduct led to such an increased risk.

BACKGROUND

Law Enforcement Officers

For purposes of the act, a law enforcement officer includes peace officers (see below), special police officers for the Department of Revenue Services, and authorized officials of the Department of Correction (DOC) or the Board of Pardons and Paroles. By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, DOC officials authorized to make arrests in a correctional institution or facility, investigators in the Office of the State Treasurer, Police Officer Standards and Training Council-certified motor vehicle inspectors, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

Limits on Chokeholds or Similar Restraints

By law, law enforcement officers are justified in using physical force to the extent they reasonably believe it is necessary to:

1. arrest or prevent the escape from custody of someone they reasonably believe has committed an offense (unless the officers know that the arrest or custody is unauthorized) or
2. defend themselves or a third person from the use or imminent use of physical force while arresting or attempting to arrest someone or preventing or attempting to prevent an escape.

PA 20-1, JSS, § 29, limits when an officer may use a chokehold or similar methods of restraint (i.e., those that are applied to the neck area, impede the ability to breathe, or restrict blood circulation to the brain). It does so by allowing these methods only when the officer reasonably believes they are necessary to defend himself or herself from the use or imminent use of deadly physical force.

PA 21-8—sSB 892

Judiciary Committee

AN ACT CONCERNING THE CRIMINAL JUSTICE COMMISSION, DIVISION OF CRIMINAL JUSTICE AND THE OFFICE OF THE INSPECTOR GENERAL

SUMMARY: This act, among other things, amends the process for nominating the inspector general and restructures the Office of the Inspector General (OIG) by making it a separate, rather than an independent, office within the Division of Criminal Justice (DCJ). By law, the inspector general investigates peace officers' use of force and prosecutes cases to determine whether use of force was justified. The act requires the Criminal Justice Commission (CJC, see BACKGROUND) to appoint, rather than nominate, one deputy chief state's attorney to serve as inspector general and eliminates General Assembly confirmation.

Additionally, the act amends the process for nominating CJC members by requiring a referral to the Judiciary Committee rather than the Executive and Legislative Nominations Committee. It also gives CJC more oversight of DCJ by:

1. requiring the chief state's attorney to notify CJC whenever there are certain promotions;
2. allowing CJC to determine how many DCJ recommendations CJC must receive for each attorney appointment vacancy;
3. adding a CJC-designated, nonvoting member to the DCJ Advisory Board;
4. allowing CJC to call state's attorneys before the commission for questions related to their merit and performance rating; and
5. amending how special state's attorneys and prosecutors are appointed.

Lastly, the act makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021, except the provisions on the inspector general, promotions, and vacancies are effective upon passage.

INSPECTOR GENERAL

Appointment

Under the act, CJC must appoint, rather than nominate, one deputy chief state's attorney to serve as inspector general, who receives his or her prosecutorial authority as the chief state's attorney's designee. Under prior law, the commission nominated, and the General Assembly confirmed, the inspector general. The act eliminates the requirement for General Assembly confirmation.

Under the act, CJC must make the inspector general appointment by majority vote. If there is a tie, the commission chairperson must select the nominee from the candidates who are tied. The act requires the commission to make this appointment by October 1, 2021.

The act specifies that the inspector general's term begins July 1 in the year he or she is appointed. It lasts for four years unless the commission removes him or her sooner.

Office of Inspector General

PA 20-1, July Special Session, §§ 33 & 46, established OIG within DCJ to, among other things, investigate peace officers' use of force and prosecute cases to determine whether use of force was justified.

The act amends the structure of OIG, by making it a separate, rather than an independent, office within DCJ. As under existing law, OIG must be at a location separate from the Office of the Chief State's Attorney or any of the state's attorneys for the judicial districts.

Under the act, the inspector general may employ necessary staff, selecting them from within the confines of any existing collective bargaining agreements. Prior law required the inspector general to select staff only from DCJ staff.

The act also eliminates the requirement that the inspector general and any OIG staff not in a state employee bargaining unit be transferred back to DCJ upon completing employment with OIG.

Use of Force Investigations

Prior law required the inspector general to investigate and determine whether a peace officer's use of force was justified. The act instead requires DCJ to cause the investigation to be made and the inspector general to determine whether the use of force was justified.

Investigation or Prosecution Standard

Under prior law, the inspector general was required to investigate and determine whether a deceased person died as a result of possible criminal action while in the custody of a peace officer, law enforcement agency, or the Department of Correction. If so, the inspector general had to refer the case to DCJ for possible prosecution. The act instead requires the inspector general to determine if the person may have died as a result of criminal action while in custody and, if so, refer the case to the chief state's attorney or state's attorney.

Prior law required the inspector general to request law enforcement assistance when needed to determine the circumstances of an incident. The act instead requires the inspector general to seek assistance when needed to investigate and make a determination about an incident (i.e., a peace officer's deadly use of force or when someone dies in custody).

Preliminary Status Report

By law, the inspector general must complete a preliminary status report when officers use physical force that causes another's death. The act also requires the inspector general to complete a preliminary status report when officers use deadly force on another. As under existing law, the report must include the following information:

1. deceased person's name, gender, race, ethnicity, and age;
2. date, time, and location of the injury causing the death;
3. law enforcement agency involved;
4. toxicology report status, if available; and
5. death certificate, if available.

Prior law required the report to be submitted to the Judiciary and Public Safety and Security committees within five business days after the cause of death was available. The act specifies that the deadline is five business days after this information is available to the chief state's attorney.

Final Report

Under prior law, the inspector general had to file a report with the chief state's attorney at the conclusion of the investigation that included, among other things, any future action OIG would take as a result of the incident. The act narrows this to any recommended future action for OIG to take.

CRIMINAL JUSTICE COMMISSION

Nominations to Judiciary Committee

Beginning October 1, 2021, the act requires each of the governor's CJC member nominations to be referred, without debate, to the Judiciary Committee instead of the Executive and Legislative Nominations Committee. The Judiciary Committee must report on each appointment within 30 days after the referral. Each General Assembly appointment of a CJC member must be by concurrent resolution.

Under the act, any member serving on the commission on October 1, 2021, may continue to serve until his or her term expires.

Promotions

By law, the chief state's attorney may promote any assistant state's attorney or deputy assistant state's attorney who assists him. The appropriate state's attorney also may promote any assistant state's attorney or deputy assistant state's attorney who assists him or her in the judicial district. The act requires the chief state's attorney to notify CJC of any of these promotions.

Vacancies

By law, when there is a vacancy within the Chief State's Attorney's Office or the office of a state's attorney, CJC must make an appointment from various recommendations from these offices. The act requires CJC to determine how many recommendations it must require for each attorney appointment vacancy.

DCJ Advisory Board

The act adds a CJC-designated, nonvoting member to the DCJ Advisory Board. The board already includes the chief state's attorney or his designee and the state's attorney for each judicial district, or each attorney's designee. By law, the board must meet at least once a month to advise on statewide prosecutorial standards and guidelines and other policy matters, including peer review and conflict resolutions.

Merit and Performance Rating

The act requires that each state's attorney's merit and performance rating occur biennially and be conducted pursuant to DCJ policy. Prior law did not specify the frequency of the ratings. As under existing law, the chief state's attorney or the state's attorney preparing a rating must submit it to CJC for its consideration when reappointing an attorney to a new term.

The act also allows CJC to call a state's attorney before the commission for questions related to any issue raised in a biennial merit and performance rating.

Special State's Attorneys and Prosecutors

Under prior law, the chief state's attorney could appoint special assistant state's attorneys, special deputy assistant state's attorneys, and special inspectors on a contractual basis for a temporary period. But under the act, the chief state's attorney instead may make recommendations to CJC, which then appoints these attorneys.

BACKGROUND

Criminal Justice Commission

The state constitution (art. IV, § 27) establishes the Criminal Justice Commission and charges it with appointing a

state's attorney for each judicial district and other attorneys as prescribed by law. It consists of seven members: the chief state's attorney and six members appointed by the governor and confirmed by the General Assembly. Two of the appointed members must be Superior Court judges.

PA 21-15—sHB 6321

Judiciary Committee

AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT

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Creates a process by which a person who has established a parent-child relationship may become the child's parent through a signed acknowledgment of parentage

[§§ 33-35 — DPH AUTHORITY AND RESPONSIBILITIES](#)

Authorizes DPH to develop an acknowledgment of parentage form, release information to certain individuals and entities, and develop implementing regulations

[§§ 36 & 37 — ADJUDICATING PRESUMPTIVE PARENTAGE](#)

Establishes (1) the conditions under which someone may be presumed a child's parent, (2) that acknowledgment of parentage is evidence of the presumption, and (3) how someone may overcome the presumption in a judicial proceeding

[§§ 38 & 39 — ADJUDICATING DE FACTO PARENTAGE](#)

Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; establishes the qualifying criteria and the necessary evidence

[§§ 40-50 — ADJUDICATING GENETIC PARENTAGE](#)

Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under an order; provides for challenging results and testing lab reporting

[§§ 51-59 — CONSENT TO INTENDED PARENTAGE](#)

Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement

[§§ 60-77 — PARENTAGE THROUGH SURROGACY](#)

Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of these agreements

[§§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022](#)

Establishes requirements for donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention

[§§ 3 & 84-86 — MISCELLANEOUS PROVISIONS](#)

Specifies that the act (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice

[§§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS](#)

Makes conforming changes to certain provisions regarding a nonmarital child's inheritance, temporary custody hearings, and exceptions for individuals who refuse to cooperate with DSS parentage determinations

[§§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES](#)

Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (1) birth certificates; (2) human services, social services, and public health protocols and systems; (3) probate court matters; and (4) family relations matters

[§ 149 — REPEALER](#)

Repeals statutes that address a putative father's paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination

SUMMARY: This act adopts the Uniform Parentage Act (UPA), which may be cited as the Connecticut Parentage Act (CPA) (§§ 1-86). The act generally:

1. provides for equal treatment under the law for children born to same-sex couples by, among other things, removing certain gender-specific references (e.g., changing "maternity" and "paternity" to "parentage");
2. expands recognition of non-biological parents by (a) making marital or "hold-out" presumptions gender neutral and (b) establishing de facto parentage (i.e., the court adjudicates a person to be a parent under certain circumstances);
3. specifies criteria for adjudicating parentage and competing claims of parentage (e.g., creates best interest of the child factors that the court must consider);
4. provides the process for establishing acknowledged parentage through an acknowledgment agreement;
5. provides for adjudicating genetic parentage and updates the rules governing children born under a surrogacy agreement; and
6. establishes a procedure to enable children conceived through assisted reproduction to access medical and identifying information about gamete donors.

The act also makes conforming changes throughout the statutes addressing things such as (1) birth certificates; (2) human services, social services, and public health protocols and systems; (3) probate court matters; and (4) family relations matters (§§ 87-149).

EFFECTIVE DATE: January 1, 2022, except the provisions on adjudicating de facto parentage (§§ 38 & 39) are effective July 1, 2022.

§§ 4-16 — ADJUDICATING PARENTAGE

Establishes the court process to adjudicate parentage, including the necessary petitions; accompanying affidavits for children on public assistance; parties' standing and notice; and court jurisdiction, venue, access, timeline, fees, records, and parentage orders

The act requires the court, when determining parentage, to apply Connecticut law, regardless of the child's place of birth or past or present residence. It also specifies that there is no right to a jury trial in an action to adjudicate parentage.

Under the act, an "adjudicated parent" is a person who has been adjudicated to be a parent of a child by a court of competent jurisdiction (§ 2).

Petitions (§ 5)

Under the act, petitions to adjudicate parentage must generally be filed in the Superior Court's Family Division. However, the following must be filed in the probate court:

1. petitions by an alleged genetic parent seeking to establish his or her parentage (see § 48),
2. petitions to determine parentage after the death of the child or the person whose parentage is to be determined,
3. petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy, and
4. petitions to validate a genetic surrogacy agreement under the CPA.

Affidavit in IV-D Cases (§ 5)

Additionally, petitions by the Department of Social Services (DSS) Office of Child Support Services (i.e., the Title IV-D agency) in (1) support cases involving public assistance recipients (i.e., IV-D cases) and (2) petitions brought under the Uniform Interstate Family Support Act, must be filed with the Family Support Magistrate Division's clerk.

If the IV-D agency files the petition, the petition must be accompanied by an affidavit of the parent whose rights have been assigned. If the assignor refuses to provide an affidavit, the IV-D agency may submit the affidavit, however the affidavit alone cannot support a default judgment on the issue of parentage.

Standing (§§ 6 & 11)

Under the act, a proceeding to adjudicate parentage may be maintained by:

1. a child age 18 or older or, if the child is a minor, through the child's representative;
2. the person who gave birth to the child, including stillbirth, unless a court has adjudicated that the person is not the parent;
3. a person who is a parent of the child under the CPA (i.e., a parent who has established a parent-child relationship; see § 19);
4. a person looking to be adjudicated a parent under the CPA;
5. DSS or the Department of Children and Families (DCF);
6. a person the court deems to have a sufficient interest to file a claim for parentage on a deceased parent's behalf; or
7. a representative authorized under state law (excluding representatives authorized by the CPA) to act for a deceased or incapacitated person or a minor child who would otherwise be entitled to maintain a proceeding.

A minor child is a permissive, but not a necessary, party to a proceeding under the CPA, except for certain proceedings in the Superior Court such as neglect and abuse cases.

Time Limit (§ 5)

Under the act, a petition filed in the Superior Court or Family Support Magistrate Court to adjudicate parentage may be brought any time before the child turns age 18. However, liability for child support must be limited to the three years before the petition filing date.

Notice in Superior Court and Probate Court (§ 7)

The act requires that notice of a proceeding to adjudicate parentage be given by the petitioner for proceedings in the Superior Court and by the probate court, as applicable, to the following people:

1. the person who gave birth to the child, unless a court has adjudicated that the person is not a parent;
2. the child's presumed (§§ 36 & 37), acknowledged (§§ 24-35), or adjudicated (§§ 4-16) parent;
3. a person whose parentage of the child is to be adjudicated;
4. a legally authorized representative acting for a deceased or incapacitated person or minor child;
5. the fiduciary of an estate of a deceased person otherwise entitled to notice;
6. in proceedings involving a public assistance recipient, the Attorney General, who must be and remain a party to any parentage proceeding and to any proceedings after judgment in the action; and
7. the DCF commissioner, in proceedings involving a child for whom a petition related to abuse and neglect has been filed and who is under DCF's care and custody or guardianship.

Under the act, a person entitled to this notice has a right to intervene in the proceeding. Failure to provide the required notice must not render a judgment void or preclude a person entitled to notice from bringing a proceeding under the CPA.

Court Jurisdiction and Venue (§§ 8 & 9)

Under the act, a court may adjudicate a person's parentage of a child only if it has personal jurisdiction over that person. A Connecticut court with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident or the person's guardian or conservator consistent with Connecticut laws.

Generally, the venue for a proceeding to adjudicate parentage is in the judicial district (1) where the child resides or (2) if the child is not a Connecticut resident, where the petitioner or respondent resides.

However, the petitions filed in probate court must be filed in the probate district:

1. where the child or birth parent resides, for petitions by an alleged genetic parent seeking to establish parentage;
2. where the child, petitioner, or person whose parentage is to be determined resides or resided at the time of death, for petitions to determine parentage after the death of the child or the person whose parentage is to be determined; and
3. where the child or a party to the proceeding resides, for petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy or petitions to validate a genetic surrogacy agreement.

Additionally, in IV-D cases, the petition must be filed in the Family Support Magistrate Division serving the judicial district where the parent who gave birth or the alleged parent resides.

Temporary Child Support Orders (§ 10)

In a proceeding under the CPA, a court may issue a temporary order for child support if the order is consistent with state law, other than the CPA, and the person ordered to pay support is:

1. the child's presumed parent;
2. petitioning to be adjudicated a parent;
3. identified as a genetic parent through genetic testing;
4. an alleged genetic parent who has declined to submit to genetic testing;
5. shown by clear and convincing evidence to be the child's parent; or
6. a parent under the CPA.

A temporary order may include custody and visitation provisions under state law other than the CPA.

Court Access, Records, Dismissal, and Fees (§§ 12-14)

The act generally establishes the governing principles in Superior, Probate, and Juvenile court proceedings regarding confidentiality, case dismissal, and fees as described below.

Superior Court – Family Relations. For proceedings in the Superior Court on family relations matters, there must be a presumption that courtroom proceedings are open to the public and documents filed with the court are available to the public. In family relations cases, the Connecticut Practice Book governs courtroom closure, the sealing of files, and limited disclosure of documents.

Juvenile Court. For proceedings in Juvenile Court, access to records is governed by existing law on confidentiality of juvenile records.

Probate Court. Members of the public may observe probate court proceedings and may view court records, unless otherwise provided by law or directed by the court.

Order Dismissal. The court may dismiss a proceeding under the CPA for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

Fees. Generally, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel, and other reasonable expenses incurred in a proceeding under the CPA. Attorney's fees awarded may be paid directly to the attorney, who may enforce the order in his or her own name.

However, the court may not assess fees, costs, or expenses against a child support agency in this state or another state, except as provided by existing law other than the CPA.

Medical Bills. In a proceeding under the CPA, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child or for the child, which is provided to the adverse party not later than 10 days before the date of a hearing, is admissible to establish (1) the amount of the charge billed and (2) that the charge is reasonable and necessary.

Order Adjudicating Parentage (§§ 14-16)

As described below, the act provides (1) the requirements the court must include in orders adjudicating parentage, such as the child's identification, and (2) an affirmative defense for certain parties seeking to adjudicate parentage in a subsequent proceeding.

Binding Order. An order adjudicating parentage must identify the child in a manner provided by state law other than the CPA. A party to an adjudication of parentage by a court with jurisdiction under existing law and the CPA, and any person who received notice of the proceeding, is bound by the adjudication.

Divorce, Annulment, and Legal Separation. In a proceeding for dissolution of marriage, annulment, or legal separation, the court is deemed to have made an adjudication of a child's parentage if the court has jurisdiction under applicable state laws, including the CPA. Additionally, the final order must (1) expressly identify the child as a "child of the marriage" or "issue of the marriage" or otherwise indicate that both spouses are parents of the child or (2) provide for child support by a spouse unless that spouse's parentage is specifically disclaimed in the order.

Child's Name Change. Upon the request of a party and for good cause, the court in a proceeding under the CPA may order the child's name to be changed. If the order varies the child's name from the name on the child's birth certificate, the court must order the Department of Public Health (DPH) to issue an amended birth certificate.

Affirmative Defense. A determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

§§ 16 & 17 — CHALLENGING THE ADJUDICATION OF PARENTAGE

Provides the processes for challenging adjudicated parentage depending on whether a party had standing or received required notice

Under the act, a party to an adjudication of parentage may challenge the adjudication only under state law (other than provisions of the CPA) relating to appeal, opening or setting aside judgments, or other judicial review.

Person was Party to the Adjudication or Received Notice

If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice, is governed by the Connecticut Practice Book and other statutory provisions on the opening or setting aside of judgments.

Person has Standing but was not a Party nor Received Notice

If a child has an adjudicated parent, a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing and was not a party to the adjudication and did not receive notice, must abide by the following rules:

1. The person must start the proceeding within two years after the adjudication's effective date, unless the person did not know and could not reasonably have known of his or her potential parentage due to a material misrepresentation or concealment, in which case the proceeding must begin within one year after discovering the potential parentage.

2. The court may allow the proceeding only if it finds doing so is in the best interest of the child.
3. If the court allows the proceeding, the court must adjudicate parentage based on certain factors, such as best interest of the child (see § 23).

§ 18 — GOVERNING LAW

Generally applies state law to proceedings under the CPA

A proceeding under the CPA is subject to state laws (other than the act) on the health, safety, privacy, and liberty of a child or other person who could be affected by disclosing identifying information.

§§ 19-23 — PARENT-CHILD RELATIONSHIP

Establishes specific criteria to determine if a parent-child relationship exists and applies them to relationships regardless of the parent's marital status or gender or the circumstances of the child's birth

Establishing the Parent-Child Relationship (§ 19)

Under the act, a parent-child relationship is established between a person and a child if the person:

1. gave birth to the child, except as otherwise provided in surrogacy cases;
2. is the child's presumed parent because the child was born during the marriage or within 300 days after the marriage ended, unless the presumption is overcome in a judicial proceeding;
3. is the child's presumed parent because the person, with another person, openly held out the child to be their own for at least two years, and the person is adjudicated a parent of the child or acknowledges parentage;
4. is adjudicated as a de facto parent of the child;
5. is adjudicated a parent of the child through genetic testing;
6. adopts the child;
7. acknowledges parentage of the child, unless the acknowledgment is rescinded or successfully challenged;
8. established parentage through consent to assisted reproduction;
9. established parentage under a surrogacy agreement; or
10. has been adjudicated a parent by the court as it relates to divorce, annulment, legal separation, or support cases.

Applicability (§§ 20-22)

Under the act, a parent-child relationship extends equally to every child and parent regardless of the parent's marital status or gender or the circumstances of the child's birth. Unless parental rights are terminated, a parent-child relationship established under the CPA applies for all purposes.

To the extent practicable, any provision of the act applicable to a father-child or mother-child relationship must apply to any parent-child relationship, regardless of the parent's gender.

§ 23 — COMPETING CLAIMS OF PARENTAGE

Creates (1) best interest of the child factors that the court must consider in resolving claims of parentage by two or more individuals and (2) additional factors in cases involving genetic testing

Best Interest of the Child Factors

Except as provided in the act, in a proceeding to adjudicate competing claims of parentage of a child by two or more people, the court must adjudicate parentage in the child's best interest, based on:

1. the child's age;
2. the length of time each person assumed the role of the child's parent;
3. the nature of the relationship between the child and each person;
4. the harm to the child if the relationship between the child and each person is not recognized;
5. the basis for each person's claim to the child's parentage;
6. other equitable factors arising from the disruption of the relationship between the child and each person, or the likelihood of other harm to the child; and

7. any other factor the court deems relevant to the child's best interests.

Additional Factors in Cases Involving Genetic Testing

If a person challenges parentage based on the results of genetic testing, in addition to the factors listed above, the court also must consider:

1. the facts surrounding the discovery that the person might not be the child's genetic parent and
2. the length of time between (a) when the person received notice that he or she might not be a genetic parent and (b) the start of the proceeding.

Finding of Detriment to the Child

The act allows a court to adjudicate a child to have more than two parents if it finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage.

In determining detriment to the child, the court must consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has (1) fulfilled the child's physical needs and psychological needs for care and affection and (2) assumed the role for a substantial period.

Child Support Guidelines

If a court has adjudicated a child to have more than two parents, the act specifies that state law (other than the CPA) applies to determinations of legal and physical custody of, or visitation with, the child, and to child support obligations. The child support guidelines established under existing law must not apply until they have been revised to address the circumstances when a child has more than two parents. Until that revision is effective, a court must consider the child support guidelines and the criteria for awards established under certain existing laws when making or modifying child support orders.

§§ 24-32 — ACKNOWLEDGMENT OF PARENTAGE

Creates a process by which a person who has established a parent-child relationship may become the child's parent through a signed acknowledgment of parentage

Acknowledged Parent

The act creates a process by which a person who has established a parent-child relationship may become the child's parent through a signed acknowledgment of parentage. Under the act, an "acknowledged parent" is a person who has established a legal parent-child relationship through an acknowledgement agreement (§ 2). The acknowledgement agreement adjudicates the child's parentage and confers on the parent all parental rights and duties.

Signed Record (§§ 24 & 25)

A person who gave birth to a child and an alleged genetic parent of the child, a presumed parent (see § 36), or an intended parent (i.e., a person with intent to be legally bound as a parent of a child conceived by assisted reproduction, see §§ 51-59) may sign an acknowledgment of parentage to establish the child's parentage.

Witnessed Statement. The acknowledgment must be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent-child relationship, and the signatures must be attested by a notary or witnessed. The acknowledgement must state that:

1. the child whose parentage is being acknowledged must not have another acknowledged or adjudicated parent or person who is a parent of the child through assisted reproduction other than the person who gave birth to the child;
2. the child whose parentage is being acknowledged must not, at the time of signing, have a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage;
3. no action is pending in which the child's parentage is at issue, unless all parties to the action agree to establishing the signatory's parentage pursuant to the acknowledgment; and
4. the signatories understand that the acknowledgment is the equivalent of an adjudication of the child's parentage

and that a challenge to the acknowledgment is permitted only under limited circumstances.

Oral and Written Notice. Under the act, an acknowledgment of parentage is not binding unless, prior to the signing, the signatories are given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment. The notice must explain the following:

1. a signatory's right to rescind the acknowledgment (§ 30), including the address where a rescission notice should be sent;
2. that the acknowledgment cannot be challenged after 60 days, except in court or before a family support magistrate upon a showing of fraud, duress, or material mistake of fact;
3. that the acknowledgment may result in granting the acknowledged parent custody and visitation rights, as well as a duty to provide financial support;
4. that, if the person acknowledging parentage is acknowledging that they are the child's genetic parent, genetic testing is available to establish parentage with a high degree of accuracy and, under certain circumstances, at state expense; and
5. if either person is not certain of the child's genetic parentage as it pertains to the acknowledgment of parentage, neither person should sign the form.

The notice to the person acknowledging parentage also must include notice that (1) the person will be liable for the child's financial and medical support at least until the child turns age 18 and (2) if the person acknowledging parentage is acknowledging that they are the child's genetic parent, that person has the right to contest parentage, including the right to appointment of counsel, a genetic test to determine parentage, and a trial by the Superior Court or a family support magistrate.

Void. An acknowledgment of parentage is void if, at the time of signing:

1. a person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent through assisted reproduction;
2. the child whose parentage is being acknowledged has a birth certificate identifying another person as a parent other than the person who gave birth to the child or the person acknowledging parentage; or
3. an action is pending in which the child's parentage is at issue, unless all parties to the action agree to establish the signatory's parentage under the acknowledgment.

Acknowledgement Protocols and Effect (§§ 26-32)

Timing. An acknowledgment of parentage (1) may be signed before or after the child's birth, except that an acknowledgment signed by a presumed parent may be signed only after the presumption is satisfied and (2) takes effect on the birth of the child or filing of the document with the Department of Public Health (DPH), whichever occurs later. Additionally, an acknowledgement of parentage signed by a minor is valid if it complies with the CPA.

Legal Effect. Generally, an acknowledgment of parentage that is filed with DPH is equivalent to an adjudication of the child's parentage by the Superior Court and confers on the acknowledged parent all parental rights and duties. The act prohibits DPH from charging a fee for this filing.

A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage.

Rescission. A signatory may rescind an acknowledgment of parentage by filing a rescission with DPH in a signed record that is attested by a notary or witnessed. The signatory must file a rescission before the earlier of (1) 60 days after the acknowledgement's effective date or (2) the date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including one that establishes support.

If an acknowledgment of parentage is rescinded, DPH must notify the person who gave birth to the child of this rescission. Failure to give the required notice does not affect the rescission's validity.

Fraud, Duress, or Material Mistake of Fact. After the period for rescission expires, an acknowledgment of parentage may be challenged only based on fraud, duress, or material factual mistake. In cases in which the acknowledgment has been signed by the birth parent and an alleged genetic parent, a material factual mistake may include evidence that the alleged genetic parent is not the genetic parent. A party challenging an acknowledgment of parentage has the burden of proof.

Court Proceedings. Every signatory to an acknowledgment of parentage is a party to a proceeding to challenge the acknowledgment. By signing an acknowledgment of parentage, a signatory submits to personal jurisdiction in Connecticut in a proceeding to challenge the acknowledgment, effective on the date the acknowledgment is filed with DPH. While the challenge is pending, any responsibilities arising from the acknowledgment, including the duty to pay child support, must continue except for good cause shown.

Set Aside Acknowledgement. If the court or family support magistrate determines that the challenger has met the burden of proof to support a finding of fraud, duress, or material factual mistake, the acknowledgment of parentage must be set

aside, but only if the court or magistrate determines that doing so is in the child's best interest, based on the relevant factors described above (see § 23).

Amended Birth Certificate. If the court or family support magistrate sets aside the acknowledgement, then the court or magistrate must order DPH to amend the child's birth record to reflect the child's legal parentage.

Support Refund in IV-D Cases. In cases involving a child who is or has been supported by the state, whenever the court or family support magistrate finds that the person challenging the acknowledgment of parentage is not a parent because the person has met the burden of proof, DSS must refund any money the person paid to the state during any period the state supported the child.

Out-of-State Acknowledgements (§ 32)

The act requires the state to give full faith and credit to an acknowledgment of parentage effective in another state if the acknowledgment was in a signed record and otherwise complies with the other state's law.

§§ 33-35 — DPH AUTHORITY AND RESPONSIBILITIES

Authorizes DPH to develop an acknowledgment of parentage form, release information to certain individuals and entities, and develop implementing regulations

Acknowledgement of Parentage Form (§ 33)

Under the act, DPH must prescribe forms for an acknowledgment of parentage. The forms must (1) include the minimum requirements specified by the U.S. Department of Health and Human Services secretary and (2) comply with the CPA. Executed acknowledgments and rescissions must be filed in DPH's parentage registry established under existing law.

The act also states that a valid acknowledgment is not affected if there is a later modification of the form specified above.

Information Release (§ 34)

Under the act, DPH may release information relating to an acknowledgment of parentage to a signatory, the child if he or she is at least age 18, a guardian of the person whose parentage is acknowledged, an attorney representing a person to whom the information may be released, a court, a federal agency, an authorized DSS representative, the state child support agency, any agency acting under a cooperative or purchase of service agreement with Connecticut's child support agency, and another state's child support agency.

Implementing Regulations (§ 35)

The act authorizes the DPH commissioner to adopt regulations to implement the acknowledgement of parentage provisions (§§ 24-34).

§§ 36 & 37 — ADJUDICATING PRESUMPTIVE PARENTAGE

Establishes (1) the conditions under which someone may be presumed a child's parent, (2) that acknowledgment of parentage is evidence of the presumption, and (3) how someone may overcome the presumption in a judicial proceeding

Presumed Parent

Under the act, a "presumed parent" is a person who is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding (see below) (§ 2).

Conditions for Presumed Parentage (§ 36)

Generally, a person is presumed to be a child's parent under three scenarios, as follows:

1. if the person and the person who gave birth to the child are married to each other and the child is born during the marriage, whether the marriage is, or could be, declared invalid;
2. if the person and the person who gave birth to the child were married to each other and the child is born within

300 days after the date on which the marriage is terminated by death, dissolution, or annulment, or after a separation decree; or

3. the person and another parent jointly resided in the same household with the child and openly held out the child as the person's own child for at least two years from the time the child was born or adopted, including any period of temporary absence.

For the third scenario, the presumed parent's parentage must be established by a court adjudication or signing of a valid acknowledgment of parentage under the act.

Acknowledgment Satisfies Presumption. For presumed parents who establish parentage by signing a valid acknowledgment of parentage under the CPA, the attestations provided in the acknowledgment fully satisfy the requirements of the presumption, and no additional evidence is required.

Overcoming the Presumption. A presumption of parentage may be overcome only by court order; and competing claims to parentage must be resolved considering the child's best interest (see § 23).

Probate Court's Jurisdiction. The probate court has jurisdiction over the presumed parent's parentage determination in certain probate court matters (e.g., the child's best interest, guardianship, custody, removal of parent, appointment of counsel, and DCF investigations) if notice is given to the presumed parent and the presumed parent's parentage has not been determined by either a court or the signing of a valid acknowledgement.

Juvenile Court's Jurisdiction. In a proceeding pending in juvenile court regarding a child for whom certain petitions have been filed (e.g., commitment, neglect or abuse, temporary custody, permanency plan review, and guardianship), a presumed parent in the third scenario above, identified as such by an existing parent or by the child and not having a parentage determination, must (1) be given notice of the proceeding and (2) not be treated as a parent until the determination. The juvenile court in which the petition is pending has jurisdiction over the person's parentage determination and DCF has standing to request the determination.

Presumptive Parentage Adjudication Proceeding (§ 37)

Timing. A proceeding to determine whether a presumed parent is a parent of a child may begin (1) before the child reaches age 18 or (2) after the child reaches age 18, but only if the child initiates the proceeding.

Overcoming Presumption After Child Turns Two. A presumption of parentage cannot be overcome after the child reaches age two unless the court determines the:

1. presumed parent is not a genetic parent, never resided with the child, and never held out the child as his or her child;
2. child has more than one presumed parent; or
3. alleged genetic parent did not know of the child's potential genetic parentage and could not reasonably have known because of material misrepresentation or concealment, and the alleged genetic parent starts a proceeding to challenge a presumption of parentage within one year after the date of discovering the potential genetic parentage.

If the person is adjudicated to be the child's genetic parent, the court may not disestablish a presumed parent.

Person Who Gave Birth Claims Parentage. Under the act, the following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

1. If no party to the proceeding challenges the presumed parent's parentage of the child, the court must adjudicate the presumed parent to be a parent of the child.
2. If the presumed parent is identified as a genetic parent of the child and that identification is not successfully challenged, the court must adjudicate the presumed parent to be a parent of the child.
3. If the presumed parent is not identified as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court must adjudicate the parentage of the child based on the child's best interest (see § 23).

Additional Person Claims Parentage. In a proceeding to adjudicate a presumed parent's parentage of a child, if another person in addition to the person who gave birth to the child asserts a parentage claim, the court must adjudicate parentage based on the child's best interest (see § 23).

Challenging Presumed Parentage in Hold-Out Cases (§ 37)

A presumption of parentage where the person, jointly with another parent, openly held out the child as his or her own (see § 36(a)(3)) can be challenged if the other parent did so due to duress, coercion, or threat of harm.

Evidence of duress, coercion, or threat of harm may include:

1. whether, within the 10-year period before the proceeding, the presumed parent (a) was convicted of domestic

- assault, sexual assault, sexual exploitation of the child or the child's parent, or a family violence crime; (b) is or has been subject to a protection order; (c) committed child abuse or abused the child's parent; or (d) was substantiated for abuse against the child or a parent of the child;
- 2. a sworn affidavit from a domestic violence counselor or sexual assault counselor who received a confidentiality waiver; or
- 3. other credible evidence of abuse, including a parent's or child's sworn affidavit.

§§ 38 & 39 — ADJUDICATING DE FACTO PARENTAGE

Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; establishes the qualifying criteria and the necessary evidence

Qualifying Criteria (§ 38)

In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to the child's parentage, the court must adjudicate the person claiming de facto parentage to be a parent of the child if the person demonstrates the following by clear and convincing evidence:

1. the person resided with the child as a regular member of the child's household for at least one year, unless the court finds good cause to accept a shorter period of household residence;
2. the person engaged in consistent caretaking of the child, which may include regularly caring for the child's needs and making day-to-day decisions regarding the child individually or with another legal parent;
3. the person undertook full and permanent parental responsibilities without expectation of financial compensation;
4. the person held out the child as his or her child;
5. the person established a bonded and dependent relationship with the child that is parental in nature;
6. another parent of the child fostered or supported the bonded and dependent relationship; and
7. continuing the relationship between the person and the child is in the child's best interest.

Contesting Claims About Fostering and Supporting a Relationship (§ 38)

A child's parent may use evidence of duress, coercion, or threat of harm to contest an allegation that he or she fostered or supported a bonded and dependent relationship. Evidence may include the same types of evidence needed to challenge a presumption of parentage in a hold-out case (see § 37 above).

Multiple Claims to Parentage (§ 38)

In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who is a parent or has a claim to the child's parentage and the court determines that the requirements are satisfied, the court must adjudicate parentage based on the child's best interest (see § 23). However, the adjudication of a person as a de facto parent must not disestablish the parentage of any other parent, nor limit any other parent's rights under state law.

De Facto Parentage Adjudication Proceeding (§ 39)

Person Filing the Petition. A proceeding to establish de facto parentage of a child may be started only by a person who (1) is alive when the proceeding begins and (2) claims to be a de facto parent of the child.

Petition and Affidavit. A person seeking to be adjudicated a de facto parent of a child must file a petition with the court while the child is alive, but before the child reaches age 18. The petition must include a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child. The petition and affidavit must be served on the child's parents and legal guardians and any other party to the proceeding.

Pleading. In response to the petition, an adverse party, parent, or legal guardian may file a pleading and verified affidavit that must be served on all parties to the proceeding.

Hearing to Dispute Standing. The court must determine on the basis of the pleadings and affidavits whether the person seeking to be adjudicated a de facto parent has presented prima facie evidence of the criteria for de facto parentage. The court, in its sole discretion, may hold a hearing to determine disputed facts necessary and material to the issue of standing.

Interfering With Pending Litigation Between Parents. If the child for whom the person is bringing a de facto parent petition has two parents at the time the petition is filed and there is litigation pending between the parents on custody or

visitation with respect to the child, a parent may use evidence that the de facto parental action is being brought to improperly interfere in the pending litigation in order to show that allowing the action to proceed would not be in the child's best interests. In which case, the court may dismiss the petition without prejudice.

Interim Order. The court may enter an interim order concerning contact between the child and a person with standing seeking adjudication as a de facto parent of the child.

§§ 40-50 — ADJUDICATING GENETIC PARENTAGE

Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under an order; provides for challenging results and testing lab reporting

Applicability (§ 41)

The act establishes requirements for genetic testing in proceedings to adjudicate parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order (§§ 41-50). It prohibits genetic testing from being used to (1) challenge the parentage of a person who is a parent due to assisted reproduction (see §§ 51-77) or (2) establish the parentage of a person who is a donor.

Under the act, "genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship (§ 2).

Ordering Genetic Testing (§ 42)

Court of Family Support Magistrate. Except as provided in the provisions establishing the genetic testing requirements, in any proceeding under the CPA to adjudicate parentage, the court or a family support magistrate must order the child and any other person to submit to genetic testing if a request for it is supported by a party's sworn statement. The statement must (1) allege a reasonable possibility that the person is the child's genetic parent or (2) deny genetic parentage of the child.

Limits on Genetic Testing Orders. A child support agency must require genetic testing only if there is no presumed, acknowledged, or adjudicated parent of a child other than the person who gave birth to the child. The court, a family support magistrate, or child support agency are prohibited from ordering in-utero genetic testing.

Concurrent or Sequential Testing. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

Person Unavailable or Unwilling to Test. If the person whose genetic parentage is being determined is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage is being adjudicated. Genetic testing of the person who gave birth to a child is not a prerequisite for testing the child or others.

A default judgment may be ordered against a person who refuses to submit to court-mandated genetic testing under the CPA and existing law that allows a default judgment against nonresident alleged parents.

Presumed and De Facto Parents. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a de facto parent, the court may deny a motion for genetic testing of the child and any other person after considering the child's best interest and additional factors used when parentage is challenged based on genetic testing (see § 23(a) & (b)).

If a person requesting genetic testing is barred under the CPA from establishing his or her parentage, the court must deny the request for genetic testing.

Types of Genetic Testing (§§ 40 & 43)

Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by (1) the AABB, formerly known as the American Association of Blood Banks, or its successor, or (2) an accrediting body designated by the U.S. Health and Human Services secretary.

Specimens for Testing. A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimens do not need to be of the same kind for each person undergoing genetic testing.

Frequencies Database. Based on the ethnic or racial group of the person undergoing genetic testing, a testing laboratory must determine the databases from which to select frequencies for use in calculating a relationship index. Under the act, for the purpose of genetic testing, "ethnic or racial group" means a recognized group that a person identifies as his or her ancestry or part of the ancestry or that is identified by other information (§ 40). A "relationship index" is a likelihood ratio

that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship. A “hypothesized genetic relationship” means an asserted genetic relationship between a person and a child (§ 40).

Objection to Laboratory Choice. The act establishes rules that apply if a person or a child support agency objects to the laboratory’s choice of databases. For example, within 30 days after the date the test report is received, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using a different ethnic or racial group than that used by the laboratory.

If after recalculation of the relationship index using a different ethnic or racial group, the testing still does not identify a person as the genetic parent, the court may require a person who has been tested to submit to additional genetic testing to identify the genetic parent.

Testing Laboratory Reporting (§ 44)

A genetic testing report must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the act’s genetic testing requirements is self-authenticating.

Testing laboratory documentation of the following information establishes a reliable chain of custody and allows the test results to be admissible without testimony:

1. name and photograph of each person whose specimen has been taken,
2. name of the person who collected each specimen and the place and date it was collected, and
3. name of the person who received each specimen in the testing laboratory and the date it was received.

Test Results and Challenges to the Results (§ 45)

A person is identified under the act as a genetic parent of a child if genetic testing complies with the act and the testing results show (1) that the person has at least a 99% probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and (2) a combined relationship index of at least 100 to 1. A “combined relationship index” means the product of all tested relationship indices (§ 40).

A person identified as the child’s genetic parent may challenge the results only by other genetic testing satisfying the act’s requirements.

If more than one person other than the person who gave birth is identified by genetic testing as a possible genetic parent of the child, the court must order each person to submit to further genetic testing to identify a genetic parent.

Assessment of Testing Cost (§ 46)

As is the case under existing law for genetic testing to determine paternity, the cost of the initial genetic testing to determine genetic parentage under the act must be charged to (1) the party who filed the motion or (2) the state, if the court finds that the person is low-income based on the state’s child support guidelines or is otherwise indigent and unable to pay the costs.

Contesting Genetic Test Result (§ 47)

The court or the DSS Office of Child Support Services may require additional genetic testing if a person who contests the initial test result requests it. However, if the initial genetic test identified a person as the child’s genetic parent, the court or agency must not require additional testing unless the contesting person pays for it in advance.

Adjudicating an Alleged Genetic Parent to be a Parent (§ 48)

The act establishes conditions under which the court must adjudicate an alleged genetic parent to be a parent of the child in certain proceedings. Under the act, in a proceeding to determine whether an alleged genetic parent (who is not a presumed parent) is a parent of a child and the person who gave birth to the child is the only other person with a claim to the child’s parentage, the court must adjudicate the alleged genetic parent to be the child’s parent if he or she, among other things:

1. is identified under the act’s test result standard (as described in § 45 above) as a genetic parent and the identification is not successfully challenged;
2. admits parentage in a pleading and the court accepts the admission; or
3. is neither identified nor excluded as a genetic parent by genetic testing, but based on other evidence, the court

determines he or she is the child's parent.

In a proceeding involving an alleged genetic parent where at least one other person in addition to the person who gave birth to the child has a claim to the child's parentage, the court must adjudicate parentage in the child's best interest, subject to the limitations established in the act's provisions on parent-child relationship (see § 23).

In a proceeding involving an alleged genetic parent where another person other than the person who gave birth is a parent of the child, the alleged genetic parent can seek a determination that he or she is the child's parent on the basis of a parent-child relationship under the CPA, in addition to the existing parents. An adjudication of parentage under these circumstances does not disestablish the other parent's parentage.

Penalty for Unauthorized Release of an Identifiable Specimen Collected for Testing (§ 49)

Under the act, a genetic testing report's release is controlled by state law other than the CPA.

A person who intentionally releases an identifiable specimen of another person collected for genetic testing under the act for a purpose not relevant to a parentage proceeding, without a court order or written permission of the person who furnished the specimen, is subject to a fine of up to \$200, up to six months in prison, or both.

Genetic Testing Report as Evidence (§ 50)

Except as provided under the act, the court must admit a court-ordered genetic testing report as evidence of the truth of the facts asserted in the report. But a report's admissibility is not affected by whether the testing was performed (1) voluntarily or under a court or child support agency's order or (2) before, on, or after the proceeding's commencement.

A party may object to a court-ordered genetic testing report's admission within 14 days after receiving the report and must cite the specific grounds for the objection. The party may also call a genetic-testing expert to testify. Unless the court orders otherwise, the party offering the testimony must pay for the expert testifying.

§§ 51-59 — CONSENT TO INTENDED PARENTAGE

Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement

Applicability (§ 51)

The following provisions (§§ 51-59) do not apply to the birth of a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement.

Donor (§§ 2 & 52)

Under the act, a donor is not a parent of a child conceived by assisted reproduction by virtue of the donor's genetic connection. The act also prohibits a donor from establishing parentage by signing an acknowledgment of parentage.

Under the act, a "donor" is a person who provides gametes or embryos intended for use in assisted reproduction, regardless of whether they are compensated for it. It excludes (1) a person who gives birth to a child conceived by assisted reproduction, except those based on a surrogacy agreement under the CPA, or an intended parent under the agreement or (2) a parent established through consent to assisted reproduction by another person.

Consent Record (§§ 53, 54 & 57)

Under the act, a person who consents to assisted reproduction by another person with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

Signed Record. This consent must generally be in a record signed by both the person (1) giving birth to a child conceived by assisted reproduction and (2) who intends to be a parent of the child. However, if the parties fail to consent in a record before, on, or after the child's birth, this does not preclude the court from finding consent to parentage if the parties prove by clear and convincing evidence the existence of an agreement that they intended to both be the child's parents.

Consent Withdrawal. Under the act, a person who withdraws consent is not a parent of the child.

A person may withdraw consent at any time before a transfer that results in a pregnancy. The person must give notice in a record of the consent withdrawal to (1) the person who agreed to give birth and (2) any clinic or health care provider

facilitating the assisted reproduction. However, failing to notify the clinic or health care provider does not affect a determination of parentage under the CPA.

Spouse's Dispute of Parentage of a Child Born by Assisted Reproduction (§ 55)

These provisions apply to a spouse's dispute of parentage, including when the spouse's marriage is declared invalid after assisted reproduction occurs.

Standing. Someone who, at the time of a child's birth, is the spouse of the person who gave birth to the child by assisted reproduction may not challenge the parentage of the person who gave birth to the child unless (1) within two years after the child's birth, the spouse commences a proceeding to adjudicate his or her parentage of the child and (2) the court finds the spouse did not consent to the assisted reproduction, before, on, or after the child's birth date or withdrew the consent as described above.

Proceeding. A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may begin at any time if the court determines the following:

1. the spouse neither provided a gamete for, nor consented to, the assisted reproduction;
2. the spouse and the person who gave birth to the child have not cohabited since the probable time of assisted reproduction; and
3. the spouse never openly held out the child as the spouse's child.

Former Spouse's Parentage of a Child Born by Assisted Reproduction (§ 56)

In a case involving divorce, annulment, or legal separation occurring before the transfer of gametes or embryos to the person giving birth, the act specifies that a former spouse of the person giving birth is not a parent of the child unless the former spouse (1) consented in a record that he or she would be a parent of the child if assisted reproduction were to occur after a dissolution of marriage, annulment, or legal separation, and (2) did not withdraw consent.

Death of the Intended Parent (§ 58)

Under the act, if a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the child's birth (i.e., the gestational period), the person's death does not preclude the establishment of the person's parentage if the person would otherwise be the child's parent under the CPA.

If the death occurs before the transfer of the gamete or embryo, the deceased person is a parent of a child conceived by the assisted reproduction only if it is specified in a written document and the embryo is in utero within one year after the date of the person's death. The written document must:

1. specifically state that the person's gametes may be used for posthumous conception;
2. specifically provide the person who agreed to give birth with the authority to exercise custody, control, and use of the gametes should the person die; and
3. be signed and dated by the person and the person who agreed to give birth.

Declaration of Intended Parentage (§ 59)

The act allows a party consenting to assisted reproduction, a parent (under §§ 53-55), an intended parent or parents, or the person giving birth to commence a proceeding to obtain an order:

1. declaring that the intended parent or parents are the parent or parents of the resulting child immediately upon the child's birth and ordering that parental rights and responsibilities vest exclusively in them immediately upon the child's birth and
2. designating the contents of the birth certificate and directing DPH to designate the intended parent or parents as the parent or parents of the resulting child.

The act allows the proceeding to begin before or after the child's birth; however, an order issued before the child's birth does not take effect unless and until his or her birth. Neither the state nor DPH is a necessary party to the proceeding.

Additionally, the act specifies that the above provisions do not limit the court's authority to issue other orders under any other provision in state law.

§§ 60-77 — PARENTAGE THROUGH SURROGACY

Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of these agreements

Surrogacy Agreement (§§ 60-62)

Under the act, a “surrogacy agreement” is an agreement between one or more intended parents and a person who is not an intended parent in which (1) that person agrees to become pregnant through assisted reproduction and (2) each intended parent is a parent of a child conceived under the agreement. Unless the context requires otherwise, a surrogacy agreement includes an agreement with a gestational surrogate (i.e., the person uses another person’s gametes) and an agreement with a genetic surrogate (i.e., the person uses her own gamete).

Requirements. To execute an agreement to act as a gestational or genetic surrogate, a person must:

1. be at least age 21 and have previously given birth at least once;
2. complete a medical evaluation by a licensed physician and a mental health evaluation by a licensed mental health professional;
3. have independent legal representation of the surrogate’s choice throughout the surrogacy agreement regarding the agreement’s terms and potential legal consequences; and
4. have or obtain a health insurance policy or other coverage for major medical treatment and hospitalization that extends throughout the duration of the expected pregnancy and for eight weeks after the resulting child’s birth.

Each intended parent must be at least age 21, complete a mental health evaluation by a licensed mental health professional, and have independent legal representation throughout the surrogacy agreement.

Execution. The act lays out the requirements to execute a surrogacy agreement, including that all the requirements above must be met and that it is in writing, signed by each party, witnessed by two people, and notarized. Among other requirements, at least one party must be a Connecticut resident. Also, if an intended parent is married, the intended parent’s spouse must also be an intended parent and a party to the agreement unless the intended parent and the spouse are legally separated. The parties must have independent legal representation throughout the surrogacy agreement and the intended parent or parents must pay for independent legal representation of the surrogate and the surrogate’s spouse, if they have one.

Under the act, the agreement must be executed before any medical procedures occur. If the surrogate is to be compensated, the act requires the compensation to be escrowed before any medical procedure (other than the medical and mental health evaluations) starts.

Terms and Conditions of a Surrogacy Agreement (§§ 63-65)

The act requires that the surrogacy agreement comply with the following terms and conditions:

1. the surrogate agrees to attempt to become pregnant by means of assisted reproduction;
2. the surrogate, and the surrogate’s spouse or former spouse, have no claim to parentage of a child conceived by assisted reproduction under the surrogacy agreement (except in certain cases under §§ 70, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);
3. the intended parent or parents, each one jointly and separately, immediately upon the child’s birth generally are the exclusive parent or parents of the resulting child and must assume his or her financial support, regardless of the gender, mental or physical condition, or number of children born (except in certain cases under §§ 68, 71, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);
4. the surrogacy agreement must provide for the intended parent or parents to pay for reasonable legal, medical and ancillary expenses, including for health and life insurance premiums and all uncovered medical expenses, among other things;
5. the intended parent or parents are liable for the surrogacy-related expenses of the surrogate;
6. the surrogacy agreement must not infringe on the surrogate’s rights to make all her own health and welfare decisions; and
7. the agreement must inform each party about the right to terminate the surrogacy agreement (see below).

Compensation. In addition to paying for reasonable expenses, a surrogacy agreement may reasonably compensate the surrogate.

Non-Assignable Rights. A right created under a surrogacy agreement is not assignable and there is no third-party beneficiary of the agreement other than the resulting child.

Marriage, Divorce, Annulment and Legal Separation After the Agreement (§§ 64 & 65)

Unless a surrogacy agreement says otherwise, the:

1. marriage of any party after the surrogacy agreement is signed does not affect its validity, the spouse's consent is not required, and the surrogate's spouse is not a presumed parent of the child; and
2. divorce, annulment, and legal separation of any party after the surrogacy agreement has been signed by all parties must not affect the validity of the surrogacy agreement and the intended parents are the parents of the child.

Court Jurisdiction (§§ 66 & 67)

During the period after the surrogacy agreement is executed until the earlier of its termination or 90 days after the resulting child's birth, a court with a case under the CPA has exclusive, continuing jurisdiction over all matters arising out of the agreement, except in child custody or support proceedings where jurisdiction is not otherwise authorized by state law other than the CPA.

Gestational Surrogate Agreement and Termination (§§ 60 & 67-71)

Gestational Surrogate. Under the act, a "gestational surrogate" is a person who (1) agrees to become pregnant through assisted reproduction using gametes that are not that person's own, under a gestational surrogacy agreement (i.e., a surrogacy agreement with a gestational surrogate) and (2) is not an intended parent.

Termination. A party to a gestational surrogacy agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer. However, no party may terminate the agreement after an embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider.

If a gestational surrogacy agreement is terminated, unless it states otherwise, each intended parent is responsible for expenses (1) reimbursable under the agreement and (2) incurred by the gestational surrogate through the agreement's termination. Unless the case involves fraud, a gestational surrogate and their spouse or former spouse are not liable to the intended parents for a penalty, including incurred costs.

Parentage Under Gestational Surrogacy. Generally, upon the birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, each intended parent is, by law, a parent of the newborn. The gestational surrogate or spouse or former spouse is not a parent of the resulting child.

If the child is alleged to be the gestational surrogate's genetic child, the court must, upon finding sufficient evidence, order genetic testing of the child. If the child is the gestational surrogate's genetic child, parentage must be determined in accordance with the adjudication of parentage provisions described above.

Regarding gestational surrogacy, the act also provides for scenarios involving certain laboratory and clinical errors that lead to the resulting child not being genetically related to the intended parents or the donor. In such case, the act makes the intended parents the newborn's parents.

Death of Intended Parent. These provisions apply even if the intended parent died during the period between the transfer of a gamete or embryo and the resulting child's birth. But a deceased intended parent is not the parent unless (1) posthumous conception is specifically authorized in a written document and (2) the embryo is in utero within one year after the intended parent's death.

Proceeding for a Judgment. With some exceptions, the act allows a party to a gestational surrogacy agreement to initiate a proceeding for a judgment of parentage of a child conceived in accordance with the agreement at any time after the agreement's execution.

Under the act, the petition for a judgment of parentage must be submitted under penalty of false statement and include (1) certification from the parties' attorneys representing that the surrogacy requirements were met and (2) a statement from each party that he or she entered the agreement knowingly and voluntarily.

Upon a finding that the petition satisfies the requirements above for starting these proceedings, the court must issue a judgment declaring the (1) child's intended parent is a parent of the child and ordering that parental rights, duties, and custody vest immediately on the child's birth exclusively in any intended parent and (2) gestational surrogate and their spouse or former spouse are not the child's parents. The act deems that this order satisfies existing law's birth certificate requirements.

Enforcement and Remedies. A gestational surrogacy agreement that complies with the CPA is enforceable. If the gestational surrogacy agreement does not comply with the CPA, the court must determine the rights and duties of the parties to it, considering evidence of the parties' intent at the time of the agreement's execution. Each party to the agreement and

their spouse has standing to maintain a proceeding to adjudicate an issue related to its enforcement.

A gestational surrogacy agreement that complies with the CPA's applicable sections is enforceable. However, if the agreement is breached by a gestational surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent determined to be the resulting child's parent.

Genetic Surrogate Agreement and Termination (§§ 60, 72-77 & 99)

Genetic Surrogate. Under the act, a "genetic surrogate" means a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using that person's own gamete, under a genetic surrogacy agreement.

Probate Court Validation. A genetic surrogacy agreement must generally be validated by a probate court and the proceeding must begin before the assisted reproduction related to the surrogacy agreement. The court must validate a genetic surrogacy agreement if it finds that (1) the requirements for surrogacy agreements are satisfied and (2) all parties entered the agreement voluntarily and understand its terms. The probate court cost to validate a genetic surrogacy agreement is \$225 (§ 99).

Termination of a Genetic Surrogacy Agreement. A person who terminates a genetic surrogacy agreement must notify the court or be subject to unspecified sanctions. Upon receipt of the notice, the court must vacate any order it issued validating the agreement. A party may terminate a genetic surrogacy agreement at any time before a gamete or embryo transfer by giving notice of termination in a record to all other parties. If a gamete or embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent gamete or embryo transfer. However, no party may terminate the agreement after a gamete or embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider. The notice of termination must be witnessed or notarized. Termination notices must also be filed by the intended parent with the court when the genetic surrogate agreement terminates after the court has validated the agreement, but before the surrogate becomes pregnant by assisted reproduction.

The parties are released from all obligations under the agreement when it terminates, except for allowed expenses. Unless the agreement provides otherwise, the person acting as surrogate is not entitled to any compensation paid for serving as a surrogate, except for surrogacy-related expenses.

Unless the case involves fraud, a genetic surrogate, or their spouse or former spouse, is not liable to the intended parent or parents for a penalty or liquidated damages, for terminating a genetic surrogacy agreement.

Parentage Under a Genetic Surrogacy Agreement. Upon the birth of a child conceived by assisted reproduction under a court validated genetic surrogacy agreement, each intended parent is, by law, a parent of the resulting child.

The intended parent or parents must file a notice with the court that a child has been born as a result of assisted reproduction. Upon receiving the notice, the court must issue an order as soon as practicable, without notice and hearing, that:

1. declares (a) any intended parent is a parent of the child and that parental rights and duties vest exclusively in any intended parent or parents and (b) the intended parents have responsibility for the child's maintenance and support upon the child's birth;
2. declares genetic surrogates and their spouse or former spouse are not parents of the child;
3. designates the contents of the certificate of birth; and
4. if necessary, orders that the child be surrendered to the intended parent or parents.

If a child born to a genetic surrogate is alleged not to have been conceived by assisted reproduction, the court may order genetic testing to determine the child's genetic parentage, in accordance with the adjudication of parentage provisions described above.

Enforcement and Remedies. A genetic surrogacy agreement, whether or not in a record, that is not validated under the probate validation provision (§ 72) is enforceable only to the extent provided under the act's provisions on the validity of such agreements and the remedies available at law or in equity for breach (§§ 75 & 77).

If a genetic surrogacy agreement is breached by a genetic surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent under an agreement breached by the genetic surrogate and another intended parent.

Validation After Assisted Reproduction and Non-Validated Agreements. If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the child's birth if, upon examination of the parties, the court finds that (1) the requirements for surrogacy agreements have been satisfied and (2) all parties entered into the agreement voluntarily and understand its terms.

The act provides generally the same surrogacy agreement termination process for these validations as for validations of agreements before assisted reproduction has occurred (see above).

The genetic surrogate is not automatically a parent when the resulting child is conceived and born under a non-validated

genetic surrogacy agreement. In this case, the court must adjudicate parentage of the child based on the child's best interest (§ 23) and the parties' intent at the time of the agreement's execution.

The parties to a genetic surrogacy agreement have standing to maintain a proceeding to adjudicate parentage.

Intended Parent's Death. The act addresses situations when an intended parent dies before the child is born. Generally, upon the birth of a child conceived by assisted reproduction under a genetic surrogacy agreement, each intended parent is, by law, a parent of the child whether the surviving parent is the genetic parent or not, regardless of whether an intended parent died during the period between the transfer of a gamete or embryo and the child's birth. But the intended parent is not the parent if he or she dies before the transfer of the gamete or embryo, unless (1) posthumous conception is specified in a written document and (2) the embryo is in utero within one year after the person's death.

§§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022

Establishes requirements for donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention

Applicability (§ 79)

The act specifies that the following provisions (§§ 78-83) apply only to gametes collected on or after January 1, 2022. They do not apply to gametes collected from a donor whose identity is known to the recipient at the time of the donation. A "gamete" is a sperm or egg and includes any part of a sperm or egg (§ 2).

Donor (§ 2)

Under the act, a "donor" is a person who provides gametes or embryos intended for use in assisted reproduction, regardless of whether it is done for compensation. Donors do not include a:

1. person who gives birth to a child conceived by assisted reproduction unless it is based on a surrogacy agreement, or an intended parent under such agreement, or
2. parent established through consent to assisted reproduction by another person or a surrogacy agreement.

Donor Information Collection and Disclosure Declaration (§§ 80 & 81)

Information Collection and Disclosure. The act requires a gamete bank or fertility clinic operating in Connecticut to (1) collect identifying information and medical history from a donor at the time of the donation and (2) disclose the collected information under conditions detailed in the act upon request of a resulting child who is at least age 18.

Gametes From Another Bank or Fertilization Clinic. A gamete bank or fertility clinic operating in the state that receives a donor's gametes collected by another gamete bank or fertility clinic, must collect the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it receives the gametes.

Gametes From a Donor. A gamete bank or fertility clinic operating in the state that collects gametes from a donor must (1) provide the donor with information in a record about the donor's choice regarding identity disclosure and (2) obtain a declaration from the donor regarding identity disclosure.

Donor's Disclosure Declaration. A gamete bank or fertility clinic operating in Connecticut must give a donor the choice to sign a declaration, witnessed and notarized, that either states that the donor (1) agrees to disclose his or her identity to a child conceived by assisted reproduction with the donor's gametes upon request once the child reaches age 18 or (2) states that the donor does not presently agree to disclose the donor's identity to the child.

A bank or clinic operating in the state must allow a donor who has signed a declaration not to disclose his or her identity to withdraw the declaration at any time by signing a new declaration that agrees to the disclosure.

Disclosure of a Donor's Information Upon the Request of an Adult Child or a Minor Child's Parent or Guardian (§§ 78, 82 & 83)

Donor's Identifying Information. Upon the request of a child conceived by assisted reproduction who is at least age 18, a gamete bank or fertility clinic operating in Connecticut that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child with identifying information of the gamete's donor, unless the donor signed and did not withdraw a declaration prohibiting the disclosure. If the donor signed and did not withdraw the declaration, the gamete bank or fertility clinic must make a good faith effort to notify the donor, who may elect to withdraw the declaration.

Under the act, “identifying information” means the donor’s full name; date of birth; and permanent and, if different, current address at the time of the donation.

Donor’s Medical History. Upon the request of a child conceived by assisted reproduction who is at least age 18, or, if the child is a minor, by his or her parent or guardian, a gamete bank or fertility clinic operating in the state that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child or a minor child’s parent or guardian access to the donor’s nonidentifying medical history. “Medical history” means information regarding the donor’s past or present illness and the social, genetic, and family history pertaining to the donor’s health.

Other Bank or Fertility Clinic Information. Upon the request of a child conceived by assisted reproduction who is at least age 18, a gamete bank or fertility clinic operating in this state that received the gametes used in the assisted reproduction from another gamete bank or fertility clinic must disclose the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it received the gametes.

Records Retention and Reporting Requirements. A gamete bank or fertility clinic operating in Connecticut that collects gametes for use in assisted reproduction must maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic must maintain records of gamete screening and testing and comply with federal and state reporting requirements, other than the CPA.

A gamete bank or fertility clinic operating in Connecticut that receives gametes from another gamete bank or fertility clinic operating in Connecticut must maintain the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it received them.

§§ 3 & 84-86 — MISCELLANEOUS PROVISIONS

Specifies that the act (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice

The act specifies that:

1. it does not create, affect, enlarge, or diminish the equitable powers of Connecticut’s courts or parental rights or duties under state law other than this act (§ 3);
2. it applies retroactively to proceedings in which a person’s parentage has not been adjudicated or determined by operation of law and no judgment has been rendered before January 1, 2022 (§ 86);
3. in applying and construing its provisions, consideration must be given to the need to promote uniformity of the law on the act’s subject among states that enact it (§ 84); and
4. its provisions generally do not modify, limit, or supersede provisions related to consumer disclosures and electronic delivery of court notices under the federal Electronic Signatures in Global and National Commerce Act (§ 85).

§§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS

Makes conforming changes to certain provisions regarding a nonmarital child’s inheritance, temporary custody hearings, and exceptions for individuals who refuse to cooperate with DSS parentage determinations

Nonmarital Child’s and Parents’ Inheritance (§§ 103 & 104)

Under the act, a child and his or her legal representatives must qualify for inheritance from or through the parent if parentage is established in accordance with the CPA or by adoption. If parentage is based on presumed parentage (§ 36(a)(3)) or genetic parentage (§§ 40-50), parentage must be established by a voluntary acknowledgment (§§ 24-35) or court adjudication.

Under prior law, a child born out of wedlock and his or her legal representatives qualified for inheritance from or through the father if the father’s paternity was (1) established by a written acknowledgment of paternity or (2) adjudicated by a court of competent jurisdiction.

The act makes similar changes to the law that applies to parents (fathers under the prior law) or their kindred qualifying for inheritance from a child (specifically, those born out of wedlock under the prior law).

Temporary Custody Hearing (§ 117)

The law requires a preliminary hearing for the court to carry out certain functions, including identifying anyone related to the child or youth residing in Connecticut who might serve as licensed foster parents or temporary custodians. Under the

law, the person may be related to the child by blood or marriage. The act also adds people related to the child by law.

Exceptions for Refusing to Cooperate When Determining Parentage of Children on Public Assistance (§ 124)

The law requires the DSS commissioner to adopt in its regulations criteria for determining good cause or other exceptions for a person to refuse to cooperate with genetic testing (including domestic violence and lack of information), considering the child's best interests. The act applies these requirements to all applicable cases where parentage, rather than only paternity, is at issue and also updates other terminology to conform with the CPA.

Additionally, the act (1) updates the law's terminology regarding genetic parent determinations (putative father determinations, under prior law) where a child of unmarried parents is a public assistance recipient and (2) applies the DSS commissioner's criteria to establish whether there is good cause or other allowable exceptions for a birth parent's or alleged genetic parent's refusal to cooperate with requirements to determine the alleged genetic parent, as established by the CPA.

§§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES

Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (1) birth certificates; (2) human services, social services, and public health protocols and systems; (3) probate court matters; and (4) family relations matters

The act makes conforming changes, including by replacing terms the CPA makes obsolete. It does so in statutes affecting:

1. municipal registrars of vital statistics (e.g., birth certificates) (§§ 87-91);
2. standing to participate in a DCF reunification hearing (§ 92);
3. social services (e.g., child support enforcement) (§§ 93-95);
4. public health (e.g., amendment of birth certificates and disclosure of paternity to DSS for IV-D child support enforcement) (§§ 96 & 97);
5. probate court and procedures (e.g., regional children courts, paternity determinations, and inheritance issues) (§§ 98-108, 147, 148);
6. family relations matters (e.g., divorce, annulment, legal separation, custody, paternity, and support) (§§ 109-141);
7. process in certain civil actions (e.g., paternity, support, costs and fees related to wills and trusts) (§§ 142-144);
8. post judgment procedures (e.g., child support withholding) (§ 145); and
9. criminal nonsupport (§ 146).

The act eliminates provisions addressing acknowledgement of paternity (CGS § 46b-172) and correspondingly replaces internal references to that section with the sections of the CPA that address acknowledgment of parentage (§§ 24-35). The act similarly removes prior provisions that applied to proceedings to establish paternity of a child born or conceived out of lawful wedlock (CGS § 46b-160) and genetic testing for paternity (CGS § 46b-168) and replaces them with references to the applicable sections of the CPA. Additionally, the act repeals a provision of prior law that provided for the establishment of paternity in certain cases in which the child was found to not be an issue of the marriage (§ 112).

The act provides for the scenario where there may be more than two parents by removing words such as "both" or "either" under prior law in reference to parents. It also provides for equal treatment under the law for children born to same-sex couples and to married or unmarried parents by, among other things, removing certain gender-specific references (e.g., "maternity" and "paternity") and other terms (e.g., "legitimate child" and "illegitimate child").

§ 149 — REPEALER

Repeals statutes that address a putative father's paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination

The act also repeals laws addressing (1) a putative father's testimony and evidence of good character in paternity cases; (2) the doctrine that a child born in wedlock is legitimate, including a child conceived through artificial insemination; and (3) other provisions that apply to children conceived through artificial insemination, including confidentiality, probate court filings, rights of sperm or egg donors, determining the jurisdiction of the child's birth, and the child's inheritance.

PA 21-31—sHB 6491*Judiciary Committee***AN ACT CONCERNING ELECTRONIC DEFENSE WEAPONS**

SUMMARY: This act allows individuals age 21 and older to carry an electronic defense weapon (e.g., stun gun) if they possess a valid firearm credential (i.e., a handgun or long gun eligibility certificate, permit to carry or sell handguns, or ammunition certificate).

Under existing law, unless an exemption applies, carrying an electronic defense weapon is a (1) class D felony (see [Table on Penalties](#)) if carried in a motor vehicle and (2) class E felony if carried on a person. Under the act, these penalties do not apply to someone age 21 or older with a valid firearm credential. The act additionally makes it a class D felony to sell or transfer these weapons to anyone who is younger than age 21 or does not possess a valid firearm credential.

Under prior law, “electronic defense weapon” meant a weapon that, by electronic impulse or current, could temporarily immobilize a person but was incapable of inflicting death or serious physical injury. The act expands the definition by eliminating the requirement that the weapon be incapable of inflicting death or serious physical injury.

EFFECTIVE DATE: July 1, 2021

PA 21-32—sSB 1019*Judiciary Committee**Appropriations Committee*

AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES, ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR AND FELONY OFFENSES, PROHIBITING DISCRIMINATION BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION AND CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO MISDEMEANOR SENTENCES

TABLE OF CONTENTS:[**§ 1 — BOARD OF PARDONS AND PAROLES TRAINING**](#)

Expands required annual training for Board of Pardons and Paroles members to include the pardons process, including information on the collateral consequences of having a criminal record

[**§ 2 — WRITTEN EXPLANATION FOR PARDON DENIALS**](#)

Prohibits the Board of Pardons and Paroles from denying a pardon without providing a written statement explaining the reasons for the denial

[**§§ 3, 4 & 8 — ERASURE OF CERTAIN CONVICTION RECORDS**](#)

Establishes a process to erase conviction records for most misdemeanor convictions and certain felony convictions after a specified period following the person’s most recent conviction; establishes a separate process for erasing misdemeanor convictions committed by minors before July 1, 2012; allows attorneys for individuals subject to immigration matters to petition for their clients’ erased records; makes minor changes to existing record erasure laws

[**§ 5 — AUTOMATED PROCESSES FOR RECORD ERASURE**](#)

Requires DESPP, in consultation with the judicial branch and the CJIS governing board, to implement automated processes for criminal record erasure; allows DESPP to post information online or otherwise distribute information about which records are subject to erasure

[**§ 6 — RECORD PURCHASERS AND DISCLOSURE**](#)

Extends certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch; sets a 30-day deadline for these purchasers to update their records after receiving information on certain records' erasure

§ 7 — CRIMINAL HISTORY SEARCH FEE WAIVER

Allows DESPP to waive the criminal history search fee for indigent pardon applicants

§§ 9-32 & 34 — DISCRIMINATION BASED ON ERASED CRIMINAL RECORDS

Prohibits discrimination in various contexts based on someone's erased criminal history record information; classifies certain types of discrimination on this basis as discriminatory practices under CHRO's jurisdiction; makes related changes

§ 33 — CRIMINAL JUSTICE AGENCIES

Adds DESPP and the Division of Criminal Justice to the list of "criminal justice agencies" for the purpose of determining access to criminal records

§ 35 — MISDEMEANOR SENTENCES

Reduces the maximum sentence for misdemeanors from one year to 364 days and makes related changes

BACKGROUND

EFFECTIVE DATE: Various; see below.

§ 1 — BOARD OF PARDONS AND PAROLES TRAINING

Expands required annual training for Board of Pardons and Paroles members to include the pardons process, including information on the collateral consequences of having a criminal record

This act requires members of the Board of Pardons and Paroles to take annual training on the pardons process, including information on the collateral consequences of having a criminal record (such as when applying for housing or employment).

Under existing law, board members must take annual training in the criminal justice and parole systems, including factors in granting parole, victims' rights and services, reentry strategies, risk assessment, case management, and mental health issues.

EFFECTIVE DATE: July 1, 2021

§ 2 — WRITTEN EXPLANATION FOR PARDON DENIALS

Prohibits the Board of Pardons and Paroles from denying a pardon without providing a written statement explaining the reasons for the denial

The act prohibits the Board of Pardons and Paroles from denying a pardon application unless the board provides the applicant a written statement (1) listing the factors it considered to determine whether the applicant qualified for a pardon and (2) explaining which factors the applicant did not satisfy.

Under existing law, the board's regulations must require board members in pardons hearings to issue written statements of the reasons for rejecting a pardon application (CGS § 54-124a(j); see Conn. Agencies Reg., § 54-124a(j)(3)-1).

EFFECTIVE DATE: January 1, 2023

§§ 3, 4 & 8 — ERASURE OF CERTAIN CONVICTION RECORDS

Establishes a process to erase conviction records for most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction; establishes a separate process for erasing misdemeanor convictions committed by minors before July 1, 2012; allows attorneys for individuals subject to immigration matters to petition for their clients' erased records; makes minor changes to existing record erasure laws

The act establishes a process to erase records of most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction. The erasure generally applies to (1) related police, court, and prosecutor records (including those from any prosecuting grand jury) and (2) records held by the Board of Pardons and Paroles regarding court obligations arising from the conviction.

These erasure provisions generally apply to (1) classified or unclassified misdemeanors; (2) class D or E felonies; and (3) unclassified felonies with up to five-year prison terms. The act excludes (1) family violence crimes and (2) nonviolent or violent sexual offenses requiring sex offender registration (see BACKGROUND). (PA 21-33, § 10, expands the list of convictions ineligible for erasure to include (1) specified class D felonies and class A misdemeanors, such as several assault crimes, and (2) any offense for which the person has not completed serving the sentence, including probation or parole.)

Under the act, applicable convictions are eligible for erasure after the following periods have passed since the person's most recent conviction:

1. seven years, for eligible misdemeanors; and
2. 10 years, for eligible felonies.

In each case, the periods are calculated from the date the court entered the person's most recent conviction for any crime, except for convictions for certain drug possession crimes (see § 3(e)(3) below).

Under the act, the records are erased automatically for offenses that occurred on or after January 1, 2000. For offenses before then, the records are erased when the person files a petition on a form prescribed by the Office of the Chief Court Administrator.

The act specifies that these provisions do not (1) limit any other procedure for erasure of criminal history record information or (2) prohibit someone from participating in such a procedure, even if that person's records have been erased under the act's procedure.

As explained below, the act establishes a separate process for erasing misdemeanor convictions committed by minors before July 1, 2012.

It also makes conforming changes.

EFFECTIVE DATE: January 1, 2023

Certain Drug Possession Convictions (§ 3(e)(3))

Under the act, if a person was convicted for certain illegal drug possession offenses before October 1, 2015, that conviction is not considered a most recent offense when evaluating whether enough time has passed for a person's conviction to qualify for erasure. Generally, this applies to convictions for possessing (1) less than four ounces of cannabis or (2) any amount of non-narcotic or non-hallucinogenic drugs.

(Effective October 1, 2015, PA 15-2, June Special Session (§ 1) replaced the prior penalty for drug possession crimes, which punished most types of illegal drug possession as felonies. It created a new penalty structure that generally punishes possession of illegal drugs as a class A misdemeanor.)

DMV Records (§ 3(e)(5))

The act specifies that it does not require the Department of Motor Vehicles (DMV) to erase criminal history record information from operators' driving records. It requires DMV, when applicable, to make this information available through the Commercial Driver's License Information System.

Certain Misdemeanor Convictions for Minors (§ 3(f))

Under existing law, 17 is the maximum age of juvenile court jurisdiction. Specifically, 16-year-olds were transferred to juvenile jurisdiction starting July 1, 2010, and 17-year-olds were transferred starting July 1, 2012.

The act establishes a separate process for erasure of misdemeanor convictions for crimes committed before July 1, 2012, by individuals under age 18 at the time of the offense. These provisions apply to related police, court, and prosecutor records. But they do not apply if the person was convicted for multiple charges in the case and at least one is not eligible for erasure. This is an exception to the general rule for record erasure in multi-count cases (see § 3(i) below).

For these offenses committed from January 1, 2000, through June 30, 2012, if the records are electronic (other than scanned copies of physical documents), they must be erased; otherwise, they are deemed erased by operation of law. The act excludes from these procedures (1) motor vehicle offenses; (2) violations under Title 14 (motor vehicle and driving laws); and (3) offenses for failing to pay the fine and related fees, plead not guilty, or appear in court for an infraction or a violation that is subject to infraction procedures.

For misdemeanor offenses committed before January 1, 2000, by someone under age 18, the person may request the

erasure by filing a petition with the Superior Court where the conviction occurred. The court must then direct the records to be erased.

General Provisions (§ 3(g)-(i), (k)-(l))

Under the act, various existing provisions on criminal record erasure in some circumstances (e.g., following a dismissal, not guilty finding, or pardon) also apply to the act's new erasure provisions, as applicable.

For example:

1. no fees may be charged for any record erasure petition;
2. anyone whose records are erased under these provisions is deemed to have never been arrested for those charges under law and may swear to that under oath;
3. if the case contained multiple charges and only some are entitled to erasure, electronic records released to the public must be erased to the extent they reference charges entitled to erasure; and
4. these record erasure laws do not apply to court records and transcripts prepared by official court reporters, assistant court reporters, and monitors.

Generally, the court clerk or law enforcement agencies with information in these erased records must not disclose information pertaining to the erased charges. But the person whose charges were erased can obtain this information by submitting satisfactory proof of his or her identity under guidelines prescribed by the Office of the Chief Court Administrator. The clerk must provide adequate measures to safeguard against unauthorized access to, or dissemination of, erased records. The court clerk must forward a notice of the erasure to applicable law enforcement agencies directing that their records about the case be erased.

The court must disclose erased criminal records (unless they have been destroyed) in limited circumstances, such as to the prosecutor and defense counsel when the records are connected to a perjury charge that the prosecutor alleges to have arisen from testimony at trial.

Petition for Return of Records for Immigration Matters (§ 3(j))

The act allows a person's attorney to petition the Superior Court for the client's erased records if the client is the subject of an immigration matter and federal law may require disclosure of criminal history information. This applies to Connecticut convictions that were erased under existing law or the act's new procedures.

The attorney must file the petition with the Superior Court (1) where the conviction occurred, (2) that has custody of the conviction records, or (3) where venue would currently exist if the conviction took place in certain courts that are now obsolete.

The court must direct that the police, court, and prosecutor records be made available to the attorney, to the extent the information has been retained.

Erasure of Records Following Decriminalization (§ 4)

Under existing law, upon the petition of someone convicted for an act that was subsequently decriminalized, the court must order the physical destruction of all related police, court, and prosecution records. The act specifies that the court must order this immediately upon receiving the petition.

Court Location for Certain Existing Erasure Laws (§§ 3(b)-(d) & 4)

The act also specifies that, for various record erasure provisions under existing law, the petitioner must file the request with the Superior Court where venue would currently exist if the conviction took place in certain courts that are now obsolete. Prior law instead required these petitions to be filed with the judicial branch records center.

These provisions apply to petitions for erasure of (1) convictions for decriminalized offenses and (2) records for certain older cases that are subject to erasure under existing law (e.g., dismissals or pardons).

The act also makes related minor changes.

§ 5 — AUTOMATED PROCESSES FOR RECORD ERASURE

Requires DESPP, in consultation with the judicial branch and the CJIS governing board, to implement automated processes for criminal record erasure; allows DESPP to post information online or otherwise distribute information about which records are subject to erasure

The act requires the Department of Emergency Services and Public Protection (DESPP), in consultation with the judicial branch and the Criminal Justice Information System (CJIS) Governing Board, to develop and implement automated processes for criminal record erasure.

The act allows DESPP, within available appropriations, to post information on its website or otherwise disseminate information about which records are subject to erasure. It also specifies that these provisions do not require the destruction of paper records.

EFFECTIVE DATE: January 1, 2023

§ 6 — RECORD PURCHASERS AND DISCLOSURE

Extends certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch; sets a 30-day deadline for these purchasers to update their records after receiving information on certain records' erasure

Existing law establishes certain requirements that those who purchase public criminal records from the judicial branch must meet before disclosing these records. The act expands these provisions to also cover records purchased from other criminal justice agencies (e.g., the State Police, Department of Correction, or DMV). It also specifies that these requirements apply to background screening providers and similar data-based services or companies, in addition to consumer reporting agencies as under existing law.

Under existing law, the judicial branch must make information (such as docket numbers) on erased records available to these purchasers, to allow them to identify and permanently delete these records. Before disclosing the records, the person must purchase from the judicial branch any updated public criminal records or information available to comply with the law, either on a monthly basis or on another schedule the judicial branch establishes. As noted above, the act extends these provisions to other criminal justice agencies.

Existing law also requires these purchasers to update their records before disclosing them, to permanently delete any erased records. The act requires them to do this within 30 days after receiving information on erased records.

As under existing law, the purchaser may not further disclose erased records.

EFFECTIVE DATE: January 1, 2023

§ 7 — CRIMINAL HISTORY SEARCH FEE WAIVER

Allows DESPP to waive the criminal history search fee for indigent pardon applicants

The act allows DESPP to waive the \$75 fee for a criminal history information record search for individuals requesting the search in connection with their pardon application. It requires applicants seeking a waiver to complete a DESPP-prescribed form indicating their indigency.

EFFECTIVE DATE: July 1, 2021

§§ 9-32 & 34 — DISCRIMINATION BASED ON ERASED CRIMINAL RECORDS

Prohibits discrimination in various contexts based on someone's erased criminal history record information; classifies certain types of discrimination on this basis as discriminatory practices under CHRO's jurisdiction; makes related changes

The act prohibits various forms of discrimination based on someone's erased criminal history record information, such as in employment, public accommodations, the sale or rental of housing, the granting of credit, and several other areas.

In several cases, it classifies discrimination based on these erased records as a "discriminatory practice" under the Commission on Human Rights and Opportunities (CHRO) laws. By doing so, the act allows individuals aggrieved by these violations, or CHRO itself, to file a complaint with CHRO alleging discrimination.

Additionally, it classifies as discriminatory employment practices certain employer actions already prohibited by law and allows aggrieved individuals to file a CHRO complaint or lawsuit (see § 15 below).

EFFECTIVE DATE: January 1, 2023, except for certain provisions on (1) discriminatory practices within CHRO jurisdiction (§§ 11, 12, 16, 17, 23, 24 & 26) and (2) state agency discrimination (§§ 18-22), which are effective October 1, 2021.

Erased Records Defined (§ 9)

The act defines “criminal history record information” as court records and information obtained from the judicial branch or any criminal justice agency relating to (1) arrests, releases, detentions, indictments, information, or other formal criminal charges; (2) any events and outcomes arising from those arrests, releases, and detentions, including pleas, trials, sentences, appeals, incarcerations, correctional supervision, paroles and releases, or outstanding judgments; and (3) any other conviction information.

Under the act, “erased criminal history record information” is (1) the above information that has been erased under the act or existing law, (2) information related to people granted youthful offender status, or (3) continuances of criminal cases that are more than 13 months old.

Discriminatory Practices Under CHRO Statutes

Under the act, the following types of discrimination are classified as discriminatory practices subject to CHRO jurisdiction (§ 10). These provisions apply starting January 1, 2023.

Deprivation of Rights (§ 11). The act prohibits depriving someone of rights, privileges, or immunities secured or protected by state or federal laws or constitutions, or causing this to occur, based on a person’s erased criminal history record information.

Housing (§ 12). The act generally prohibits the following kinds of housing discrimination based on the erased criminal history record information of (1) a buyer or renter (or potential one as applicable); (2) anyone associated with them; or (3) someone residing in, or intending to reside in, the dwelling after it is sold, rented, or made available. Specifically, this applies to:

1. refusing to sell or rent a dwelling after a person makes a bona fide offer, or refusing to negotiate for the sale or rental, or otherwise denying or making a dwelling unavailable;
2. discriminating in the terms, conditions, or privileges of a dwelling’s sale or rental, or in the provision of services or facilities in connection with the sale or rental;
3. making, printing, or publishing a notice, statement, or advertisement (or causing any of these to be done) about a dwelling’s sale or rental that indicates a preference, limitation, or discrimination, or an intention to make such a preference, limitation, or discrimination;
4. falsely representing to someone that a dwelling is not available for inspection, sale, or rental (a practice commonly known as “steering”); or
5. any person or entity engaging in residential real estate-related transactions discriminating in making a transaction available or in the transactions’ terms or conditions.

Additionally, the act generally prohibits the following kinds of housing discrimination based on a person’s erased criminal history record information:

1. inducing or attempting to induce someone, for profit, to sell or rent a dwelling by representing that people with erased criminal history record information are moving, or may move, into the neighborhood;
2. denying someone access to, or membership or participation in, a multiple-listing service, real estate brokers’ organization, or other service, organization, or facility related to the business of residential real estate sales or rentals, or discriminating in the terms or conditions of this access, membership, or participation; or
3. coercing, intimidating, threatening, or interfering with someone’s exercise or enjoyment of these rights, or taking these actions on account of the person having exercised, enjoyed, or aided or encouraged someone else in the exercise or enjoyment of these rights.

These prohibitions do not apply to (1) renting a room or rooms in a unit in a home if the owner lives in part of that unit or (2) a unit in a home containing up to four units if the owner lives in one.

The act specifies that these provisions do not (1) limit any reasonable state law or municipal ordinance restricting maximum occupancy in a dwelling or (2) prohibit a property appraiser from considering factors other than someone’s erased criminal history record.

Employer Actions Already Prohibited by Law (§ 15). Existing law bars employers from taking various actions in relation to job applicants’ or employees’ criminal history or erased criminal records. These provisions apply to any employer with at least one employee, including the state and municipal employers.

Under prior law, an applicant or employee allegedly aggrieved by such a violation could file a complaint with the labor commissioner. The act instead deems some violations to be discriminatory employment practices under CHRO’s jurisdiction. It allows allegedly aggrieved individuals to file a (1) CHRO complaint or (2) lawsuit for declaratory or injunctive relief, damages, or any other remedy allowed by law. The act specifies that it is the individual’s choice whether to file a CHRO complaint or lawsuit.

This applies to the following:

1. employers asking prospective employees about their prior arrests, criminal charges, or convictions on an initial employment application, unless the (a) employer must do so under a state or federal law or (b) prospective employee is applying for a position that requires a security or fidelity bond or an equivalent bond;
2. if an employment application includes questions on criminal history, the failure to contain certain disclosures in clear and conspicuous language, including (a) that the applicant is not required to disclose erased records, (b) an explanation of what those records are, and (c) that individuals with erased records may swear under oath that they were never arrested in connection with the erased proceedings; and
3. employers (or their agents, representatives, or designees) denying employment to someone, or discharging or discriminating against an employee, based solely on a pre-employment conviction that was erased or for which the person received a provisional pardon or certificate of rehabilitation.

The act also makes minor and technical changes to these provisions.

Other Employment Provisions (§ 16). The act prohibits employers or their agents, representatives, or designees from discriminating against someone in pay or employment terms, conditions, or privileges based on the person's erased criminal history record information. This applies to any employer with at least one employee, including the state and municipal employers.

The act also prohibits the following kinds of employment-related discrimination based on a person's erased criminal history record information:

1. employment agencies failing or refusing to properly classify or refer the person for employment or otherwise discriminating against the person;
2. labor organizations excluding the person from full membership rights, expelling the person, or discriminating in any way against a member, employer, or employee; and
3. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment on this basis and thus discriminates.

Associations of Licensed People (§ 17). The act prohibits professional or trade associations, boards, or other organizations whose profession, trade, or occupation requires a state license, from refusing to accept someone as a member because of his or her erased criminal history record information. Violators are subject to a \$100 to \$500 fine.

Public Accommodations (§ 23). The act prohibits anyone from denying someone, based on erased criminal record information, full and equal accommodations in any place of public accommodation, resort, or amusement (i.e., one that caters to or offers its services, facilities, or goods to the general public), subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people on this basis.

State Higher Education System (§§ 24 & 25). The act prohibits the state higher education system from denying someone an educational opportunity based on erased criminal history record information.

Additionally, it requires the system's policies to have the goal of ensuring that no qualified person is denied the opportunity for higher education due to erased criminal history record information. (The act does not make a violation of this latter provision a discriminatory practice under the CHRO laws.)

Credit (§ 26). The act prohibits a creditor from discriminating against an adult in a credit transaction based on his or her erased criminal record history information.

Other Forms of Discrimination

The act also addresses discrimination in the areas described below, but does not classify them as discriminatory practices under CHRO jurisdiction.

Connecticut Housing Finance Authority (§ 13). Under the act, the Connecticut Housing Finance Authority must require that the occupancy of all housing it finances or otherwise assists be open to all people regardless of their erased criminal history record information. The act also requires the contractors and subcontractors who build or rehabilitate this housing to take affirmative action to provide equal employment opportunity without discriminating as to erased criminal history record information.

Municipal Housing Finance Assistance (§ 14). The act requires municipalities to take all necessary steps to ensure that the occupancy of all housing financed or assisted under the Municipal Housing Finance Assistance Act is open to all people, regardless of their erased criminal history record information.

State Agencies (§§ 18-22 & 29). Starting January 1, 2023, the act prohibits several types of discrimination by state agencies regarding erased criminal history record information. More specifically, it:

1. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel based on merit and qualifications, without regard to their erased criminal history record information (§ 18);

2. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds of his or her erased criminal history record information, except DMV may consider this information to the extent required by federal regulations on commercial driver's licenses (49 § C.F.R. 384) (§ 19);
3. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which they participate, to be open to all qualified people, without regard to their erased criminal history record information (§ 20);
4. prohibits someone's erased criminal history record information from being considered as a limiting factor in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law (§ 21); and
5. requires state agency services to be performed without discrimination based on erased criminal history record information (§ 22).

Additionally, the act specifically prohibits state departments, boards, or agencies from allowing any newly prohibited types of discrimination described above that the act classifies as discriminatory practices under the CHRO laws (e.g., housing discrimination based on erased criminal records).

Auto or Life Insurance (§§ 27 & 28). The act prohibits auto insurance companies from declining, canceling, or refusing to renew policies solely based on erased criminal history record information, unless the company is part of an insurer group and another member of the group would not decline a similar application on this basis.

The act also prohibits life insurers from making any distinction or discrimination against a person in premiums, rates, or the amount payable on a policy because of the person's erased criminal history record information.

In each case, a violation is considered an unfair and deceptive insurance practice (see CGS § 38a-816).

Licensure or Employment Denial Based on Criminal History (§§ 30-32)

Existing law declares that it is the state's policy to encourage employers to give favorable consideration to hiring people with criminal convictions. The act specifies that this policy must not be construed to allow employers to (1) refuse to hire, (2) fire, or (3) discriminate against someone in compensation or other employment terms, based on that person's erased criminal history record information.

Generally, existing law:

1. allows state agencies to deny employment or a credential to a person with a prior criminal conviction if he or she is found unsuitable after considering certain factors;
2. bars the state from distributing erased criminal records, or records of arrests not leading to convictions, in connection with employment applications or credentialing; and
3. bars state employers from inquiring about a prospective employee's criminal history until the person is deemed otherwise qualified for the job, unless the law specifically disqualifies applicants with certain criminal histories.

The act extends this latter provision to all employers, in accordance with the existing provisions described above (§ 15). It also (1) specifies that these provisions do not allow employers to discriminate based on erased criminal history information, as set forth above, and (2) updates terminology in these statutes and makes minor and technical changes.

§ 33 — CRIMINAL JUSTICE AGENCIES

Adds DESPP and the Division of Criminal Justice to the list of "criminal justice agencies" for the purpose of determining access to criminal records

The act specifically lists DESPP and the Division of Criminal Justice as "criminal justice agencies" for the purpose of determining access to criminal records. Under existing law, the State Police and state's attorneys, assistant state's attorneys and deputy assistant state's attorneys, and various other agencies are already classified as criminal justice agencies for this purpose.

Existing law gives criminal justice agencies access to criminal history record information and establishes various duties for them regarding it. For example, if they collect, store, or disseminate criminal history record information they must institute a process to minimize the possibility of recording and storing inaccurate information, and upon discovering any inaccuracy, notify all other agencies known to have received it (CGS § 54-142h(a)).

Among other things, existing law authorizes these agencies to reject for employment, for good cause, applicants for positions that would be authorized to directly access criminal history record information (CGS § 54-142i).

EFFECTIVE DATE: January 1, 2023

§ 35 — MISDEMEANOR SENTENCES

Reduces the maximum sentence for misdemeanors from one year to 364 days and makes related changes

The act reduces the maximum sentence for misdemeanors from one year to 364 days. Previously, the maximum sentence for a class A misdemeanor, and certain unclassified misdemeanors, was one year (see BACKGROUND, *Federal Immigration Law*).

The act provides that if someone was sentenced to a one-year prison term for a misdemeanor, the conviction must still be deemed a misdemeanor after the maximum term is reduced to 364 days as provided above.

It (1) allows anyone previously sentenced to a one-year prison term for a misdemeanor to apply to court to modify the sentence to 364 days and (2) requires the court to issue the modification unless the sentencing records have been destroyed. The person must apply to the court that entered the judgment of conviction, and may apply at any time (thus, even after completing the sentence).

The act applies regardless of when the person was sentenced.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Criminal Conviction Erasure

Under existing law, a person convicted of a crime who seeks to have the conviction and associated records erased must apply to the Board of Pardons and Paroles for an absolute pardon. Generally, the board cannot accept an application for a pardon until five years after a felony conviction and three years after a misdemeanor conviction. The board takes certain factors into consideration in determining whether to grant pardons. Generally, the board must hold hearings before granting a pardon, although some non-violent convictions are eligible for an expedited process that does not involve a hearing (CGS § 54-130a et seq.).

A convicted offender who is not incarcerated may also apply for a certificate of employability to relieve him or her from certain barriers or forfeitures related to employment or licensure. This certificate does not affect the individual's criminal record (CGS §§ 54-108f and -130e).

Family Violence Crimes

By law, a “family violence crime” is a crime, other than a delinquent act, that involves an act of family violence to a family or household member. It does not include acts by parents or guardians disciplining minor children unless these acts constitute abuse. (PA 21-78, § 4, also categorizes criminal violation of a protection order or condition of release as a family violence crime when the condition of release or order is issued for an act of family violence or a family violence crime.)

Generally, “family violence” is physical harm or the threat of violence between family or household members, including stalking or a pattern of threatening, but excluding verbal abuse or arguments unless there is present danger and likelihood of physical violence (CGS § 46b-38a).

Nonviolent Sexual Offenses and Sexually Violent Offenses

Under Connecticut law, certain criminal convictions require sex offender registration. These include, among others, “nonviolent sexual offenses” and “sexually violent offenses.”

Nonviolent sexual offenses include 4th degree sexual assault and certain cases of voyeurism. Sexually violent offenses include several crimes, such as (1) 1st degree aggravated sexual assault; (2) 3rd degree sexual assault with a firearm; and (3) certain cases of 1st, 2nd, and 3rd degree sexual assault (CGS § 54-250).

Federal Immigration Law

Federal law lists certain categories of crimes that render a non-citizen removable from the United States or otherwise affect immigration status. In some situations, immigration consequences are triggered if the crime was punishable by at least one year in prison.

For example, a non-citizen may be removed following conviction for (1) a “crime involving moral turpitude” committed within five years after admission (or 10 years in some cases) if the maximum sentence for the crime is at least one year, or (2) an “aggravated felony” committed at any time after admission (8 U.S.C. § 1227(a)(2)). Aggravated felonies

include, among others, certain offenses with a sentence of at least one year, regardless of the offense's classification under state law (8 U.S.C. § 1101(a)(43)).

Related Acts

PA 21-1, June Special Session, §§ 8-10, (1) provides for the erasure of certain cannabis-related convictions and certain other convictions for possessing non-narcotic drugs and (2) includes provisions similar to this act regarding purchasers of public criminal records.

PA 21-33, §§ 10 & 14, (1) expands the list of convictions ineligible for erasure under this act and (2) under certain circumstances requires prosecutors to notify the victim, before the court accepts a plea agreement, as to whether the defendant's conviction may be eligible for erasure under PA 21-32.

PA 21-33—sSB 1093

Judiciary Committee

AN ACT CONCERNING CIVILIAN POLICE REVIEW BOARDS, SECURITY GUARDS, BODY-WORN RECORDING EQUIPMENT, SEARCHES BY POLICE, LIMITATIONS ON OFFENSES SUBJECT TO AUTOMATIC ERASURE, ENTICING A JUVENILE TO COMMIT A CRIME, LAWFUL ORDERS BY POLICE OFFICERS AND NOTICE TO A VICTIM CONCERNING AUTOMATIC ERASURE OF CRIMINAL RECORD HISTORY

SUMMARY: This act makes various changes in the laws regarding (1) police procedures, (2) juvenile criminal matters, (3) security guards, and (4) criminal record erasure under PA 21-32. Specifically, the act:

1. establishes a process for a person to object to a civilian police review board's subpoena and allows the court to order compliance with a board's subpoena;
2. allows a police officer whose image or voice is captured on certain recordings (e.g., body camera) to review the recordings before they are disclosed in certain instances where there is a request for public disclosure;
3. allows a trier of fact (e.g., judge or jury) in civil cases that involve depriving someone's equal protection or privileges and immunities to draw an unfavorable inference from the deliberate failure of a police officer who wears a body camera to record their use of force or other relevant incidents;
4. prohibits former police officers who were decertified in other states from being licensed as security guards and other related jobs;
5. prohibits law enforcement from using no-knock warrants;
6. expands the reasons a police officer's certification may be canceled or revoked by specifying that undermining public confidence in law enforcement includes issuing unlawful orders;
7. establishes the crime of "enticing a juvenile to commit a criminal act"; and
8. requires the judicial branch to conduct a study to determine the feasibility of (a) decreasing the time between a child's arrest and initial court appearance and (b) establishing a diversionary program for certain children who are arrested.

The act also expands the list of convictions ineligible for erasure under PA 21-32 to include (1) specified class D felonies and class A misdemeanors, such as several assault crimes, and (2) any offense for which the person has not completed serving the sentence, including probation or parole. (PA 21-32 establishes a new process for automatic erasure of certain criminal records, starting in 2023.)

Under certain circumstances, the act also requires prosecutors, before the court accepts a plea agreement, to notify the victim as to whether the defendant's conviction may be eligible for erasure under PA 21-32.

EFFECTIVE DATE: October 1, 2021, except that a conforming change is effective July 1, 2022, and the provisions on (1) the judicial branch study are effective upon passage; (2) crimes ineligible for erasure and victim notification are effective January 1, 2023; and (3) unfavorable inferences for failure to record for (a) use of force is effective July 1, 2021, and (b) civil cases is effective January 1, 2022.

§ 1 — CIVILIAN POLICE REVIEW BOARD SUBPOENA OBJECTIONS

The act provides a process for a person to object to a subpoena issued by a civilian police review board and allows the court to order compliance with a board's subpoena.

It allows the person issued such a subpoena to, within specified timeframes, (1) serve the board with a written objection to the subpoena and (2) file the objection in the Superior Court, which must adjudicate the objection under court rules. A person who wishes to object must do so within 15 days after the subpoena was served or on or before the time the subpoena specifies for compliance, if the time is less than 15 days after service.

Under the act, if the person issued a subpoena fails to appear or refuses to testify or produce the evidence the subpoena requires after appearing, the Superior Court, upon the board's application, may order the person to appear, give testimony, or produce the evidence, as the case may be.

§§ 2, 3, 9 & 10 — BODY-WORN AND DASHBOARD CAMERA REVIEW AND UNFAVORABLE INFERENCE IF CAMERA IS OFF

Right to Review (§§ 2 & 3)

Under existing law, police officers have a right to review recordings, with their labor representative or attorney present, when they are (1) giving a formal statement about the use of force or (2) the subject of a disciplinary investigation where a body-worn recording equipment (e.g., body camera) or dashboard camera recording is part of the review. In these instances, the recordings are disclosable to the public, upon request, by the earlier of (1) 48 hours after an officer has reviewed it or (2) 96 hours after the recorded incident if the officer does not review the recording. The act changes the latter to 96 hours after the initiation of a disciplinary investigation, thus potentially increasing the timeframe before public disclosure.

The act also extends this right to review to instances when a police officer's image or voice is captured on a recording for which a public disclosure request has been made and (1) the officer has not been asked to give a formal statement or (2) a disciplinary investigation has not been initiated. The act requires public disclosure by the earlier of (1) 48 hours after the officer has reviewed the recording or (2) 96 hours after the disclosure request, if the officer does not review it.

As under existing law, certain scenarios are, generally, not disclosable, including the following:

1. communications with other law enforcement personnel, unless within the performance of duties;
2. encounters with undercover officers or informants;
3. officers on break or engaged in personal activity;
4. people undergoing medical or psychological evaluations, procedures, or treatment;
5. people, other than suspects, in a hospital or medical facility;
6. activities in mental health facilities, unless responding to a call involving a suspect in the facilities; or
7. certain crime victims if it would be an invasion of personal privacy (e.g., domestic or sexual abuse) (CGS § 29-6d(g)).

Unfavorable Inference (§§ 8 & 9)

Use of Force. Beginning January 1, 2022, the act allows the trier of fact (e.g., judge or jury), in determining whether the use of force by a police officer who wears a body camera (see BACKGROUND) is justified, to draw an unfavorable inference from the officer's deliberate failure, in violation of the police body camera law, to record the use of physical force.

Governmental Immunity. PA 20-1, July Special Session (JSS), § 41, established a civil cause of action against a police officer who deprives an individual or class of individuals of state law's equal protection or privileges and immunities. In creating a statutory cause of action against the police officer, in certain circumstances it eliminated the possibility of claiming governmental immunity (i.e., common law protection from civil suit) as a defense to these suits.

This act allows the trier of fact in these civil actions to draw an adverse inference from a police officer's deliberate failure, in violation of the police body camera law, to record any event that is relevant to the action.

§§ 4 & 5 — DECERTIFIED POLICE OFFICERS IN OTHER STATES SERVING AS SECURITY GUARDS

The act adds decertification as a police officer in other states, including cancellation, revocation, or refusal to renew a certification, to the list of criteria that make a person ineligible for (1) a security service license, (2) a security officer license, and (3) employment with a security service to perform security officer duties while his or her security officer license application is pending. Existing law already makes police officers decertified in Connecticut ineligible.

§ 6 — CONSENT SEARCHES ON THE PERSON

Under prior law, an individual's consent to conduct a search of his or her body was not justification for a law enforcement official to conduct the search, unless there was probable cause. The act instead allows a law enforcement

official to ask a person if he or she may conduct a search of their person, if the officer has reasonable and articulable suspicion that weapons, contraband, or other evidence of a crime is contained on the person, or the search is reasonably necessary to further an ongoing law enforcement investigation.

Under the act, officers who ask to search a person, whether or not the consent is granted, must complete a police report documenting the reasonable and articulable suspicion for soliciting consent or the facts and circumstances that support the search as being reasonably necessary to further an ongoing law enforcement investigation.

§ 7 — NO-KNOCK WARRANTS PROHIBITED

The act prohibits police officers of a regularly organized police department, state police officers, Division of Criminal Justice inspectors, conservation officers, special conservation officers or patrolpersons, or sworn motor vehicle inspectors from seeking, executing, or participating in the execution of a no-knock warrant. Under the act, search warrants must require an officer to provide notice of the officer's identity, authority, and purpose before entering the place to be searched under the search warrant.

The act requires the executing officer, before searching or seizing anything, to read and give a copy of the search warrant to the person to be searched or the owner of the place to be searched or, if the owner is not present, to any occupant of the place to be searched. If the place is unoccupied, the officer must leave a copy of the search warrant suitably affixed to the place being searched.

Under the act, a "no-knock warrant" means a warrant allowing police officers to enter certain premises without first knocking and announcing their presence or purpose before entering the property.

§ 10 — CONVICTION ERASURE INELIGIBILITY

Under PA 21-32, eligible (1) misdemeanors are subject to erasure seven years after the person's most recent conviction and (2) felonies are subject to erasure 10 years after the most recent conviction. The periods are calculated from the date the court entered the person's most recent conviction for any crime (with an exception for certain drug possession crimes). These erasure provisions generally apply to (1) classified or unclassified misdemeanors; (2) class D or E felonies; and (3) unclassified felonies with up to five-year prison terms. However, PA 21-32 excludes from erasure (1) family violence crimes and (2) nonviolent or violent sexual offenses requiring sex offender registration.

This act makes the following additional crimes ineligible for this erasure, as shown in the table below.

This Act's Additions to List of Criminal Convictions Ineligible for PA 21-32's Erasure Process

The following Class D Felonies:

- Assault 2nd degree with a firearm (not resulting in serious physical injury; other cases are class C felonies) (CGS § 53a-60a)
- Assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability 2nd degree, with or without a firearm (CGS §§ 53a-60b & -60c)
- Strangulation or suffocation 2nd degree (CGS § 53a-64bb)
- Sexual assault 3rd degree (victim age 16 or older; other cases are class C felonies) (CGS § 53a-72a)
- Enticing a minor (1st offense, victim age 13 or older; other cases are class B or C felonies) (CGS § 53a-90a)
- Burglary 3rd degree with a firearm (CGS § 53a-103a)
- Stalking 1st degree (CGS § 53a-181c)
- Voyeurism (cases not covered by the sexual offender registration law; 2nd offenses and certain other cases are class C felonies) (CGS § 53a-189a(a)(1))
- Incest (CGS § 53a-191)
- Obscenity as to minors (CGS § 53a-196)
- Possession of child pornography 3rd degree (CGS § 53a-196f)
- Possession of sawed-off shotgun or silencer (CGS § 53a-211)
- Criminal use of firearm or electronic defense weapon (CGS § 53a-216)
- Criminally negligent storage of a firearm (CGS § 53a-217a)
- Abuse of an elderly, blind, or disabled person or person with intellectual disability 2nd degree (CGS §

53a-322) • Failure to register as a sexual offender when required (CGS §§ 54-251 to -254)
The following Class A Misdemeanors: • Assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability 3rd degree (CGS § 53a-61a) • Strangulation or suffocation 3rd degree (CGS § 53a-64cc) • Abuse of an elderly, blind, or disabled person or person with intellectual disability 3rd degree (CGS § 53a-323)
Any offense for which the defendant has not served or completed serving the sentence, including any period of incarceration, special parole, parole, or probation, until the required seven- or 10-year period has elapsed and the defendant has completed the sentence.

§ 11 — CANCELLATION OR REVOCATION OF POLICE CERTIFICATION

Existing law sets various grounds upon which the Police Officer Standard Training Council (POST) may cancel or revoke a police officer's certification, including for undermining public confidence in law enforcement. The act expands these grounds by specifying that undermining public confidence includes issuing orders that are not lawful.

For this provision, a lawful order is an order that (1) is issued by a police officer who is in uniform or has identified him or herself as an officer to the person the order is issued to at the time the order is issued, (2) is reasonably related to fulfilling the officer's duties, and (3) does not violate any state or federal law. The order must only be issued to (1) prevent, detect, investigate, or stop a crime; (2) protect a person or property from harm; (3) apprehend a crime suspect; (4) enforce a law; (5) regulate traffic; or (6) assist in emergency relief, including administering first aid.

As under existing law, the law enforcement unit, under its procedures, must have found that the officer engaged in this conduct before cancelling or revoking an officer's certification.

As with other actions for undermining public confidence, POST must (1) give the officer notice and an adequate opportunity for a hearing and (2) make a finding of the improper conduct by clear and convincing evidence.

§ 12 — ENTICING A JUVENILE TO COMMIT A CRIMINAL ACT

The act establishes the crime of "enticing a juvenile to commit a criminal act." A person is guilty of this crime if he or she is at least age 23 and knowingly causes, encourages, solicits, recruits, intimidates, or coerces a person under age 18 to commit or participate in the commission of a criminal act.

The act makes (1) a first violation a class A misdemeanor and (2) subsequent offenses a class D felony (see [Table on Penalties](#)).

The act defines a "criminal act" as conduct constituting a felony or a misdemeanor but does not include recruiting a member of a criminal gang.

§ 13 — FEASIBILITY STUDY ON REDUCING CHILD RECIDIVISM

The act requires the judicial branch to conduct a study to determine the feasibility of the following to reduce the likelihood of recidivism:

1. decreasing the time between a child's arrest and initial court appearance, in order to increase the likelihood the child will attend the appearance, and
2. establishing a diversionary program for arrested children, where the participants must report to a judge, juvenile probation officer, or licensed clinical social worker on a weekly basis from arrest until the matter's adjudication.

The act requires the judicial branch to report its findings to the Children and Judiciary committees by January 1, 2022.

§ 14 — VICTIM NOTIFICATION

By law, before the court accepts a proposed plea agreement, prosecutors must provide crime victims with written terms of the plea agreement upon request, except in juvenile matters or youthful offender cases.

Under the act, if the proposed agreement would include a definite or total effective prison term of more than two years, the prosecutor must also indicate to the victim whether the defendant's conviction may be eligible for automatic erasure

under PA 21-32.

For these purposes, a “victim” includes a crime victim, his or her legal representative, a member of a deceased victim’s immediate family, or a person the deceased victim designated to make certain decisions on his or her behalf.

BACKGROUND

Body Camera Requirement

Current law generally requires police officers to use body cameras while interacting with the public in their law enforcement capacity if they are sworn members of (1) the State Police, (2) a municipal police department that has received reimbursement for body camera purchases under the state’s grant program, or (3) a public university or college special police force. It allows sworn members of all other municipal police departments to use body cameras as directed by their departments and in accordance with state law. Beginning July 1, 2022, all sworn members of law enforcement units and members of those units who perform police duties must wear body cameras, among other requirements (PA 20-1, JSS, § 19).

PA 21-39—sSB 986

Judiciary Committee

AN ACT CONCERNING REVISIONS TO THE CONNECTICUT UNIFORM TRUST CODE, RULE AGAINST PERPETUITIES, CONNECTICUT UNIFORM POWER OF ATTORNEY ACT, CONNECTICUT BUSINESS CORPORATION ACT AND CONNECTICUT REVISED NONSTOCK CORPORATION ACT

SUMMARY: This act allows a business or nonstock corporation’s board of directors to determine that a shareholder or member meeting, as applicable, may be held entirely remotely unless the bylaws require that the meeting be held at a physical location. The act makes related changes regarding, among other things, meetings ordered by a court and electronic access to the required list of shareholders or members for meetings. Among other things, it also changes certain procedures for nonstock corporation actions that are voted on by mail.

Separately, the act makes various changes in the state’s Uniform Trust Code, such as (1) defining “terms of a trust” under the code and other trust laws and (2) requiring designated representatives to act in good faith on the beneficiary’s behalf.

Among other things, the act does the following:

1. specifies that if someone is signing a power of attorney on behalf of a principal, both must be physically present at the signing;
2. allows land conveyances by natural persons to be signed by an agent authorized by a power of attorney; and
3. makes a minor change to a definition in the Connecticut Qualified Dispositions in Trust Act (QDTA) (§ 6).

The act also makes a technical correction to a 2019 change (PA 19-137) to the rule against perpetuities (§ 7). That provision generally extended, from 90 to 800 years, the period within which certain interests must vest to be valid.

Lastly, the act makes other minor, technical, and conforming changes.

EFFECTIVE DATE: (1) Upon passage for the corporation and rule against perpetuities provisions, with the latter applicable to any trusts created on or after January 1, 2020; (2) October 1, 2021, for the power of attorney and land conveyance provisions; and (3) January 1, 2022, for the trust code and QDTA provisions.

§§ 10-24 — CORPORATIONS

Authorization for Remote Meetings (§§ 10-11, 13-14, 17-18, 21 & 22)

Prior law allowed business corporation boards to authorize any class or series of shareholders to participate in a meeting remotely, but the meeting itself had to occur at a physical location. It did not allow nonstock corporation members to participate in a meeting remotely.

The act allows a business or nonstock corporation’s board of directors to determine that any annual or special meeting of shareholders or members be held entirely remotely, subject to the conditions below, unless the bylaws require that the meeting be held at a physical location. As under existing law for business corporations, the act also allows nonstock corporation members to participate at an in-person meeting remotely if authorized by the board of directors. The act makes

several related conforming changes.

Existing law sets certain parameters for shareholders participating remotely. The act extends these provisions to (1) nonstock corporation members and (2) meetings held entirely remotely for both business and nonstock corporations. Under these provisions, remote participants are deemed present and may vote at the meeting if the corporation implements reasonable measures to do the following:

1. verify that each participant is a shareholder (or member as applicable) and
2. provide a reasonable opportunity for them to participate in the meeting and vote on submitted matters, including an opportunity to communicate and read or hear the proceedings substantially concurrent with the proceedings.

Court-Ordered Meetings (§§ 12 & 19)

Existing law allows courts, in certain circumstances, to order that a corporation meeting be held (e.g., upon a shareholder's or member's application because the required annual meeting was not held within a specified timeframe).

The act allows courts to order remote-only meetings unless the bylaws require meeting at a physical location. These meetings must follow the parameters described above and any other court-imposed guidelines and procedures.

Notice Requirements (§§ 15 & 23)

By law, after setting a meeting date, a corporation must prepare an alphabetical list of all shareholders or members, as applicable, entitled to notice of the meeting. It must make the list available two business days after giving notice of the meeting for inspection by (1) any shareholder or (2) any member entitled to vote. (Business corporations that prepare a separate list of shareholders entitled to vote must make that list similarly available promptly after fixing the record date for voting.)

The act generally gives corporations the option of making these lists available on a reasonably accessible electronic network, rather than just at their principal office or another location in the same city as the meeting as under prior law. For remote-only meetings, the act requires that the voting list be made available for inspection on the electronic network during the meeting.

In either case, a corporation providing a list electronically must provide, in the meeting notice, information on how to access it. Additionally, a corporation may take reasonable steps to ensure that an electronic list is available only to its shareholders or members.

Bylaw Amendments (§§ 16 & 24)

The act specifies how corporations may amend or repeal bylaws that prohibit remote-only meetings. For business corporations, these actions may be taken as follows:

1. only by the shareholders, if shareholders originally adopted the provision, or
2. by either the shareholders or the board, if the incorporator, incorporators, or board originally adopted it.

The act applies analogous requirements to nonstock corporations (i.e., the actions may be taken by only the members or by the members or board, as applicable).

Existing law provides that if the board originally adopted the bylaws, then either the board or shareholders (members in a nonstock corporation) may amend or repeal provisions that set greater board quorum or voting requirements than provided by law. The act extends these provisions to such bylaws originally adopted by the incorporator or incorporators. As under existing law, board action to adopt or amend these provisions must meet the quorum requirement and be adopted by the vote required under the unamended bylaws or under the proposed amendment, whichever is greater.

Nonstock Corporation Votes by Mail (§ 20)

By law, any nonstock corporate action that must be voted on by the members, including a director's election, may be approved through an election held by mail. The act changes certain procedures regarding these elections and makes related minor and technical changes.

The act requires the corporation to deliver a notice with a written ballot to all members entitled to vote on the matter, setting forth the proposed actions and allowing members to vote on each proposal or director candidate, as applicable. Solicitations for votes by ballot must (1) indicate the quorum requirements, (2) state the percentage of approvals needed to approve each matter other than director elections, and (3) specify the ballot receipt deadline.

Under the act, for matters other than director elections, votes conducted this way are valid only if the number of votes cast and approvals at least equals the number required for a comparable meeting. The act eliminates a prior provision which

provided that, unless the certificate of incorporation provided otherwise, mail-in votes conducted this way (for director elections or other matters) had to be determined based on the total number of votes, rather than the total number entitled to vote. The act prohibits these ballots from being revoked unless the certificate of incorporation or bylaws allow revocation.

Prior law provided that, if not otherwise set by law, the record date for determining which members were entitled to vote in a mail election was the date the first member signed the ballot. The act instead sets it as the date the corporation delivers the required notice.

§§ 1-5 — TRUST CODE

Definitions (§ 1)

PA 19-137 adopted the Connecticut Uniform Trust Code, establishing numerous rules on creating, modifying, terminating, and enforcing trusts. Under existing law, the trust code's definitions apply to the code itself and to the Connecticut Uniform Directed Trust Act. This act additionally applies the definitions to various other trust-related statutes (i.e., the entirety of Chapter 802c).

Several provisions in the trust code refer to the "terms of a trust." For example, the trust code generally allows the terms of a trust to override its provisions, with 14 enumerated exceptions (CGS § 45a-499e). The act defines the "terms of a trust," except as provided below, as the manifestation of the settlor's intent regarding a trust's provisions as (1) expressed in the trust instrument or (2) established by other evidence that would be admissible in a judicial proceeding.

Alternatively, the terms of a trust are its provisions as established, determined, or amended by:

1. a trustee or other person authorized under the trust instrument, a statute, or a court order;
2. a court order; or
3. a nonjudicial settlement agreement, or court approval of the combination of a testamentary trust with another trust or division of a testamentary trust into separate trusts, pursuant to applicable provisions of the trust code.

Designated Representatives (§§ 2 & 3)

Under the trust code, a trust instrument generally may (1) designate someone other than the settlor to represent and bind a beneficiary or (2) authorize someone, other than a trustee or the settlor, to designate someone to represent and bind a beneficiary. The representative may receive notices or other reports on the beneficiary's behalf. (These provisions do not apply if the beneficiary is a charity.)

The act requires the designated representative to act in good faith on the beneficiary's behalf. Additionally, in situations where a trustee must send a notice to the trust's qualified beneficiaries, the act eliminates the requirement for the trustee to also send it to any designated representatives. Instead, it authorizes the trustee to send notices to those representatives who are qualified to represent a beneficiary, instead of sending it to the beneficiary.

Limitation on Beneficiary's Creditor (§ 5)

The act prohibits a beneficiary's creditor, other than a settlor's creditor if the settlor is also a beneficiary, from attaching or compelling a distribution of property that is subject to a power of withdrawal that has lapsed, been waived, or released over all or part of the trust property. (A power of withdrawal is a presently exercisable power of appointment that meets certain requirements.)

Existing law additionally prohibits these creditors from attaching or compelling a distribution that is subject to certain powers in three specific situations.

§ 8 — POWERS OF ATTORNEY

Existing law requires that a power of attorney be signed by (1) the principal or (2) someone else at the principal's direction and in his or her conscious presence. The act specifies that if someone else is signing for the principal, they both must be physically present at the same location when the document is signed.

§ 9 — LAND CONVEYANCES

Under prior law, if the party conveying land (i.e., the grantor) was a natural person, the conveyance could be signed only by the grantor or his or her agent authorized for that purpose by a power executed, acknowledged, and witnessed in the manner required for conveyances.

The act additionally allows the conveyance to be signed by an agent authorized by a validly executed, acknowledged, and witnessed power of attorney.

PA 21-40—SB 1089

Judiciary Committee

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES

SUMMARY: This act makes various, unrelated technical changes to statutes related to, among other things, workforce development boards; emergency vehicle lights; and law enforcement unit definitions. It makes minor changes to several other statutes, including specifying that the “civil air patrol” for purposes of employment protection is the Connecticut Wing Civil Air Patrol.

EFFECTIVE DATE: October 1, 2021, except the technical change to a law enforcement unit definition (§ 26) takes effect July 1, 2022.

PA 21-54—SB 972

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING COMMUNICATION SERVICES IN CORRECTIONAL AND JUVENILE DETENTION FACILITIES

SUMMARY: Starting October 1, 2022, this act requires the Department of Correction (DOC) commissioner and the judicial branch’s Court Support Services Division (CSSD) executive director to provide free communication services to inmates in correctional facilities and child detainees in juvenile detention facilities, respectively, and to the people with whom the inmates and detainees communicate. Regarding these free services, the act requires these officials to provide voice communication services (“phone services”), but allows them to supplement those services with other communication services, including video communication and email services. The act prohibits the state from receiving revenue for providing communication services to inmates and detainees. (PA 21-2, June Special Session (JSS), § 52, moves up the implementation date for the above inmate-related provisions from October 1, 2022, to July 1, 2022, and requires that each inmate be eligible to use the provided phone services for at least 90 minutes each day he or she is confined if it does not interfere with a correctional facility’s standard operations.)

Beginning June 16, 2021, the act prohibits the DOC commissioner and CSSD executive director from replacing in-person contact visits that inmates and detainees may be eligible for with phone services or other communication services. (PA 21-2, JSS, § 53, delays the act’s prohibition on the CSSD executive director from June 16, 2021, until July 1, 2022.)

The act also repeals the laws requiring the Department of Administrative Services to transfer some of the revenue derived from inmate phone calls to (1) DOC to expand inmate educational services and re-entry initiatives and (2) the Judicial Department for staff and services needed to expand the probation transition program and technical violation units. **EFFECTIVE DATE:** Upon passage, except the repealer section is effective on October 1, 2022.

BACKGROUND

Child Definition

By law and under the act, a child is generally anyone under age 18 who is not legally emancipated but for delinquency matters and proceedings includes a person who:

1. was at least age 7 when he or she committed an alleged delinquent act and is (a) under age 18 and not legally emancipated or (b) age 18 or older but committed the act when under age 18 or
2. is over age 18 and (a) violates a court order or probation condition related to a delinquency proceeding or (b) willfully fails to appear in response to a summons or at any other delinquency proceeding for which he or she received notice (CGS § 46b-120).

PA 21-56—sSB 989

Judiciary Committee

AN ACT CONCERNING ONLINE HARASSMENT

SUMMARY: This act expands various crimes related to harassment to include, among other things, conduct initiated through electronic methods. It does so by expanding what constitutes 2nd degree stalking to include certain conduct (1) concerning, but not directed at, a specific person; (2) that causes fear of harm to an animal; and (3) involving the disclosure of personally identifiable information through electronic communications in a manner that causes fear or serious distress.

The act allows those harmed by such disclosure to bring a civil action to recover damages and other relief.

It also:

1. expands 2nd degree harassment to include electronic methods of communication, eliminates the intent to annoy someone as a prohibited action, and adds intent to terrorize or intimidate as a basis;
2. limits 1st degree stalking of someone under age 16 to situations where the actor is age 22 or older; and
3. expands 1st degree stalking to include situations in which the actor intentionally directs the conduct at the other person based on bias (e.g., race, sex, or disability).

The act specifies that the crime of trafficking in personally identifying information includes selling, giving, or otherwise transferring personally identifying information, as defined by the act for purposes of 2nd degree stalking (see below). Existing law already defines “personally identifying information” broadly to include information that may be used, alone or in conjunction with other information, to identify a specific individual (§ 3).

EFFECTIVE DATE: October 1, 2021

§§ 2 & 4 — 2ND DEGREE STALKING

The act expands what constitutes 2nd degree stalking by including (1) certain instances when an actor uses electronic communications to disclose a person’s personally identifiable information, causing distress or fear, and (2) specific additional instances where the stalking would cause a reasonable person to fear for an animal’s safety.

The act specifies that 2nd degree stalking may be deemed to have been committed either in the place the communication began or was received.

By law, 2nd degree stalking is a class A misdemeanor (see [Table on Penalties](#)).

Conduct Concerning but Not Directed at a Specific Person

Under prior law, someone committed 2nd degree stalking when he or she:

1. knowingly engaged in conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her, or a third person’s, physical safety or (b) suffer emotional distress or
2. had already been asked to stop and intentionally, and for no legitimate purpose, engaged in conduct directed at a specific person that would cause a reasonable person to fear that his or her employment, business, or career is threatened.

The act broadens these categories of conduct to include instances where the actor engages in conduct concerning a specific person. It also specifies that the intent must be to harass, terrorize, or alarm.

Fear of Harm to Animal

The act also expands the conduct that constitutes 2nd degree stalking to include instances when the actor knowingly engages in a course of conduct that is directed at or concerning a specific person and would cause a reasonable person to fear injury to or the death of an animal the specific person owns, possesses, or controls.

Electronic Communications to a Workplace

Under prior law for 2nd degree stalking, when a person’s employment, business, or career was threatened, the actor’s threatening conduct consisted of the actor telephoning, appearing at, or initiating communication or contact at the other person’s place of employment or business. The act specifies that these communication methods include electronic video-conferencing or digital media. As under existing law, for 2nd degree stalking to have been committed, the actor must have been previously and clearly told to stop this conduct.

Electronic Disclosures Made for No Legitimate Purpose

The act also includes in 2nd degree stalking the conduct of disclosing a specific person's personally identifiable information without the person's consent, for no legitimate purpose and with intent to harass, terrorize, or alarm, by means of electronic communication, including electronic or social media. The actor must know under the circumstances that the disclosure would cause a reasonable person to (1) fear for his or her or a third person's physical safety or (2) suffer emotional distress.

Definitions. Under the act, "personally identifying information" means:

1. any information that can be used to distinguish or trace an individual's identity, such as a name, prior legal name, alias, mother's maiden name, Social Security number, date or place of birth, address, telephone number, or biometric data;
2. any information that is linked or linkable to a person, such as medical, financial, education, consumer, or employment information, data, or records; or
3. any other sensitive private information that is linked or linkable to a specific identifiable person, such as gender identity, sexual orientation, or any sexually intimate visual depiction.

Private Right of Action. Under the act, a person harmed by 2nd degree harassment through the intentional electronic disclosure of personally identifiable information (see above) may bring a civil action in Superior Court for the judicial district where the person resides or the Hartford judicial district. The action may be brought against (1) the person or persons who committed the violation or (2) any person who knowingly benefitted, financially or by receiving anything of value, from participating in the activity that the person knew or should have known involved 2nd degree harassment through an electronic disclosure. The plaintiff may recover damages and other appropriate relief, including reasonable attorney's fees. The court, on a party's motion, may issue a temporary or permanent injunction to prevent the disclosure or continued disclosure of a party's personally identifying information.

The act requires an individual who is found liable to be jointly and severally liable with other individuals, if any, who are found liable for damages from the same violation. It sets the statute of limitations for this action at three years from the date of the violative act.

§ 5 — 2ND DEGREE HARASSMENT

The act:

1. expands 2nd degree harassment to involve electronic methods of communication;
2. eliminates the use of indecent or obscene language when addressing another person on the telephone as a form of 2nd degree harassment; and
3. eliminates the intent to annoy someone as a prohibited action and adds intent to terrorize or intimidate as a basis.

As under existing law, the offense may be deemed to have been committed either in the place the communication began or was received, and the court may order anyone convicted to be examined by one or more psychiatrists.

By law, 2nd degree harassment is a class C misdemeanor.

Harassment on Electronic Meeting Spaces

The act expands 2nd degree harassment to include instances when a person communicates or shares a photograph, video, or words or engages in any other communications to a digital, electronic, online, or other meeting space in a way that is likely to cause terror, intimidation, or alarm.

Other Harassing Communications

Under prior law, it was 2nd degree harassment when an individual:

1. with the intent to harass, annoy, or alarm another person, communicated by telegraph or mail, by transmitting a fax through a telephone network, computer network, or by other written communication, in a manner likely to cause annoyance or alarm or
2. made, in a manner likely to cause annoyance or alarm, a telephone call with intent to harass, annoy, or alarm another person, whether or not there was a conversation.

The act eliminates the intent to annoy someone as a basis for a 2nd degree harassment charge and adds the intent to terrorize or intimidate someone as a basis for it. It also expands covered communications to include e-mail or text messages or other electronically sent messages, whether by digital media account, messaging program or application, or computer or computer service or network, rather than just by telephone as under prior law.

§ 1 — 1ST DEGREE STALKING

Under prior law, a person was guilty of 1st degree stalking when he or she committed 2nd degree stalking (see above) and (1) previously was convicted of 2nd degree stalking, (2) violated a court order at the time of the offense, or (3) the victim was under age 16. The act limits the latter provision to situations in which the stalker is age 22 or older. It also expands the crime to include 2nd degree stalking combined with intentionally directing conduct at the other person because of his or her actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.

By law, 1st degree stalking is a class D felony.

PA 21-67—sHB 6355

Judiciary Committee

AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY CERTIFICATES

SUMMARY: Existing law allows any two police officers or a state’s attorney or assistant state’s attorney, under limited circumstances, to apply to court for a warrant (“risk warrant”) to seize firearms and ammunition from someone who poses an imminent risk of injuring himself or herself or someone else.

Starting in June 2022, this act expands the scope of this law to also cover other deadly weapons (see BACKGROUND). It also allows these officials to apply for a risk protection order prohibiting such a person from acquiring or possessing firearms, other deadly weapons, or ammunition.

The act also allows adult family or household members, or medical professionals, to apply for a risk protection order investigation to determine whether a person poses a risk of imminent injury to himself, herself, or someone else. After the court issues an investigation order, if the police determine that there is probable cause to believe that the person poses this risk, they must seek a risk protection order and, when applicable, a risk warrant.

Under the act, if a judge issues a risk protection order and there is probable cause to believe that the person possesses firearms or other deadly weapons, the judge must issue a risk warrant along with or following that order, under specified procedures. Like existing law for risk warrants, the act requires a hearing within 14 days after a risk protection order is served.

The act makes other changes to risk warrant procedures. For example, it removes the previous one-year maximum period on the state’s hold of items seized under a risk warrant. Instead, it continues the risk protection order and seizure period until the person successfully petitions the court to terminate the order and warrant. It allows these individuals to periodically petition the court to challenge the order and items’ seizure starting 180 days after the initial hearing. Among other changes, the act also narrows the list of people to whom someone under a risk warrant may transfer their firearms or ammunition (rather than having the state hold these items).

The act (1) incorporates risk protection orders into the educational materials that the chief court administrator must already make available on risk warrants and (2) expands the types of materials that the administrator’s office must make available.

The act bars people from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if they are subject to a risk protection order or risk protection investigation order. It also extends existing criminal penalties for unlawful possession of handguns or other firearms, electronic defense weapons, or ammunition to people possessing these items if they know they are subject to a risk protection order or investigation order. This is a class C felony (see [Table on Penalties](#)) with a two-year mandatory minimum sentence, and a \$5,000 minimum fine unless the court states on the record why it remits or reduces it.

Under existing law, the prohibition on obtaining the above gun credentials, and the criminal possession penalties listed above, already apply to people subject to a risk warrant firearm seizure order issued after notice and a hearing. Corresponding with the act’s other changes, the act limits this to those orders issued before June 1, 2022.

The act also limits the circumstances in which certain misdemeanor convictions make someone (1) ineligible to obtain these firearm credentials or (2) guilty of criminal possession of handguns or other firearms, electronic defense weapons, or ammunition. It removes certain drug possession convictions before October 1, 2015 (principally, a first offense for possessing under four ounces of marijuana) from the list of misdemeanors that bar eligibility for these credentials or items. For other disqualifying misdemeanors under existing law, the act limits the scope to only those occurring within the prior 20 years.

Lastly, the act extends certain firearm storage laws to cover people subject to a risk protection order. It prohibits anyone in control of a premises from keeping unsecured firearms there if the person knows, or reasonably should know, that a resident is subject to such an order.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: June 1, 2022

§ 1 — RISK PROTECTION ORDER INVESTIGATIONS

The act allows family or household members, or medical professionals, to apply to court for a risk protection order investigation if they have a good faith belief that someone poses a risk of imminent personal injury to himself, herself, or another person.

For these purposes, a “family or household member” is someone at least age 18 who is one of the following in relation to the person subject to the application:

1. the person’s spouse, parent, child, sibling, grandparent, grandchild, stepparent, stepchild, stepsibling, mother- or father-in-law, son- or daughter-in-law, or brother- or sister-in-law;
2. someone residing with the person;
3. someone who has a child in common with the person;
4. the person’s dating or intimate partner; or
5. the person’s current or former legal guardian.

Under the act, a “medical professional” is one of the following state-licensed professionals who has examined the person: a physician or physician assistant, an advanced practice registered nurse, or a psychologist or clinical social worker.

Application Procedure

Under the act, a family or household member or medical professional may apply for this investigation with the clerk of the court for any geographical area. The application and accompanying affidavit must be made under oath and must indicate:

1. the factual basis for the applicant’s belief that the person who is the subject of the application poses such an imminent risk;
2. whether the person holds certain firearm credentials or possesses any firearms, other deadly weapons, or ammunition, if known; and
3. the location of the firearms, weapons, or ammunition, if known.

The credentials include a handgun carry permit or eligibility certificate, long gun eligibility certificate, and an ammunition certificate.

Court Order and Subsequent Duties

Under the act, after receiving the application and affidavit, if the court finds there is a good faith belief that the person poses this imminent risk, it must order a risk protection order investigation to determine if the person poses that risk.

Upon issuing the order, the court must notify the Department of Emergency Services and Public Protection (DESPP) commissioner. The court also must immediately:

1. notify the law enforcement agency for the town where the person resides, and transmit to that agency the order, application, and affidavit; and
2. enter into the National Instant Criminal Background Check System (NICS) a record indicating that the person is ineligible to purchase or otherwise receive a firearm.

Police Investigation

Under the act, after the court notifies the appropriate law enforcement agency, that agency must immediately investigate whether the person poses a risk of imminently injuring himself, herself, or someone else. If the police determine that there is probable cause to believe that is the case, they must apply to court for a risk protection order and, when applicable, a risk warrant (see below). The police must do so within 24 hours after receiving the investigation order, or as soon as practicable if they need more time to complete the investigation.

In cases where the police determine that there is no probable cause to believe that the person poses an imminent risk, they must notify the court, the applicant, and the DESPP commissioner in writing. The police must do so within 48 hours after receiving the investigation order, if practicable, or as soon as practicable if they need more time to complete the

investigation. Under the act, when the court receives this notification, it must immediately remove or cancel any associated record in the NICS system.

§ 1 — RISK PROTECTION ORDERS AND RISK WARRANTS

Complaint Process

The act allows any two police officers or a state's attorney or assistant state's attorney, upon complaint under oath, to seek a risk protection order prohibiting someone from acquiring or possessing firearms, other deadly weapons, or ammunition. As under existing law for risk warrants, they must have probable cause to believe the person poses a risk of imminent injury to himself, herself, or someone else. Under the act, if the judge issues the order, the judge must also issue a risk warrant (as part of or following the risk protection order) if there is probable cause to believe that the person possesses firearms or deadly weapons at some location. Prior law generally authorized, but did not require, judges to issue risk warrants if there was this probable cause.

Under existing law, a risk warrant applicant must have (1) conducted an independent investigation to establish probable cause before seeking the warrant and (2) completed a sworn affidavit. The act extends these requirements to risk protection orders.

Factors in Judge's Determination

Under the act, in determining whether to issue a risk protection order, the judge must consider the same factors as under existing law for risk warrants. So, the judge must consider any recent (1) threat or violent act the person directed at himself, herself, or others and (2) acts of animal cruelty committed by the person.

In addition, as under existing law for risk warrants, in evaluating whether the threats or acts constitute probable cause to believe a risk of injury is imminent, the judge may consider, among other things, whether the person: (1) recklessly used, displayed, or brandished a firearm; (2) has a history of using, attempting, or threatening to use physical force against people; (3) was ever involuntarily confined to a psychiatric hospital; (4) abused alcohol; or (5) illegally used controlled substances. The act also allows the judge to consider whether the person recklessly used, displayed, or brandished other deadly weapons for both orders and warrants.

Issuance of Order and Warrant

As under existing law for risk warrants, if the judge is satisfied that the standards have been met, the act requires the judge to issue the risk protection order, and warrant if applicable, directed to the police, (1) naming or describing the person, (2) stating the grounds or probable cause, and (3) describing the place or thing to be searched when applicable. The act specifies that if the standards to issue a risk protection order are met, the judge must issue it regardless of whether the person is already ineligible to possess firearms.

As under existing law for risk warrants, the court must provide a copy to the person along with a notice of his or her right to a hearing and legal representation. The act (1) specifies that the court must provide the copy and notice within a reasonable time and (2) requires the notice to also include the telephone number for the court clerk who can inform the person of the hearing's date and time.

Under the act, when the court issues a risk protection order (and risk warrant if applicable), the court also must direct the clerk to notify the DESPP commissioner.

Police Filing With the Court

Under prior law, a risk warrant applicant had to file a copy of the application and all supporting affidavits with the appropriate court clerk. The act instead requires the police agency that executed the warrant to file these documents (whether the police or a prosecutor sought the warrant) and also requires that agency to file these documents with the state's attorney's office in the appropriate judicial district. As under prior law, these documents must be filed by the next business day after the warrant is executed. The act makes a conforming change by specifying that the inventory accompanying the warrant must include all other deadly weapons, not just firearms and ammunition, that were seized.

For risk protection orders, the act requires the police agency that serves the order to file a copy with the appropriate court and send to the state's attorney's office for the judicial district a return of service indicating the service date and time. The police must do so by the next business day after serving it.

Before the order's service and return, the court clerk must not disclose any information about the application or related

affidavits to anyone outside the judicial branch, the police agency that served the order, or the appropriate state's attorney's office. The order must be served and returned with reasonable promptness consistent with due process. Existing law restricts disclosing warrant information before its execution and return and similarly requires its prompt execution consistent with due process.

Mandatory Hearing

Under existing law, the court in the geographical area where the person lives must hold a hearing within 14 days after a risk warrant's execution to determine if the state should continue to hold the firearms or ammunition or return them.

The act similarly requires a hearing within 14 days after a risk protection order is served. The hearing's purpose is to determine whether the order should continue and, if applicable, whether the state should return the person's firearms, deadly weapons, or ammunition.

As under existing law for risk warrants, the act requires the state to prove all material facts by clear and convincing evidence. If the court finds that the person poses an imminent risk of injury to himself, herself, or someone else, it may order that the risk protection order stay in effect and that the state continue to hold the items until the court terminates the order and orders the items' return (see below). The court also must notify the Department of Mental Health and Addiction Services, which may take appropriate action allowed by laws establishing its jurisdiction over people with mental illnesses.

If the court finds that the state failed to prove that the person poses such a risk, the court must terminate the order and warrant and order the items' return as soon as practicable.

The act specifies that the court cannot order the items to be returned if the person is not legally able to possess them.

Period of Order and Item Seizure

Under prior law, if the court found after a hearing that the subject of a risk warrant posed an imminent risk as described above, it could order that the state continue to hold the person's firearms and ammunition for up to one year.

The act removes this one-year limit. Under the act, a risk protection order, and any hold on the person's firearms, deadly weapons, or ammunition, continues until the person successfully petitions the court to terminate the order and risk warrant (if applicable). The person may first petition the court for this hearing starting 180 days after the hearing on the order or warrant.

Under the act, when the petition is filed, the court must take the following actions:

1. schedule a hearing to be held on the 28th day after the petition's filing (or the closest business day to that if the 28th day is not a business day);
2. notify the Division of Criminal Justice about the petition; and
3. direct the appropriate law enforcement agency to determine, within 14 days after the petition's filing, whether there is probable cause to believe the person poses a risk of imminently injuring himself, herself, or someone else.

The act prohibits a finding of probable cause that is solely based on the petitioner being subject to an existing risk protection order or warrant.

The law enforcement agency must notify the court about its determination. If the agency does not find probable cause, the court must cancel the hearing and terminate the order and warrant. If the agency finds probable cause, the hearing must proceed as scheduled.

At the hearing, the state must prove all material facts by clear and convincing evidence. If the court finds, after the hearing, that the petitioner poses a risk, the order and warrant (if applicable) remain in effect. If the court finds that the state failed to prove this risk, then the court must terminate the order and warrant.

If the court denies the petition after a hearing, the person must wait at least 180 days before filing another petition.

Notification to NICS of Order's Termination

Under the act, immediately upon terminating a risk protection order, the court must remove or cancel any associated records in the NICS system.

Other Changes

The act removes from the law the prior condition that the police or prosecutor could seek a risk warrant only after determining that there were no reasonable alternatives to avert the risk of harm.

The act also narrows a provision that previously allowed anyone whose guns or ammunition had been seized under these provisions (or the person's legal representative) to transfer them to anyone eligible to possess them. Instead, the act

allows these transfers only to federally licensed firearms dealers. As under prior law, (1) these transfers must follow specified procedures and (2) the state agency holding the items must transfer them within 10 days of receiving notice.

Under the act, if DESPP or a local police department is holding firearms, other deadly weapons, or ammunition seized under a risk warrant, they must not destroy these items until at least one year has passed since the warrant's termination date. This applies despite an existing law which requires the police to destroy surrendered firearms which have not been transferred after one year.

§ 2 — EDUCATIONAL MATERIALS

Existing law requires the chief court administrator to develop and make available to the public educational materials on the risk warrant process. The act (1) extends this requirement to include the risk protection order process and (2) specifies that these provisions apply to the Office of the Chief Court Administrator rather than just to the administrator himself.

It also requires the office to develop and make available, in hard copy and on the judicial branch website, a (1) form for family or household members or medical professionals to apply for a risk protection order investigation and (2) one-page, plain language explanation of how to apply. The form must include questions designed to solicit information significant to a judge's determination in these matters.

In addition, the educational materials and form must prominently advise applicants (1) that the police or prosecutors may help with, and apply for, a risk protection order or risk warrant and (2) about the benefits of seeking their assistance.

§§ 3-7 — MISDEMEANOR CONVICTIONS AND FIREARM PERMIT AND POSSESSION ELIGIBILITY

Under existing law, individuals are guilty of criminal possession of a handgun or other firearm, ammunition, or an electronic defense weapon when the person possesses these items and has convictions for felonies or certain misdemeanors. If they have these criminal convictions, they are also prohibited from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate.

The act removes from the list of disqualifying convictions misdemeanor offenses committed before October 1, 2015, for a first offense for possessing (1) under four ounces of marijuana or (2) any amount of non-narcotic or non-hallucinogenic drugs.

For the other disqualifying misdemeanors under existing law, the act limits the ineligibility to offenses committed during the prior 20 years. These misdemeanors are as follows:

1. criminally negligent homicide (excluding deaths caused by motor vehicles) (CGS § 53a-58);
2. third-degree assault (CGS § 53a-61);
3. third-degree assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability (CGS § 53a-61a);
4. second-degree threatening (CGS § 53a-62) (in some cases, this crime is a felony, also barring eligibility for these credentials or items);
5. first-degree reckless endangerment (CGS § 53a-63);
6. second-degree unlawful restraint (CGS § 53a-96);
7. first-degree riot (CGS § 53a-175);
8. second-degree riot (CGS § 53a-176);
9. inciting to riot (CGS § 53a-178); and
10. second-degree stalking (CGS § 53a-181d).

Under existing law, unchanged by the act, convictions for these misdemeanors bar someone from possessing firearms other than handguns, ammunition, or electronic defense weapons, only if the crime was committed on or after October 1, 2013.

§ 8 — FIREARM STORAGE

Under existing law, certain firearm storage requirements apply if the person who controls a premises knows or reasonably should know that (1) a minor is likely to gain access to the firearm without a parent's or guardian's permission or (2) a resident is either ineligible to possess a firearm or poses a risk of imminent personal harm or harm to others. The person controlling the premises must either:

1. keep any firearm in a securely locked box or other container or in a manner that a reasonable person would believe to be secure or
2. carry it on his or her person or so closely that he or she can readily retrieve and use the firearm as if he or she were carrying it.

The act extends these requirements to situations where the person controlling the premises knows or reasonably should know that a resident is subject to a risk protection order.

Under existing law, if the person controlling the premises violates these firearm storage requirements and the other person obtains the firearm and injures someone, then the person in control faces civil and criminal liability. Specifically, the person is (1) subject to strict civil liability for damages (i.e., liable regardless of intent) and (2) generally guilty of a class D felony (CGS §§ 52-571g & 53a-217a). The act does not explicitly extend this to cases where the other person is subject to a risk protection order. But in some cases, this civil and criminal liability could apply because these people are ineligible to possess firearms under the act.

BACKGROUND

Deadly Weapons

By law, a “deadly weapon” is a weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles (CGS § 53a-3).

PA 21-68—HB 6564

Judiciary Committee

AN ACT CONCERNING SECONDHAND DEALERS, PRECIOUS METALS OR STONES DEALERS AND PAWNBROKERS

SUMMARY: Under prior law, secondhand dealers and precious metals or stones dealers who were licensed as pawnbrokers on March 31, 2011, and continued to hold these licenses could pay for property received in the same manner as pawnbrokers (e.g., by cashing a check they issued) until July 1, 2021. This act eliminates the sunset date for this authorization and expands it to cover any such dealers licensed as pawnbrokers.

By law, pawnbrokers, secondhand dealers, and precious metals or stones dealers may pay for property by check or money order, but not cash. (Pawnbrokers may also pay by bank draft.) Pawnbrokers, however, may cash any instrument they issue to a person selling the property (CGS § 21-42). They (1) must require proof of identity of the person presenting the check, draft, or money order and (2) are prohibited from cashing more than \$1,000 and from structuring transactions to avoid this prohibition. Except as described above, secondhand dealers and precious metals dealers may not cash any instrument they issue (CGS §§ 21-47e(e) & -100(h)).

The act also increases the timeframe, from five to 10 days after the transaction, for which a precious metals or stones dealer must hold property, other than bullion or coins, before selling or disposing of it. As under prior law, the licensing authority may grant exemptions for good cause.

EFFECTIVE DATE: July 1, 2021

PA 21-74—HB 6656

Judiciary Committee

AN ACT CONFIRMING AND ADOPTING VOLUMES 1 TO 13, INCLUSIVE, OF THE GENERAL STATUTES, REVISED TO JANUARY 1, 2021

SUMMARY: This act formally adopts, ratifies, confirms, and enacts the General Statutes revised to January 1, 2021.

EFFECTIVE DATE: Upon passage

PA 21-78—sSB 1091

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES

SUMMARY: This act makes various changes in the laws relating to domestic violence, civil restraining orders, family violence, assistance programs, and certain crimes. Principally, it:

1. establishes a general definition of domestic violence that includes coercive control as a form of domestic violence (§ 1);
2. allows victims subject to coercive control by a family or household member to be eligible for civil restraining orders (§ 2);
3. requires the court to sanction a party if it finds the party filed a pattern of frivolous and fabricated pleadings or motions in family relations matters (§ 10);
4. creates a grant program to provide free legal assistance to indigent restraining order applicants (§ 15);
5. makes criminal violation of a protection order or condition of release a family violence crime in certain circumstances (§ 4);
6. establishes a timeframe for law enforcement agencies to provide U Nonimmigrant Status certification (§ 5);
7. prescribes a specific notice that must be provided to each person who receives a family violence protective order or standing criminal protection order (§§ 6 & 7);
8. requires courthouses constructed on or after July 1, 2021, to include a room for family violence victims and advocates (§ 11);
9. expands the “best interest of the child” factors in family relations matters to include the child’s physical and emotional health (§§ 8 & 9);
10. expands the judicial districts within which the chief court administrator must allow one or more family violence victim advocates to provide services to domestic violence victims (§ 12);
11. expands the factors the court may consider when determining release conditions (§ 16);
12. provides eligible domestic violence victims easier access to certain assistance programs (§§ 13 & 14);
13. expands the crimes of 1st, 2nd, and 3rd degree intimidation based on actions motivated in whole or in substantial part by certain attributes (§§ 17-19); and
14. establishes additional protections for tenants who are protected by certain orders of protection by, among other things, requiring a landlord to change a dwelling unit’s locks upon the tenant’s request or allow the tenant to do so within a certain time period (§§ 20-22).

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021, unless otherwise noted below.

§ 1 — DOMESTIC VIOLENCE

Family Relations Matters and Support

The act creates a general definition for the term “domestic violence” and applies it to all provisions related to family relations matters and support (i.e., Title 46b, family law). In doing so, it includes coercive control as a form of domestic violence.

Under the act, “domestic violence” means:

1. a continuous threat of present physical pain or physical injury against a family or household member;
2. stalking, including 2nd degree stalking, of a family or household member;
3. a pattern of threatening, including 2nd degree threatening, of a family or household member or a third party that intimidates the family or household member; or
4. coercive control of a family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person’s free will and personal liberty.

Coercive Control

Under the act, “coercive control” includes unreasonably:

1. isolating the family or household member from friends, relatives, or other support;
2. depriving the family or household member of basic necessities;
3. controlling, regulating, or monitoring the family or household member’s movements, communications, daily behavior, finances, economic resources, or access to services;
4. compelling the family or household member by force, threat, or intimidation, including threats based on actual or suspected immigration status to (a) engage in conduct from which they have a right to abstain or (b) abstain from conduct that they have a right to pursue;
5. committing or threatening to commit cruelty to animals that intimidates the family or household member; or
6. forcing the performance of sex acts or making threats of a sexual nature, including threatened acts of sexual conduct, threats based on a person’s sexuality, or threats to release sexual images.

Because the act’s definition applies to all of Title 46b unless the context otherwise requires, the following provisions in existing law would specifically incorporate “domestic violence” as described above:

1. continuing restraining orders (CGS § 46b-15b);
2. various family violence investigations and programs (CGS §§ 46b-38b, -38c, -38g, -38j, 38k, 38l & -38m);
3. certain provisions on appointing guardians ad litem, custody decisions, and visitation rights (CGS §§ 46b-54, -56 & -59); and
4. certain paternity provisions (CGS § 46b-168a).

Family or Household Members

By law, “family or household members” are any of the following, regardless of age:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people not related by blood or marriage living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people who are or were recently dating (CGS § 46b-38a).

EFFECTIVE DATE: Upon passage

§ 10 — FRIVOLOUS CLAIMS

Under the act, in any family relations matter, including restraining order actions involving domestic violence, if the court finds that a pattern of frivolous and intentionally fabricated pleadings or motions are filed by one party, then it must sanction the party in an appropriate manner that allows the matter to proceed without undue delay or obstruction.

§§ 2, 3 & 15 — CIVIL RESTRAINING ORDERS

Eligibility to File Petition (§ 2)

The act expands the eligibility criteria to petition the court for a restraining order, allowing domestic violence victims who are subject to coercive control by a family and household member to be eligible petitioners.

Under existing law, (1) any family or household member who has been subjected to continuous threats of present physical pain or physical injury, stalking, or a pattern of threatening, may apply to the Superior Court for a restraining order and (2) the court may issue an order as it deems appropriate to protect the applicant and any dependent children or other people as it sees fit.

Service of Process (§ 2)

By law the court must hold a hearing on the application for a restraining order within 14 days of receiving the application. It must give the alleged offender at least three days’ notice before the hearing. The act requires the proper officer responsible for serving process to accept all documents in an electronic format if they are presented to him or her in that way. As under existing law, the judicial branch must pay the service costs.

Specific Court Order Disclosure (§ 2)

Under existing law, any civil restraining order the court makes must include specific language about what violation of the order constitutes 1st degree criminal trespass and the corresponding penalties. The court order must also include specific language about what constitutes a criminal violation of a civil restraining order and the corresponding penalties (CGS § 46b-15(f)).

The act additionally requires that each applicant who receives a civil restraining order be given a notice that contains the following specific language: “If a restraining order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding.” (The act requires a similar notification for family violence protective orders and standing criminal protective orders; see §§ 6 & 7 below.)

Alternate Means of Obtaining Testimony (§ 3)

(This section is also applicable to family violence protective orders and standing criminal protective orders.)

Under certain circumstances, the act requires, rather than allows, the court to take a person’s testimony absent the person from whom they are protected.

Under prior law, in any court proceeding in a family relations matter, the court could, within available resources and upon motion of any party’s attorney, order that the testimony of a party or a child who is a subject of the proceeding be taken outside the physical presence of any other party. This option applied only if a protective order (i.e., an order issued at the time of arraignment during a criminal proceeding), restraining order, or standing criminal protective order (i.e., an order issued at the end of a criminal case) had been issued on behalf of the party or child, and the other party was subject to it. The act instead requires the court to make such an order upon the written request of a party or his or her attorney made at least two days before the proceeding.

Under the act, a notice describing the alternative means of testifying must be:

1. posted on the judicial branch’s website;
2. included in any written or electronic form that describes the automatic orders in cases involving a dissolution of marriage or legal separation; and
3. included in any written or electronic form provided to a person who receives a family violence protective order, standing criminal protective order, or a civil restraining order.

Legal Assistance Grant Program (§15)

The act (1) establishes a grant program to provide free legal assistance to indigent individuals applying for temporary restraining orders and (2) funds it by using money from state lawsuit settlements.

Administering Organization. The grant program must be administered by the organization that administers the interest on lawyers’ trust accounts (IOLTA) program. The judicial branch must transfer funds appropriated to it for the grant program to the administering organization.

Request for Proposals (RFP). Under the act, within three months of receiving funding from the state each year, the administering organization must issue an RFP from nonprofit entities whose principal purpose is providing legal services at no cost to indigent individuals for the purpose of awarding these grants. Under the program, the nonprofit will (1) provide counsel to indigent individuals who are interested in applying for a restraining order and (2) represent the individuals throughout the process, including at prehearing conferences and at the hearing on an application, to the extent practicable within the funding awarded.

A nonprofit responding to the RFP may partner with law schools, other nonprofits, or non-governmental, publicly funded organizations to provide services under a grant. Each RFP response must specify the judicial district courthouse or courthouses for which services will be provided.

Judicial Districts and Grant Amounts. The organization administering the program may only award a grant to provide services in the Fairfield, Hartford, New Haven, Stamford-Norwalk, or Waterbury judicial districts. Grants must not exceed \$200,000, except a grant to provide services in the judicial district with the highest average number of applications for civil restraining orders over the previous three fiscal years may receive a grant of up to \$400,000.

Grants may not be used to provide services to individuals who are not indigent.

Grant Eligibility. The administering organization may only award a grant to a nonprofit whose principal purpose is providing legal services to individuals who are indigent, if it demonstrates the ability to:

1. verify, when meeting with a potential client, that he or she is indigent and meets applicable household income

- eligibility requirements the entity sets;
2. arrange for at least one individual who has relevant training or experience and is authorized to provide legal counsel to eligible indigent individuals regarding restraining orders to be present in the courthouse or courthouses identified in response to the RFP or be available to meet remotely during all business hours;
3. provide continued representation, to the greatest extent practicable within the funding awarded, to eligible indigent individuals throughout the restraining order process, if the individuals request continued representation after receiving assistance with the restraining order application;
4. provide any individual in the courthouse who expresses an interest in applying for a restraining order with all applicable forms; and
5. track and report to the administering organization on the services provided, including (a) the procedural outcomes; (b) the number of instances where legal counsel was provided before filing an application but not during the remainder of the restraining order process and the reasons limiting the duration of the representation; and (c) information on any other legal representation provided.

Grant Award Preference. In awarding grants, preference must be given to nonprofits with experience offering legal representation to individuals during the restraining order process or that (1) demonstrate the ability to provide legal representation to clients regarding matters ancillary to the circumstances that supported the restraining order application or (2) can provide quality remote services should courthouses be closed to the public.

Courthouse Office Space. The chief court administrator must provide each grant recipient with office space, if available, in the judicial district courthouse or courthouses to conduct intake interviews and assist clients with applications for restraining orders. The chief court administrator must also require court clerks at these courthouses, before accepting a restraining order application, to (1) inform each applicant or person inquiring about filing an application about pro bono legal services that are available from the grant recipient for income-eligible individuals and, if office space has been provided, where they can be found, and (2) provide the individual with a card or pamphlet with information about pro bono legal services if the cards or pamphlets have been provided to the courthouse by the grant recipient.

Additionally, if a poster of reasonable size containing information about pro bono legal services has been provided to a courthouse a grant recipient serves, the chief court administrator must require the poster to be displayed in a manner that is visible to the public at or near the location where restraining order applications are filed in the courthouse.

Judicial Branch Website Information. The act requires the chief court administrator to post information about the pro bono legal services described above on the judicial branch's website where restraining order filing instructions are provided.

Analysis of Program Impact. Under the act, for each year that the program is funded, the administering organization must conduct, or must partner with an academic institution or other qualified entity to conduct, an analysis of the program's impact. The analysis must include the:

1. procedural outcomes for applications the program assisted with;
2. types and extent of legal services provided under the program, including on matters ancillary to the restraining order application; and
3. number of cases where legal services were provided before an application was filed but not during the restraining order process, and why.

Report to the Legislature. By July 1 of the year following any year in which the program received funding, the administering organization must report the results of the analysis to the Judiciary Committee.

Administrative Costs. Under the act, up to 5% of the total amount the administering organization receives may be used for the reasonable administration costs, including the analysis and report the act requires (see above).

EFFECTIVE DATE: Upon passage

§§ 4-6, 11, 12 & 16 — FAMILY VIOLENCE

Family Violence Crime (§ 4)

Under existing law, a “family violence crime” is a crime other than a delinquent act, which, in addition to its other elements, contains an element of an act of family violence to a family or household member (CGS § 46b-38a(3)). “Family violence” is an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening between family or household members. It excludes verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

The act expands the definition of family violence crime to include 1st and 2nd degree violation of conditions of release and criminal violation of a protective order, standing criminal protective order, or restraining order when the condition of release or court order is issued for an act of family violence or a family violence crime.

As under existing law, “family violence crime” does not include acts by parents or guardians disciplining minor children unless these acts constitute abuse.
EFFECTIVE DATE: July 1, 2021

Family Violence Protective Order (§ 6)

By law, a family violence protective order may include provisions necessary to protect the victim from threats, harassment, injury, or intimidation by the defendant.

Under the act, each person who receives a family violence protective order must be given a notice that contains the following language: “If a protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding.”

U Nonimmigrant Status (§ 5)

By law, each law enforcement agency must designate at least one officer with supervisory duties to expeditiously process, upon the request of a family violence or other crime victim who is an undocumented individual applying for U Nonimmigrant Status, a certification of helpfulness and any subsequent certification the victim requires. (U Nonimmigrant Status is for victims of certain crimes, such as human trafficking, who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.)

Required Time Frame. The act defines the term “expeditiously,” and in so doing requires each law enforcement agency, starting July 1, 2021, to provide the certification:

1. within 60 days after receiving the request for certification of helpfulness or
2. within 14 days after receiving the request if (a) the victim is in federal immigration removal proceedings or detained or (b) the victim’s child, parents, or siblings would become ineligible for an immigration benefit by virtue of the victim or his or her sibling attaining age 18 years or the victim’s child attaining age 21 years.

Certification. Under the act, by signing a certification of helpfulness the officer or agency is not determining eligibility for U Nonimmigrant Status, but only providing information the U.S. Department of Homeland Security requires, certifying that the:

1. requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status (e.g., human trafficking);
2. victim possesses or possessed information about that crime;
3. victim has been, is being, or is likely to be helpful in investigating that crime; and
4. victim has not failed or refused to provide reasonably requested information or assistance.

The act specifies that a current or ongoing investigation, filing of criminal charges, prosecution, or conviction is not required for a victim to request and obtain certification.

EFFECTIVE DATE: July 1, 2021

Secure Courthouse Room (§ 11)

Under the law, in each court where family or family violence matters are heard or a domestic violence docket is located, the chief court administrator must provide a separate, secure room for family violence crime victims and advocates, as long as the room is available, and its use is practical. The act requires the chief court administrator to provide this space in all courthouses built on or after July 1, 2021. For those built before then, the act continues to require that the space be provided only if the room is available and its use is practical.

By law, this room is intended to accommodate the respondent or defendant or their family, friends, attorneys, or witnesses and must be separate from (1) the state’s attorney’s office and (2) any public or private court area.

EFFECTIVE DATE: July 1, 2021

Family Violence Victim Advocate (§ 12)

The act expands the judicial districts within which the chief court administrator must allow one or more family violence victim advocates to provide services to domestic violence victims.

Prior law required the chief court administrator to allow these services in the Superior Court’s Family Division in at least one judicial district. The act instead allows them in the Superior Court’s Family Division in each judicial district and

in each geographical area court.

Additionally, under the act, a family violence victim advocate providing services in these courts must be given, upon request, a copy of any police report required to perform his or her duties that is in the possession of the state's attorney, the State Police, any municipal police department, or any other law enforcement agency. The act specifies that this applies regardless of existing document disclosure laws.

EFFECTIVE DATE: July 1, 2021

Conditions of Release (§ 16)

The act expands the factors the court may consider when determining what release conditions will reasonably ensure an arrested person's appearance in court and that the safety of any other person will not be endangered.

By law, in determining what release conditions will reasonably ensure the arrested person's appearance, the court may consider the nature and circumstances of the offense and the person's record of prior convictions, past record of court appearance, family ties, employment record, financial resources, character, mental condition, and community ties.

Under the act, in the case of a 2nd degree violation of a condition of release that was issued for a family violence crime, the court may also consider the heightened risk posed to family violence victims by violations of release conditions.

Similarly, the act allows the court to consider the heightened risk posed to family violence victims by violations of release conditions and protection orders when determining release conditions for people charged with class A felonies, most class B or C felonies, and other specified crimes, including family violence crimes.

By law, the court may consider factors such as the person's past record of court appearance after being admitted to bail and the number and seriousness of charges pending against the arrested person.

§ 7 — STANDING CRIMINAL PROTECTIVE ORDER

By law, a court may independently issue, on a victim's behalf, a standing criminal protective order after a person is convicted of certain crimes (CGS § 53a-40e).

Under the act, when the court issues a standing criminal protective order, each person who receives the order must be given a notice that contains the following language: "If a standing criminal protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

§§ 8 & 9 — "BEST INTEREST OF THE CHILD" FACTORS

The act expands the list of factors a guardian ad litem (GAL) or counsel for the minor child (CMC) must consider in determining a child's best interest to include the child's physical and emotional safety. The act makes the same change to the list of factors a court may consider in custody decisions.

Guardians ad Litem and Counsels for the Minor Child (§ 8)

By law, a GAL is someone, not necessarily an attorney, who the court appoints during certain proceedings to gather information at its request and report on what he or she believes is in a person's best interest. A CMC is an attorney appointed by the court to advocate in court for a minor child's (under age 18) best interest.

The law provides a list of factors GALs and CMCs must consider in determining the child's best interest, such as the effect of an abuser's actions on the child, whether any domestic violence has occurred between the parents or between a parent and another individual or the child, whether the child or his or her sibling has been abused or neglected, and the stability of the child's existing or proposed residence.

Court Orders and Modifications (§ 9)

By law the court may make or modify any order regarding the custody, care, education, visitation, and support of the children in its jurisdiction. Under the law, the court in its best judgment may assign parental responsibility for raising the child to (1) the parents jointly, (2) either parent, or (3) a third party. The court may make and modify any order considering, among other things, both parents' rights and responsibilities and other custody arrangements as the court determines to be in the child's best interest. By law, the "best interest of the child" factors the court may consider are the same as described

above for GALs and CMCs. The act similarly expands the list of factors the court, in making and modifying orders, may consider when determining the child's best interest by allowing the court to also consider the child's physical and emotional safety.

§§ 13 & 14 — CASH ASSISTANCE PROGRAMS

Under the act's assistance program provisions below, a "domestic violence victim" is someone who has been abused or subjected to extreme cruelty by physical acts that resulted in or were threatened to result in physical injury; sexual abuse; sexual activity involving a child in the home; being forced to participate in nonconsensual sexual acts or activities; threats of or attempts at physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

TFA Diversion Assistance

By law, the Department of Social Services (DSS) commissioner must offer immediate diversion assistance to prevent certain families who are applying for monthly temporary family assistance (TFA) from needing such assistance. Under the law, diversion assistance must be offered to families that (1) upon initial assessment are determined eligible for TFA, (2) demonstrate a short-term need that cannot be met with prior or anticipated family resources, and (3) with the provision of a service or short-term benefit, would be prevented from needing monthly TFA.

The act requires DSS, within available resources, to (1) deem a person who requests diversion assistance based on being a domestic violence victim to have met the short-term need requirement (i.e., the second requirement above) and (2) not subject the person to the third requirement above.

Under the act, in determining whether the domestic violence victim's family is eligible for TFA and the appropriate amount of diversion assistance to provide, the DSS commissioner must not (1) include as a member of the family the spouse, domestic partner, or other household member credibly accused of domestic violence by the victim or (2) count the income or assets of such a spouse, domestic partner, or other household member.

SAGA Cash Assistance Program (§ 14)

In general, state-administered general assistance (SAGA) provides cash assistance to single or married childless individuals who have very low incomes, do not qualify for any other cash assistance program, and are considered "transitional" or "unemployable."

Under the act, a domestic violence victim who is not eligible for TFA diversion assistance must, within available DSS resources, be eligible for a one-time assistance payment under SAGA. The one-time payment must equal what the victim would be entitled to receive as diversion assistance if the victim and his or her family, if any, were eligible for it.

As with the TFA program, in determining whether and in what amount a domestic violence victim and his or her family are eligible for a one-time assistance payment, the commissioner must not (1) include as a member of the victim's family the spouse, domestic partner, or other household member credibly accused of domestic violence by the victim or (2) count the income or assets of such a spouse, domestic partner, or other household member. Under this section, "family" has the same meaning as used under the TFA program.

Substantiated Allegations (§§ 13 & 14)

The act specifies that for the diversion program and SAGA assistance program, the DSS commissioner may substantiate the allegations of domestic violence in the same way she does for the TFA program under existing law (CGS § 17b-112b(b)).

Under this law, allegations by a domestic violence victim may be enough to establish domestic violence where DSS has no independent, reasonable basis to find the applicant or recipient not credible. A victim may be required to provide a sworn statement or to submit to the department any available evidence including (1) police, government agency, or court records; (2) documentation from a shelter worker or legal, medical, clerical, or other professional from whom the applicant or recipient sought assistance in dealing with domestic violence; or (3) a statement from someone with knowledge of the circumstances that provide the basis for the claim (CGS § 17b-112a).

EFFECTIVE DATE: July 1, 2021

§§ 17-19 — INTIMIDATION BASED ON BIGOTRY OR BIAS

By law, the crimes of 1st, 2nd, and 3rd degree intimidation based on bigotry or bias address certain actions that intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sex, sexual

orientation, or gender identity or expression. The table below summarizes these crimes.

The act expands these crimes to include any such action that is motivated in whole or in substantial part by any of the attributes listed above, whether actual or perceived.

1st, 2nd, and 3rd Degree Intimidation

Crime (Statute)	Elements of the Crime	Penalty (See Table on Penalties)
1st Degree Intimidation (CGS § 53a-181j)	A person maliciously and with specific intent to intimidate or harass another person because of any of the attributes listed above, whether actual or perceived, causes physical injury to that person or a third person (§ 17)	Class C felony
2nd Degree Intimidation (CGS § 53a-181k)	A person acts maliciously and with specific intent to intimidate or harass another individual or a group of people because of any of the attributes listed above, whether actual or perceived, by: 1. making physical contact with the victim; 2. damaging, destroying, or defacing property; or 3. threatening to do either of these things, and the victim has reasonable cause to believe the person will carry out the threat (§ 18)	Class D felony
3rd Degree Intimidation (CGS § 53a-181l)	A person intends to intimidate or harass someone or a group of people because of any of the attributes listed above, whether actual or perceived, and he or she (1) damages, destroys, or defaces any property or (2) threatens to do so by word or act or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur (§ 19)	Class E felony

§§ 20-22 — LOCK CHANGES FOR TENANTS UNDER PROTECTION ORDERS

Circumstances Requiring Lock Change

The act requires landlords to change a dwelling unit's locks or allow a tenant to do so upon a tenant's request if:

1. when the tenant makes the request, he or she is named as a protected person in a court-issued civil restraining or protection order, family violence protective order, criminal protective order, or foreign order of protection registered in Connecticut;
2. the order requires the respondent or defendant to stay away from the tenant's home or stay a minimum distance away from the tenant; and
3. the tenant provides a copy of the order to the landlord.

No later than six hours after receiving a request, a landlord must let the tenant know if the landlord will change the locks or allow the tenant to do so. A landlord who agrees to make the change must do so within 48 hours after receiving the request.

Requirements for Lock Changes Performed by the Landlord

Under the act, if the landlord uses a professional locksmith or contractor to change the locks for the above reasons, the landlord is responsible for paying for the service. The landlord may charge the tenant a fee not to exceed the "actual reasonable cost" of changing the locks (i.e., the cost of the lock mechanism along with the fee the landlord paid for professional contractor or locksmith services). If the tenant fails to pay the fee, the landlord may recoup the costs by either bringing suit against the tenant or deducting the amount from the tenant's security deposit when the tenant vacates the unit. The act prohibits the landlord from starting eviction proceedings against the tenant because of his or her failure to pay for

the lock replacement. The landlord must provide the tenant with a key to the new locks before or at the time of the lock change.

The act also authorizes a landlord to reprogram a digital or electronic lock with a new entry code to comply with these requirements.

Requirements for Lock Changes Performed by the Tenant

The act allows the tenant to change the locks if the landlord (1) has informed the tenant that he or she is responsible for changing the locks, (2) fails to change the locks, or (3) fails to allow the tenant to do so within six hours after the tenant's request. Under these circumstances, the tenant must (1) ensure that the locks are changed in a workmanlike manner, using locks of similar or better quality than the originals, and (2) give the landlord a key to the new locks within two business days after the locks were changed or at a later time for good cause.

The act allows the landlord to replace a lock installed by or at the request of a tenant if the lock was not properly installed or was not of similar or better quality compared to the original.

Dwelling Unit Access

The act prohibits landlords from providing a key or any access to the dwelling unit to any tenant who is required to stay away from the unit as the named respondent or defendant in the court order. It specifies that the landlord has no duty under the rental agreement or by law to allow such a tenant to access the dwelling unit unless a court order allows the tenant to return to retrieve his or her possessions and personal effects. Additionally, the act maintains the tenant's liability under the rental agreement for rent or damages to the dwelling unit.

Under the act, a landlord or his or her agent who denies such a tenant access to the unit is immune from civil liability for adhering to this prohibition, so long as the landlord or agent complies with the act's provisions and any applicable court order.

The act also prohibits landlords from requiring a tenant who is named as a protected person under such an order to pay additional rent or an additional deposit or fee because of the exclusion of the tenant who is the named respondent or defendant in the order.

PA 21-80—sHB 6356

Judiciary Committee

AN ACT ADOPTING THE UNIFORM COMMERCIAL REAL ESTATE RECEIVERSHIP ACT

SUMMARY: This act adopts the Uniform Commercial Real Estate Receivership Act. It provides rules for these receiverships on a range of matters, many of which were previously not addressed in statute.

The act applies to commercial receiverships for an interest in real property and any personal property related to, or used in, operating the real property. With limited exceptions, the act does not apply to residential properties with four or fewer units.

Under the act, a receiver is a person (individual or entity) the court appoints as its agent, and subject to the court's direction, to take possession of and manage another person's property and, if authorized by the act or court order, transfer or otherwise dispose of the property. The receivership property is the owner's property described in the order appointing the receiver and includes rents and other proceeds from the property.

Among various other things, the act establishes rules for:

1. appointing a receiver, including when a court may appoint one and when a party is entitled to one;
2. the receiver's powers and duties;
3. the duties of the owner whose property is in receivership;
4. when a receivership operates as a stay on certain proceedings involving the receivership property; and
5. when the receiver may adopt or reject certain of the owner's contracts with court approval, including limits on rejecting certain leases.

The act does not apply to receiverships for which a receiver was appointed before July 1, 2022.

EFFECTIVE DATE: July 1, 2022

§ 3 — NOTICE AND OPPORTUNITY FOR HEARING

Generally, the court may issue an order under the act's provisions only after notice and an opportunity for a hearing that the court deems appropriate. But the act allows the court to issue an order:

1. without prior notice (i.e., ex parte), or after notice and without a prior hearing, if the circumstances require it, or
2. after notice and without a hearing if no interested party timely requests a hearing.

§ 4 — SCOPE AND EXCLUSIONS

The act generally applies to receiverships for an interest in real property and any personal property related to, or used in, operating the real property. It does not apply to receiverships for real property improved by one to four dwelling units unless the:

1. interest is used for agricultural, commercial, industrial, or mineral-extraction purposes, other than incidental uses by an owner occupying the property as his or her primary residence;
2. interest secures an obligation incurred when the property was used or planned for agricultural, commercial, industrial, or mineral-extraction purposes;
3. owner planned or is planning to develop the property into dwelling units to be sold or leased in the ordinary course of the owner's business; or
4. owner is collecting, or has the right to collect, rents or income from the property from someone other than his or her affiliate.

The act does not apply to a receivership authorized by other law in which the receiver is a governmental unit or an individual acting in an official capacity on the government's behalf.

The act specifies that (1) it does not limit the court's authority to appoint a receiver under other laws and (2) the principles of law and equity supplement the act, unless displaced by a particular provision of it.

§ 5 — POWER OF COURT

Under the act, the court that appoints a receiver has exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or property.

§ 6 — APPOINTMENT OF RECEIVER

The act establishes rules for when courts may or must appoint a receiver. It allows the court to appoint a receiver before judgment to protect a party demonstrating an apparent right, title, or interest in real property that is the subject of the action, if the property or its revenue-producing potential:

1. is being subjected to or is in danger of waste, loss, dissipation, or impairment or
2. has been, or is about to be, the subject of a voidable transaction.

The court can appoint a receiver after judgment to (1) effectuate the judgment or (2) preserve nonexempt real property pending appeal or when an execution was returned unsatisfied and the owner refuses to apply the property to satisfy the judgment.

The act additionally allows courts to appoint a receiver in an action in which a receiver may be appointed on equitable grounds.

Under the act, a mortgagee foreclosing upon or otherwise enforcing a mortgage is entitled to appointment of a receiver if:

1. it is needed to protect the property from waste, loss, transfer, dissipation, or impairment;
2. the mortgagor agreed in a signed record to appointment of a receiver on default or the owner consented in a signed record after default;
3. the property and any other collateral do not satisfy the secured obligation;
4. the owner fails to turn over proceeds or rents the mortgagee was entitled to collect; or
5. a subordinate lienholder obtains appointment of a receiver.

Under the act, if the court appoints a receiver without prior notice or hearing, it may make the appointment conditional on the person seeking the appointment giving security for damages, reasonable attorney's fees, and costs if the court later concludes that the appointment was not justified. If the court later concludes that it was justified, the court must release the security.

§ 7 — DISQUALIFICATION FROM APPOINTMENT; DISCLOSURE OF INTEREST

The act prohibits the court from appointing a person (i.e., an individual; estate; business, nonprofit, or government entity; or other legal entity) as receiver who has not submitted a statement, under penalty of perjury, stating that the person is not disqualified. Generally, a person is disqualified if the person:

1. is an affiliate of a party (e.g., certain family members of an individual, or an entity's employee, officer, or director, or their respective spouses);
2. has an interest materially adverse to a party's interest;
3. has a material financial interest in the action's outcome, other than court-allowed compensation as receiver;
4. has a debtor-creditor relationship with a party; or
5. holds an equity interest in a party, other than a non-controlling interest in a publicly traded company.

A person is not disqualified solely because the person:

1. was appointed receiver or is owed compensation in an unrelated matter involving a party or was engaged by a party in an unrelated matter,
2. is an individual owing a debt to a party that is not in default and was incurred primarily for non-business purposes, or
3. maintains a deposit account with a party.

Under the act, a person seeking appointment of a receiver may nominate a person to serve in that role, but the court is not bound by the nomination.

§ 8 — RECEIVER'S BOND; ALTERNATE SECURITY

The act generally requires a receiver to post a bond in an amount the court sets. The bond takes effect upon the appointment and must (1) be conditioned on the faithful discharge of the receiver's duties and (2) have one or more court-approved sureties.

The court may approve an alternative security such as a letter of credit or deposit of funds, except receivership property may not be used as alternative security. Any interest that accrues on deposited funds must be paid to the receiver upon the receiver's discharge.

The court may authorize a receiver to act before posting the bond or alternative security. A claim against the bond or security may be made up to one year after the receiver's discharge.

§ 9 — STATUS AS LIEN CREDITOR

Upon appointment under the act, a receiver has the status of a lien creditor under:

1. Article 9 of the Uniform Commercial Code as to receivership property that is personal property or fixtures and
2. any provision of other law that provides for filing on a town's land records a certificate as to real property in receivership.

§ 10 — SECURITY AGREEMENT COVERING AFTER-ACQUIRED PROPERTY

Under the act, if the owner entered into a pre-appointment security agreement and the owner or receiver acquired that property after the appointment, that agreement applies to the same extent as if there were no receiver, unless other law provides differently.

§ 11 — COLLECTION AND TURNOVER OF RECEIVERSHIP PROPERTY

Under the act, unless the court orders otherwise, a person:

1. owing a debt that is receivership property and is matured, payable on demand, or payable on order must pay the debt to the receiver on demand, except to the extent the debtor has a right of setoff or recoupment, and
2. in possession, custody, or control of receivership property must turn it over to the receiver on demand, except as noted below.

A person owing a debt as to receivership property and who has notice of the receiver's appointment may not satisfy the debt by paying the owner.

If a creditor possesses or controls receivership property and the validity, perfection, or priority of the creditor's lien depends on that status, the creditor may retain it until the court orders adequate protection of the lien.

The act allows the court to sanction as civil contempt a person's failure to turn over property as the act requires, unless there is a bona fide dispute about the receiver's rights as to the property.

§ 12 — RECEIVERSHIP POWERS AND DUTIES

The act establishes various default powers for receivers and other powers that require court authorization. It generally allows a receiver's powers and duties to be expanded, modified, or limited by court order.

Default Powers

Under the act, unless limited by court order or other laws, a receiver may do the following:

1. collect, control, manage, conserve, and protect receivership property;
2. (a) operate a business constituting receivership property, including preservation, use, sale, lease, license, exchange, collection, or disposition of the property in the ordinary course of business, and (b) incur unsecured debt and pay expenses incidental to these actions;
3. assert a right, claim, cause of action, or defense of the owner that relates to receivership property;
4. seek and obtain the court's instruction concerning the property and the powers and duties as receiver;
5. on subpoena, compel a person to submit to examination under oath, or to produce and permit inspection and copying of designated records or tangible things, with respect to receivership property or other matters affecting the receivership;
6. hire a professional as provided in the act (see § 15);
7. apply to another state's court for appointment as ancillary receiver with respect to receivership property located there; and
8. exercise any power conferred by court order, the act, or other law.

Court-Authorized Powers

The act allows a receiver to do the following with court approval:

1. incur debt for the use or benefit of receivership property other than in the ordinary course of business,
2. make improvements to the property,
3. use or transfer the property other than in the ordinary course of business (see § 16),
4. adopt or reject an executory contract of the owner (see § 17),
5. compensate himself or herself and professionals the receiver engages (see §§ 15 & 21),
6. recommend allowing or denying a creditor's claim (see § 20), and
7. make a distribution of receivership property (see § 20).

Receiver's Duties

The act requires a receiver to do the following:

1. prepare and retain appropriate business records, including a record of receipts, disbursements, and dispositions of receivership property;
2. account for the property, including disposition proceeds;
3. file on the appropriate town's land records a copy of the appointment order and a legal description of the real property if not already described in the order;
4. disclose to the court any fact arising during the receivership that would disqualify the receiver (see § 7); and
5. perform any duty imposed by court order, the act, or other law.

§ 13 — DUTIES OF OWNERS

The act requires the property owner to assist and cooperate with the receiver in administering the receivership and discharging the receiver's duties. The owner must preserve and turn over to the receiver all receivership property in the owner's possession, custody, or control.

The owner must identify all records and other information relating to the property, such as passwords or other information needed to obtain or maintain access to or control of it, and make them available to the receiver if the owner has them.

Upon subpoena, the owner must submit to the receiver's examination under oath concerning the owner's acts, property,

liabilities, and finances or any matter relating to the property or the receivership. The owner must perform any other duty imposed by court order, the act, or other law.

The act specifies that if the owner is an entity, these provisions apply to each officer, director, manager, member, partner, trustee, or other person exercising or having the power to exercise control over the owner's affairs.

Under the act, if a person knowingly fails to perform any of these duties, the court may (1) award the receiver actual damages, reasonable attorney's fees, and costs and (2) sanction the failure to perform as civil contempt.

§ 14 — STAYS AND INJUNCTIONS

The act generally provides that, unless the court orders otherwise, an order appointing a receiver stays (suspends) any act, action, or proceeding to (1) possess or control receivership property or enforce a judgment against it and (2) enforce a lien against the property to the extent the lien secures a claim arising before the order.

Except as provided below, the court may enjoin an act, action, or proceeding against or relating to receivership property if needed to protect the property or facilitate the receivership.

Under the act, any such order does not operate as a stay or injunction of:

1. an act, action, or proceeding to foreclose or otherwise enforce a mortgage by the person seeking appointment of the receiver;
2. an act, action, or proceeding to perfect an interest in receivership property or maintain or continue that perfection;
3. a criminal proceeding;
4. an action or proceeding, or enforcement of a judgment other than a money judgment, by a governmental unit to enforce its police or regulatory power; or
5. tax liability against the owner or property or an appeal of the liability.

A person whose act, action, or proceeding is stayed or enjoined under these provisions may apply to the court for relief for cause.

The court may void an act that violates a stay or injunction. In addition, if a person knowingly violates a stay or injunction, the court may (1) award actual damages, reasonable attorney's fees, and costs, and (2) sanction the violation as civil contempt.

§ 15 — HIRING AND COMPENSATING PROFESSIONALS

The act allows a receiver, with court approval, to engage attorneys, accountants, appraisers, auctioneers, brokers, or other professionals for assistance. The receiver must disclose to the court (1) the professional's identity and qualifications, (2) the scope and nature of the proposed arrangement, (3) any potential conflict of interest, and (4) the proposed compensation.

The receiver or the professional must file with the court an itemized statement of the professional's time spent, work performed, billing rate, and itemized list of expenses. The receiver must pay the court-approved amount.

A person is not disqualified from such an arrangement solely because he or she was otherwise hired by or represents, or has another relationship with, the receiver, a creditor, or a party.

The act does not prevent the receiver, when authorized by law, from serving in the receivership as an attorney, accountant, auctioneer, or broker.

§ 16 — USE OR TRANSFER OF RECEIVERSHIP PROPERTY NOT IN ORDINARY COURSE OF BUSINESS

The act allows a receiver, with court approval, to use or transfer (e.g., by sale or lease) receivership property other than in the ordinary course of business. Unless the sale agreement provides otherwise, such a sale is free and clear of a lien of the person that obtained appointment of the receiver, any subordinate lien, and any redemption right, but is subject to a senior lien.

Under the act, any liens extinguished by these transfers attach to the transfer proceeds with the same validity, perfection, and priority as before the transfer, even if the proceeds do not satisfy all obligations secured by the lien.

The act allows these transfers to occur by means other than a public auction sale. A creditor holding a valid lien may purchase the property and offset against the purchase price any part of the allowed amount secured by the lien, if the creditor tenders funds sufficient to fully satisfy the reasonable transfer expenses and the obligation secured by any senior lien being extinguished.

The act generally provides that a good faith purchaser's title is not affected by reversal or modification of an order approving the transfer. A reversal or modification also generally does not revive against the person any lien extinguished by the transfer. These provisions apply even if the person knew about the request to reverse or modify the order before the

transfer. But they do not apply if the court stayed the order before the transfer. “Good faith” means honesty in fact and the observance of reasonable commercial standards of fair dealing.

§ 17 — EXECUTORY CONTRACT

Under the act, except as noted below for certain leases, a receiver may adopt or reject an executory contract of the owner relating to receivership property, with court approval. An “executory contract” means a contract, including a lease, under which each party has an unperformed obligation and the failure to complete performance would constitute a material breach (e.g., a contract for landscaping services at the property).

Under the act, the court may condition the receiver’s adoption and continued performance of the contract on terms appropriate under the circumstances. If the receiver does not request court approval to adopt or reject the contract within a reasonable time after appointment, the receiver is deemed to have rejected the contract. A receiver’s performance of an executory contract before court approval to adopt or reject it does not prevent the receiver from seeking approval to reject it.

Even if the contract contains a provision requiring or allowing for contract forfeiture, termination, or modification because of a receiver’s appointment or the owner’s financial condition, the receiver may adopt the contract with court approval as set forth above.

A receiver’s right to possess or use the property pursuant to an executory contract terminates upon rejecting the contract. Rejection is a breach of the contract effective immediately before appointment. A claim for damages for rejection must be submitted by the later of (1) the time set for submitting a claim in the receivership or (2) 30 days after the court approves the rejection.

The receiver may assign the contract, with court approval, if the owner would have had the right to assign it under other law when the receiver was appointed.

Real Property

Under the act, if a receiver rejects an executory contract for the sale of receivership property that is real property the purchaser possesses, or a real-property timeshare interest of more than three years, the purchaser may:

1. treat the rejection as a contract termination, in which case the purchaser has a lien for the recovery of any part of the purchase price already paid; or
2. retain the right to possession under the contract, in which case the purchaser must continue to perform all contractual obligations and may offset any damages caused by nonperformance of the owner’s obligation after the rejection date, but the purchaser has no right or claim against other receivership property or the receiver.

If the owner was a landlord of the property, the receiver may not reject an unexpired lease if the (1) tenant occupies the premises as his or her primary residence or (2) receiver was appointed at the request of someone other than a mortgagee.

If the mortgagee requested the appointment, the receiver may not reject an unexpired lease if the:

1. lease is superior to the mortgage lien;
2. tenant has an enforceable agreement with the mortgagee or the senior lien holder under which the tenant’s occupancy may continue as long as the tenant performs its lease obligations;
3. mortgagee consented to the lease, either in a signed record or by its failure to timely object that the lease violated the mortgage; or
4. lease’s terms were commercially reasonable when agreed to and the tenant did not know or have reason to know that the lease violated the mortgage.

§ 18 — DEFENSES AND IMMUNITIES OF RECEIVER

Under the act, a receiver is entitled to all defenses and immunities provided by other law for an act or omission within the scope of the appointment. Someone seeking to sue a receiver personally for acts or omissions in administering the property must obtain the appointing court’s approval.

§ 19 — INTERIM REPORT OF RECEIVER

Under the act, the court may order the receiver to file an interim report that includes the following:

1. the receiver’s activities since appointment or a previous report;
2. receipts and disbursements, including payments made or proposed to be made to professionals;
3. receipts and dispositions of receivership property;

4. the receiver's fees and expenses and, if not filed separately, a request to approve payment; and
 5. any other information the court requires.
- Even if not ordered to do so, the receiver may still file this report.

§ 20 — NOTICE OF APPOINTMENT; CLAIM AGAINST RECEIVERSHIP; DISTRIBUTION TO CREDITORS

Notice of Appointment

Under the act, except as provided below, a receiver must notify the owner's creditors about the appointment. The receiver must do so by (1) court-directed publication or (2) deposit for delivery through first-class mail or other commercially reasonable delivery method to each creditor's last-known address.

Claims Against Receivership

Except as provided below, the notice must specify the date by which each creditor holding claims that arose before appointment must submit them to the receiver. The date must be at least 90 days after the later of the notice or last publication. The court may extend the claim submission period, but unless the court orders otherwise, a claim that is submitted late is not entitled to a distribution from the receivership.

Under the act, a creditor's submitted claim must:

1. state the creditor's name and address and be signed under penalty of perjury,
2. state the amount and basis of the claim and identify any property securing it, and
3. include a copy of any record on which the claim is based.

If the creditor assigned a claim, the assignment is effective against the receiver only if the assignee gives timely notice to the receiver in a signed record.

Before the court order approving a receiver's final report, the receiver may file with the court an objection to a creditor's claim, stating the basis for the objection. The court must allow or disallow the claim according to other applicable law.

Exceptions

Under the act, if the court concludes that receivership property likely is insufficient to satisfy claims of all creditors holding a perfected lien, the court may order that:

1. the receiver need not notify all creditors of the appointment, but only those as the court directs, and
2. unsecured creditors need not submit claims under these provisions.

Distribution to Creditors

The act provides that, subject to the act's provisions on fees and expenses (see § 21), a distribution of property to a creditor:

1. holding a perfected lien must be in accordance with the creditor's priority under other law and
2. with an allowed unsecured claim must be made as the court directs according to other law.

§ 21 — FEES AND EXPENSES

Under the act, a court may award a receiver, from receivership property, the reasonable and necessary fees and expenses of performing duties and exercising powers as a receiver.

The court may assess the fees and expenses, including reasonable attorney's fees and costs, against one or more of the following:

1. a person that requested the appointment, if the receivership funds are insufficient to pay the fees and expenses, or
2. a person whose conduct justified or would have justified the appointment under certain circumstances (such as subjecting the property to waste).

§ 22 — REMOVAL OR REPLACEMENT OF RECEIVER; TERMINATION OF RECEIVERSHIP

The act (1) allows the court to remove a receiver for cause and (2) requires the court to replace a receiver who dies, resigns, or is removed.

Once a resigned or removed receiver (or the representative of a deceased receiver) has accounted fully for and turned

over to the successor receiver all receivership property and has filed a report of all receipts and disbursements, the replaced receiver is discharged.

The act allows the court to discharge a receiver and terminate the court's administration of the property if it finds that the receiver's appointment was improvident or that the receivership is no longer warranted. If the court finds that the appointment was sought wrongfully or in bad faith, it may assess against the person that sought the appointment the receivership fees and expenses and actual damages caused by the appointment, including reasonable attorney's fees and costs.

§ 23 — FINAL REPORT OF RECEIVER; DISCHARGE

The act requires a receiver, upon completing its duties, to file a final report including:

1. a description of its activities in conducting the receivership;
2. a list of receivership property (both at the beginning of the receivership and received during it) and property dispositions;
3. a list of disbursements, including payments to professionals;
4. a list of distributions made or proposed to be made to creditors;
5. if not filed separately, a request for approval of the receiver's fees and expenses; and
6. any other information the court requires.

The receiver is discharged when the court approves the final report and the receiver distributes all receivership property.

§ 24 — RECEIVERSHIP IN ANOTHER STATE; ANCILLARY PROCEEDING

The act allows the court to appoint a receiver appointed in another state, or that person's nominee, as an ancillary receiver for property located in Connecticut or subject to the jurisdiction of the court for which a receiver could be appointed under the act, if the:

1. person or nominee would be eligible to serve as receiver under the act and
2. appointment furthers the person's possession, custody, control, or disposition of property subject to the receivership in the other state.

The court may issue an order giving effect to an out-of-state order appointing or directing a receiver.

Unless the court orders otherwise, an ancillary receiver appointed under these provisions has the same rights, powers, and duties as a receiver appointed under the act.

Under the act, references to other states include the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or other territories or insular possessions under U.S. jurisdiction.

§ 25 — EFFECT OF ENFORCEMENT BY MORTGAGEE

Under the act, a mortgagee's request to appoint a receiver, the appointment of a receiver, or a mortgagee's application of receivership property or proceeds to the secured obligation does not:

1. make the mortgagee a mortgagee in possession of the property or the owner's agent or
2. make the secured obligation unenforceable, preclude a later action to enforce it, or limit any of the mortgagee's available rights with respect to it.

§ 26 — UNIFORMITY OF APPLICATION AND CONSTRUCTION

The act directs that, in applying and construing this uniform act, consideration be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 27 — RELATIONSHIP TO E-SIGN ACT

The act provides that its provisions generally modify, limit, and supersede the federal Electronic Signatures in Global and National Commerce (E-SIGN) Act, which regulates the use of electronic records and signatures in interstate and foreign commerce. But the act does not (1) modify, limit, or supersede E-SIGN's provisions on consumer disclosures or (2) authorize electronic delivery of specified notices not subject to E-SIGN.

PA 21-85—sHB 6463

Judiciary Committee

AN ACT CONCERNING THE DEPARTMENT OF CORRECTION, A REENTRY EMPLOYMENT ADVISORY COMMITTEE, PUBLIC SAFETY COMMITTEES IN MUNICIPALITIES WHERE A CORRECTIONAL FACILITY IS LOCATED, THE DISCLOSURE OF RECORDS, THE PROTECTION OF PERSONAL DATA RELATING TO AN EMPLOYEE OF THE DEPARTMENT OF CORRECTION AND THE PROVISION OF DEBIT CARDS TO INCARCERATED PERSONS AT THE TIME OF RELEASE

SUMMARY: This act makes various changes to laws governing the Department of Correction (DOC) and related matters.

It codifies existing practice by allowing the DOC commissioner to designate a deputy warden to serve as director of reentry services.

It establishes a reentry employment advisory committee to advise the DOC commissioner on aligning the department's education and job training programs with the needs of community employers.

The act repeals the requirement for DOC to establish public safety or advisory committees in municipalities with correctional facilities, and instead allows these municipalities to establish public safety committees. It generally consolidates the former committees' responsibilities and reporting requirements into the municipally-created committees and makes related changes.

The act specifies that, for purposes of the state's Data Privacy Act, "personal data" must not be construed to make available certain records concerning DOC facilities or Whiting Forensic Hospital that are exempt from disclosure under the Freedom of Information Act (FOIA). These records include security manuals, staff assignment logs, and various other security-related matters (see BACKGROUND). The Data Privacy Act, which applies to certain government agencies, establishes various requirements and procedures on safeguarding personal data.

The act adds DOC to the list of entities to whom the Department of Children and Families (DCF), under certain circumstances, must disclose its records without the subject's consent. Under the act, DCF must provide the records for DOC to determine the supervision and treatment needs of a child or youth and provide appropriate supervision and treatment services to him or her.

The act allows, rather than requires, the DOC commissioner to adopt regulations on the department's lost property board. This board hears claims from inmates seeking compensation (up to \$3,500) for lost or damaged personal property.

Additionally, the act requires DOC to provide inmates, upon their release, with debit cards for any compensation they earned performing certain jobs. Under existing practice, DOC provides them with checks. By law, various obligations (e.g., taxes or court-ordered victim restitution) may be paid from an inmate's account before the inmate receives this compensation upon release.

EFFECTIVE DATE: October 1, 2021, except that the provisions on (1) the director of reentry services and the lost property board are effective upon passage; (2) the reentry employment advisory committee are effective July 1, 2021; and (3) debit cards are effective January 1, 2022.

§ 2 — REENTRY EMPLOYMENT ADVISORY COMMITTEE

The act establishes a reentry employment advisory committee to advise the DOC commissioner on aligning the department's education and job training programs with the needs of employers in the community. This must include:

1. the vocational education curricula used by DOC's Unified School District #1,
2. the types of licenses and certifications that employers seek in job applicants,
3. the availability of apprenticeships for incarcerated and formerly incarcerated individuals in the community, and
4. the types of products and services that correctional institution industries (i.e., Correctional Enterprises of Connecticut) should offer.

Under the act, the reentry employment advisory committee includes the DOC commissioner or his designee, the superintendent of Unified School District #1, and DOC's superintendent of institution industries. The committee also includes at least six members appointed by the DOC commissioner, one representing each of the following:

1. an association representing in-state businesses and industries,
2. an association representing in-state construction industries,
3. the state affiliate of a national organization representing human resource professionals,
4. a state council of building and construction trades,
5. the Governor's Workforce Council established by executive order, and
6. a regional workforce development board.

Additionally, the act allows the DOC commissioner to appoint up to three other members who represent businesses or

business associations.

The act requires the DOC commissioner to appoint a chairperson from among the committee's members. The committee must meet at least twice per year, and more often as the committee deems necessary.

§§ 3 & 8 — MUNICIPAL PUBLIC SAFETY COMMITTEES

Prior law required DOC to establish public safety committees in each municipality with a correctional facility, composed of the facility warden and representatives appointed by the chief elected official. It also required DOC to establish advisory committees in municipalities with a correctional facility that did not have a public safety committee as required. These advisory committees consisted of the facility warden and five members, meeting certain qualifications, appointed jointly by the legislators who represent the municipality.

The act removes the requirement for DOC to establish these committees and instead authorizes municipalities with correctional facilities to establish public safety committees. Under the act, each committee includes the facility warden, or his or her designee, and representatives appointed by the municipal chief elected official.

The act requires these committees to meet at least annually, and more often as they deem necessary, to review correctional safety and security issues and offender reentry efforts affecting the municipality. The facility warden must attend at least one meeting each year.

By contrast, prior law required the public safety or advisory committees to meet at least quarterly. The former had to review correctional safety and security issues; the latter had to discuss inmate population demographics, DOC policies and practices, facility programming, and reentry initiatives.

The act requires the municipally-created public safety committees to report annually, by November 1, on their concerns and recommendations to the chairpersons and ranking members of the Public Safety and Security and Judiciary committees. Under prior law, the DOC-created public safety committees had to annually report to these legislators from the Public Safety and Security Committee.

BACKGROUND

FOIA Exemption for DOC and Whiting Forensic Hospital Security Records

By law, the DOC commissioner may withhold from disclosure under FOIA certain records about correctional institutions or facilities under DOC supervision. He may withhold these records if he has reasonable grounds to believe they could pose a safety risk, including harm to anyone or the risk of an escape from, or disorder in, any such facility. This same authority applies to the Department of Mental Health and Addiction Services commissioner as to Whiting Forensic Hospital.

These provisions apply to, at a minimum, the following records:

1. security manuals, including emergency plans they contain or reference;
2. engineering and architectural drawings;
3. security systems' operational specifications (except a general description and the cost and quality of such a system);
4. training manuals that describe security procedures, emergency plans, or security equipment;
5. internal security audits;
6. staff meeting minutes or recordings, or any portions of them, that contain or reveal information relating to security or otherwise exempt records;
7. logs or other documents with information on the movement or assignment of inmates or staff; and
8. records with information on contacts between inmates and law enforcement officers (CGS § 1-210(b)(18)).

PA 21-91—sHB 6506

Judiciary Committee

AN ACT CONCERNING THE PROCEDURES OF THE OFFICE OF THE CLAIMS COMMISSIONER

SUMMARY: This act makes various changes in the laws concerning claims presented to the claims commissioner that exclusively seek permission to sue the state (rather than seeking payment through the claims process).

It requires the governor to appoint six attorneys to serve as temporary deputies to hear claims seeking permission to

sue that are pending for certain periods (e.g., claims pending for at least three years as of the act's passage). The deputies may serve until September 30, 2023, at the latest. The act requires them, within 90 days after a claim's referral, to either deny or dismiss the claim or grant authorization to sue. Among other things, it allows claimants to request that the legislature review a deputy's decision to deny or dismiss a claim.

The act allows the claims commissioner, without holding a hearing, to grant permission to sue based on the claim notice or supporting evidence if the attorney or claimant files a motion and an affidavit attesting to the claim's validity. It (1) specifies the types of opposition that the state may file and (2) requires the court, in some situations, to impose sanctions if the attorney or claimant did not file the affidavit in good faith. It also deems permission to sue granted if the attorney general files a stipulation to that effect.

The act requires claims commissioner nominations to be referred to the Judiciary Committee rather than the Executive and Legislative Nominations Committee.

The act makes minor changes in the law governing medical malpractice claims. It also makes other minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — TEMPORARY DEPUTY APPOINTMENTS

The act requires the governor to appoint six attorneys to serve as temporary deputies in the Office of the Claims Commissioner. To qualify, they must have experience practicing in Connecticut courts and trial experience. But they may not (1) be employees of the attorney general's office or (2) have claims pending before the claims commissioner as either a claimant or claimant's attorney.

The deputies serve at the governor's pleasure. Their terms coincide with the governor's term or until a successor deputy is appointed and qualified, whichever is longer. The last day they may serve is September 30, 2023.

The act authorizes these temporary deputies to issue final decisions to grant or deny permission to sue for claims referred to them as set forth below. They receive the same per-diem rate as judge trial referees (\$271, plus expenses, including mileage (CGS § 52-434, as amended by PA 21-2, June Special Session, § 12)).

§§ 3-6 — CLAIMS EXCLUSIVELY SEEKING PERMISSION TO SUE

Granting Permission to Sue Without a Hearing (§ 6(a))

Under prior law, if a claimant exclusively sought permission to sue the state, the claims commissioner could hold a hearing on the sole issue of the state's liability, and the state could assert the lack of damages as an affirmative defense. The act instead allows the commissioner to grant this permission without a hearing, based solely on the claim notice, any supporting evidence submitted, or both if the claimant or attorney files the motion and affidavit described below. The act specifically allows claimants exclusively seeking permission to sue to submit supporting evidence (e.g., transcripts, records, documents, reports, affidavits, or memoranda) (§ 3).

Under the act, the commissioner may grant this authorization when the attorney or pro se claimant (i.e., representing themselves) files (1) a motion for approval to assert a claim without a hearing and (2) an affidavit attesting to the claim's validity. The attorney and claimant, or pro se claimant as applicable, must sign and file the affidavit and get it notarized. The affidavit must attest to the following in the following form: "I have made a reasonable inquiry, as permitted by the circumstances, which has given rise to a good faith belief that grounds exist for a suit against the state. Such inquiry includes, (provide a brief description of the inquiry made)." The act requires the claimant to serve the motion and affidavit on (1) the attorney general's office and (2) any state agency that is subject to the claim. The state may file an opposition within 30 days after service. The act limits the types of opposition to jurisdictional grounds (e.g., that the claim concerns a matter outside the commissioner's authority or was filed outside the statute of limitations) or prosecutorial, judicial, quasi-judicial, or legislative immunity.

Sanctions for Affidavits Not Made in Good Faith (§ 6(g)). Under certain circumstances, if the claims commissioner grants permission to sue based on an affidavit attesting to the claim's validity, the act requires the judge in the subsequent court case to impose a sanction on the attorney and claimant or on the pro se claimant. The requirement applies if the judge determines, after discovery is completed, that (1) the affidavit was not made in good faith, (2) no justiciable issue was presented against the state, and (3) the state cooperated in good faith by providing informal discovery. The judge must do so upon the state's motion or upon his or her own initiative.

The act requires the judge to impose an appropriate sanction, which may include an order to pay the state its reasonable expenses due to the filing of the lawsuit. The court may also submit the matter to the appropriate authority for disciplinary review of the attorney who submitted the affidavit.

Claims Referred to Temporary Deputies (§§ 4-6)

Under the act, claims exclusively seeking permission to sue the state must be referred to temporary deputies if the claims remain pending for a specified period, as follows.

The act automatically refers those pending claims that were filed more than three years before the act's passage unless the claimant expressly states the desire for the claim to remain with the commissioner.

Starting July 1, 2022, for claims pending for at least 18 months, the act allows the claimant to file a notice indicating that fact with the attorney general, governor, and Judiciary Committee. The act requires the claims commissioner to issue a decision on the claim within 90 days after the notice is filed. If she does not meet this deadline, the claim must be referred to a temporary deputy through June 30, 2023. These provisions do not apply if the parties stipulated to an extension of time for the commissioner to dispose of the claim.

Proceedings after Referral (§ 6(d)). Under the act, after a claim is referred to a temporary deputy, the deputy must review the claim notice, the state's notice of opposition, and any discovery or other supporting evidence. The deputy may hold a telephonic or video conference with the parties if he or she deems it necessary. Regarding the state's opposition, the deputy may only consider arguments based on jurisdictional grounds or prosecutorial, judicial, quasi-judicial, or legislative immunity.

Within 90 days after the referral, the deputy must either deny or dismiss the claim or authorize the claimant to sue the state. The deputy must authorize the claimant to sue if, in the deputy's opinion, the claim presents an issue of law or fact under which the state, were it a private person, could be liable. (This is the same standard under which the claims commissioner may authorize suit under existing law.)

The act requires the deputy to grant permission to sue if ruling on the state's opposition requires the determination of a disputed issue of material fact. The deputy must preserve the state's right to pursue that defense in court.

Under the act, a temporary deputy must make a factual finding for each claim and file that finding with the claims commissioner along with the order or authorization disposing of the claim. The deputy must deliver a copy of these documents to the claimant and to the state's representative.

General Assembly Review (§§ 4 & 5). The act allows claimants whose claims were denied or dismissed by a temporary deputy to request that the legislature review that decision. Under existing law, a claimant who filed a claim for more than \$50,000 may request that the legislature review the claims commissioner's decision to deny or dismiss the claim, including denying or dismissing a claim requesting permission to sue. As under existing law, the claimant must file a request for review within 20 days after receiving the decision, and the filing of the review request automatically stays (i.e., suspends) the decision.

The act grants the legislature the same authority over these claims as over other denied or dismissed claims requesting permission to sue for which the claimant requested review. Therefore, the legislature may confirm the temporary deputy's decision, authorize the claimant to sue, or remand the claim to the claims commissioner's office for further proceedings.

Uncontested Claims (§ 6(e))

Under the act, permission for claims exclusively seeking to sue the state is deemed granted if the attorney general files a signed stipulation with the claims commissioner that authorizes permission for a particular claim.

General Provisions (§ 6(h) & (i))

Under the act, in any of the above situations, evidence that permission to sue was granted or authorized is not admissible as evidence of the state's liability. Existing law similarly provides this concerning evidence of the commissioner granting authorization to sue.

Under existing law, if the claims commissioner authorizes a claimant to sue, the claimant has one year to bring the lawsuit. The act gives a claimant one year from the later of when (1) the authorization takes effect or (2) permission to sue is granted.

§ 2 — CLAIMS COMMISSIONER NOMINATIONS

The act requires each of the governor's nominations for claims commissioner to be referred, without debate, to the Judiciary Committee instead of to the Executive and Legislative Nominations Committee. Under the act, the Judiciary Committee must report on the appointment within 30 days after the referral, and the General Assembly appointment must be by concurrent resolution.

The act specifies that the current claims commissioner may continue to serve until her term expires.

§ 6 — MEDICAL MALPRACTICE CLAIMS

For medical malpractice claims, prior law required the claims commissioner to grant authorization to sue if the claimant filed the good faith certificate required for medical malpractice lawsuits. The act instead specifies that for these claims, authorization to sue is deemed granted upon (1) the act's passage, if the certificate was filed with the claims commissioner before then, or (2) the certificate's filing, if it is filed after the act's passage.

The act specifies that these provisions apply to medical malpractice claims that were timely filed with the commissioner and remain pending, regardless of whether the claims were filed before, on, or after October 1, 2019. (PA 19-182, § 4, effective October 1, 2019, added to the law a provision allowing medical malpractice claimants to directly sue without first filing a claim.)

PA 21-97—sSB 889

Judiciary Committee

AN ACT CONCERNING THE CRIMINAL JUSTICE POLICY AND PLANNING DIVISION AND THE PUBLICATION OF REPORTS AND PRESENTATIONS BY THE OFFICE OF POLICY AND MANAGEMENT

SUMMARY: This act makes various changes and updates to reporting requirements of the Criminal Justice Policy and Planning Division (CJPPD) within the Office of Policy Management (OPM).

Principally, the act:

1. eliminates the requirement that CJPPD (a) develop a plan to promote a more effective and cohesive state criminal justice system and (b) biennially update the governor and the Appropriations and Judiciary committees on the plan (§ 1);
2. requires CJPPD to annually track, in its trends and outcomes reporting system, the recidivism of offenders who received earned risk reduction credits (§ 3);
3. eliminates the requirement that the CJPPD reporting system define outcomes for major programs and annually report them (§ 3);
4. requires CJPPD to conduct a data analysis of state criminal justice system trends and annually report the data and analysis to the Governor and the Judiciary Committee (§ 4);
5. repeals the CJPPD annual report and presentation requirement on promoting an effective and cohesive criminal justice system (§ 4);
6. narrows the Criminal Justice Policy Advisory Commission's (CJPAC) duties by eliminating certain reporting and presentation requirements and the commission's full-day review of the state's criminal justice system required under prior law (§ 5); and
7. requires OPM to make any CJPPD report or presentation available on the office's website, including certain specified reports (§§ 1-4, 6 & 7).

It also makes technical changes and repeals the OPM urban violence reduction grant program and certain CJPPD reporting requirements (§§ 8 & 9).

EFFECTIVE DATE: October 1, 2021

§ 3 — TRENDS AND OUTCOMES REPORTING SYSTEM

Annual Connecticut Recidivism Study

Existing law requires CJPPD to develop a reporting system that tracks trends and outcomes related to policies designed to reduce prison overcrowding, improve rehabilitation efforts, and enhance reentry strategies for offenders released from prison. This system must annually track the recidivism of offenders (1) released from prison; (2) on probation; and (3) participating in programs designed to reduce prison overcrowding, improve rehabilitation efforts, and enhance reentry strategies for offenders released from prison. The act requires the system to also annually track the recidivism of offenders who received earned risk reduction credits.

Major Program Outcomes

The act also eliminates a requirement under prior law that the reporting system define and annually report outcomes

for major programs and delineate strategies to measure outcomes when information needed to measure a program's effectiveness is not yet available.

§ 4 — TRENDS IN CONNECTICUT'S CRIMINAL JUSTICE SYSTEM REPORT

The act repeals prior law's requirement for CJPPD to annually submit a report and make a presentation to the governor and the Judiciary and Appropriations committees on the actions needed to promote an effective and cohesive criminal justice system.

It requires CJPPD, by October 15 each year, to submit a report to the governor and the Judiciary Committee analyzing data on state criminal justice system trends, including, if available, the number of reported crimes and arrests and the size of the populations on probation, parole, special parole, and in prison.

§ 5 — CRIMINAL JUSTICE POLICY ADVISORY COMMISSION (CJPAC)

The act narrows CJPAC's duties by eliminating requirements that the commission (1) develop a guide on best practices for providing reentry services and (2) develop and annually update a plan to ensure the availability of reentry services, including establishing community reentry centers.

The act eliminates a requirement that CJPAC report annually to the governor and the legislature on outcomes achieved under the state's reentry strategy and the coordination of information technology systems used by criminal justice agencies.

It also eliminates a requirement that CJPAC sponsor a full-day review of the criminal justice system in the state for all members of the criminal justice community, facilitated by the CJPPD undersecretary.

§§ 1-4, 6 & 7 — REPORTS AVAILABLE ON OPM'S WEBSITE

The act requires OPM to make any CJPPD report or presentation available on the office's website, including the division's:

1. annual report on the correctional system population projections for planning purposes (§ 2),
2. monthly report on the reporting system's tracking and annual outcome report (§ 3),
3. new annual report containing data analysis of state criminal justice system trends (§ 4),
4. annual report on the chief public defender's pilot program to provide representation at parole revocation hearings (§ 6), and
5. annual report on the prevalence and disposition of traffic stops and reported complaints (§ 7).

§ 9 — REPEALER

The act repeals a requirement that OPM, within available appropriations, administer an urban violence reduction grant program. It also repeals requirements that CJPPD:

1. notify municipalities monthly of outstanding arrest and rearrest warrants for probation violations;
2. track, analyze, and annually report to the Judiciary Committee on recidivism rates for children; and
3. report to the legislature quarterly on the use of earned risk reduction credits.

PA 21-100—SB 959
Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes changes in various laws governing probate court operations and related matters.

The act makes the following changes related to probate court filing fees:

1. expands the list of trust-related motions, petitions, and applications that are subject to a filing fee, in conformity with 2019 changes to the state's trust law;
2. waives or reduces certain probate fees when the state is obligated to pay funeral and burial expenses for State Administered General Assistance (SAGA) beneficiaries or certain indigent persons; and
3. extends the scope of certain other probate fee-related provisions to apply to filing fees for various matters.

The act specifically allows probate courts to (1) accept fee payment by electronic funds transfer and (2) charge related

service fees (which cannot exceed the processing fee, including the discount rate) (§ 8). Under existing law, similar provisions apply to fees paid by credit, charge, or debit cards (see *BACKGROUND, Related Act*).

The act adds appeals of a quarantine or isolation order to the list of appeals that are subject to specified procedures.

It specifies that certain estate settlement procedures apply following the death of an adult with intellectual disability for whom a guardian was appointed.

The act adds certain reviews of Department of Children and Families (DCF) voluntary admissions and related matters to the types of probate court transfers that must occur electronically.

It also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 1 — TRUST-RELATED FILING FEES

Existing law establishes a \$250 filing fee for several trust-related matters in probate court (among other probate court matters). This includes motions, petitions, or applications to construe, divide, reform, or terminate a trust. The act additionally requires this filing fee for motions, petitions, or applications to (1) validate, combine, or modify a trust or (2) assume jurisdiction over an out-of-state trust.

§§ 2-4 — FEE WAIVERS RELATED TO SAGA BENEFICIARIES OR INDIGENT PERSONS

Existing law waives the \$150 filing fee for petitions for custody of a decedent's remains in cases where the state, by law, must pay funeral and burial expenses for Temporary Family Assistance (TFA) or State Supplement Program (SSP) beneficiaries.

Existing law also provides that in cases where the Department of Administrative Services (DAS) represents an estate, the estate settlement fee is the lesser of (1) the standard fee (which is based on the estate's value) or (2) the amount that DAS collected after paying the funeral and burial expenses because the person was a TFA or SSP beneficiary.

The act extends these provisions to cases where the state pays the funeral and burial expenses for (1) SAGA beneficiaries or (2) individuals who die without a sufficient estate and without a legally liable relative to pay for a proper funeral and burial.

§§ 5-7 — EXTENSION OF OTHER FEE-RELATED PROVISIONS

Under existing law, certain fee waivers or other rules apply to estate settlement, fiduciary accounting, and miscellaneous probate fees (e.g., certain copy fees). The act specifically extends these fee waivers and rules, as applicable, to other fees to file various motions, petitions, or applications in probate court. These other fees encompass filings in a range of matters, such as guardianship, termination of parental rights, adoption, conservatorship, powers of attorney, and requests for court continuances and mediation.

The act extends the following fee waivers and rules to these other filings, as applicable:

1. the required fee waiver for adoption proceedings involving special needs children;
2. court authority to postpone fees if the court determines that to require the fee with the filing would cause undue delay or hardship;
3. the exemption of probate fees from the sales tax;
4. the requirement for probate courts, if a state agency is an applicant or otherwise liable for probate fees, to accept the matter without the filing fee and bill the agency for payment; and
5. the requirement for the probate court administrator to cause a refund of overpayments to be paid out of the Probate Court Administration Fund.

Existing law already (1) allows any probate court petitioner or applicant to apply for a waiver of fees and necessary expenses of the action, based on indigency or other inability to pay, and (2) requires the court to grant the waiver if the court finds that the person is unable to pay, based upon an application signed under penalty of false statement.

§§ 9-11 — APPEALS OF QUARANTINE AND ISOLATION ORDERS

Under existing law, if the Department of Public Health commissioner orders someone into quarantine or isolation during a public health emergency, the person may file a probate court appeal of that order. Anyone aggrieved by the probate court's decision can appeal to Superior Court (CGS § 19a-131b).

As is already the case for certain other appeals of probate court decisions, the act:

1. requires hearings on these appeals within 90 days after the appeal is filed unless the probate court or Superior

Court has granted a stay;

2. prohibits the Superior Court from referring the appeal to a special assignment probate judge;
3. requires the probate court, within specified deadlines, to transcribe any portion of the proceeding's recording that has not been transcribed;
4. requires the appeal to be heard by the court without a jury (the appeal may also be referred to a state referee);
5. prohibits the Superior Court from substituting its judgment for the probate court's on the weight of evidence on a question of fact; and
6. requires the Superior Court to affirm the probate court's decision unless it finds that the person's substantial rights were prejudiced because the probate judge's findings, inferences, or decisions met certain criteria (e.g., exceeded statutory authority, were based on illegal procedures, or were arbitrary or capricious).

§ 12 — ESTATES OF ADULTS WITH GUARDIANS

The act extends certain procedures for guardians or conservators closing out small estates to also apply to guardians of adults with intellectual disability.

Generally, under these procedures, the guardian or conservator may pay for the protected person's unpaid lifetime expenses, funeral and burial expenses, and administration expenses for closing the account if all these expenses equal or exceed the protected person's estate. The guardian or conservator may then take credit for these payments in the final accounting.

§ 14 — TRANSFER OF DCF VOLUNTARY ADMISSION CASES

By law, the probate court must review cases of children voluntarily placed with DCF for services. In some cases, the probate court also must review their permanency plans. Additionally, a party aggrieved by a termination of voluntary admission may request a probate court hearing.

In these cases, if a probate court grants a party's motion to transfer the matter to another district, the act requires the electronic transfer of the case from one probate court to another. Specifically, when a court issues an order to transfer a file, it must transmit a digital image of each document using the document management system maintained by the Office of the Probate Court Administrator. Upon receipt of the electronic documents, the receiving court assumes jurisdiction over the matter. Similar provisions already apply to various other probate matters.

The act replaces prior provisions which required the transferring court to copy, certify, and deliver all documents to the receiving court.

BACKGROUND

Related Act

PA 21-2, June Special Session, § 442 (effective July 1, 2022) requires, rather than allows, the probate court to charge a service fee for any court fee card payments.

PA 21-102—sHB 6594

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING THE CRIMINAL JUSTICE PROCESS

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Reduces the (1) scope of laws enhancing the penalties for illegal drug activities in drug-free zones and (2) size of these zones from 1,500 to 200 feet

[§ 25 — SENTENCE MODIFICATIONS](#)

Expands eligibility for sentence modification by allowing the court, without an agreement between the defendant and the state, to modify sentences, including those under plea agreements with seven years or less of actual incarceration

EFFECTIVE DATE: October 1, 2021, except the sentence modification provisions (§ 25) are effective upon passage.

§ 1 — DEPOSITIONS FOR THOSE INFIRM AND AGE 75 AND OLDER

Allows the state to depose people who are infirm and age 75 and older in certain trials

Existing law allows defendants to ask a Superior Court judge or the court to depose a witness if it appears the witness's testimony will be required at trial and he or she will be unable to testify. The act additionally allows this for witnesses who are infirm and age 75 or older in any case involving an offense where the punishment may be imprisonment of more than one year.

Prior law allowed witness depositions to be taken before a commissioner or magistrate that the court or judge designated. The act also allows these depositions to be before a judge.

§§ 2 & 3 — SOLICITING SEXUAL ACTS

Changes "patronizing a prostitute" to "soliciting sexual acts"

The act changes the crime of "patronizing a prostitute" to "soliciting sexual acts."

§§ 4 & 5 — INVESTIGATIONS TO REMOVE TOWN CLERKS AND TREASURERS

Requires that the attorney general, rather than the state's attorneys, investigate a town clerk or treasurer for removal

The act transfers from the state's attorneys to the attorney general the responsibility for investigating a town clerk or treasurer for removal. As under prior law for state's attorneys, the act requires the attorney general to, among other things, investigate charges of misconduct, willful and material neglect of duty, or incompetent conduct. Additionally, the attorney general has the power to, among other things, summon witnesses, require the production of necessary documents, and represent the state in removal hearings.

§ 6 — PENSION REVOCATION NOTICE

Requires (1) prosecutors to notify the attorney general of certain proceedings involving pension revocation for public employees and eliminates a similar notice requirement for federal court proceedings and (2) the attorney general to pursue pension revocation remedies for state court proceedings

Prior law required the attorney general to notify the prosecutor of the existence of the pension revocation law when the defendant in a state or federal court criminal proceeding was a public official or state or municipal employee charged with a crime related to his or her office. The act instead requires the prosecutor to notify the attorney general of the proceeding and eliminates the notice requirement for federal court proceedings. For state court proceedings, the act also requires the attorney general to pursue the remedies under the pension revocation law (e.g., fines, restitution, or other monetary orders paid from the official's or employee's pension).

§ 7 — VENDOR FRAUD

Expands the definition of vendor fraud to include instances where the person has intent to defraud the state or the beneficiary and has knowledge of an event that would result in lower benefit payments

Under existing law, a person commits vendor fraud when the person, acting on his or her own or on an entity's behalf, provides goods or services to public assistance beneficiaries (including Medicaid) under certain circumstances with the intent to defraud either the state or the beneficiary. The act expands the circumstances that constitute vendor fraud to include instances where the person has knowledge of the occurrence of any event affecting (1) his or her initial or continued right to the benefit or payment, or (2) the initial or continued right to the benefit or payment of any beneficiary he or she applied

for or is receiving the benefit or payment for, and the person conceals or does not disclose the event intending to fraudulently secure the benefit or payment either in a greater amount or quantity than is due or when no benefit or payment is allowed.

By law, there are six degrees of vendor fraud, with penalties ranging from a class C misdemeanor to a class B felony (see [Table on Penalties](#)), depending on the amount of goods or services involved.

§ 8 — ELECTRONIC STALKING

Increases the penalty for electronic stalking and broadens the definition of the crime

Under prior law, a person was guilty of electronic stalking when he or she recklessly caused another person to reasonably fear for his or her physical safety by willfully and repeatedly using a global positioning system or similar electronic monitoring system to remotely determine or track the person's position or movement. The act generally broadens the crime's definition to intending to kill, injure, harass, or intimidate another person by using an interactive computer service or electronic communication service, electronic communication system, or electronic monitoring system to place the other person under surveillance or engage in other conduct that (1) places the other person or their immediate family member or intimate partner in a reasonable fear of death or serious bodily injury or (2) causes, attempts to cause, or is reasonably expected to cause substantial emotional distress to these individuals.

Under the act, an "immediate family member" means (1) a person's spouse, parent, brother, sister, or child, or the person to whom the person stands in loco parentis (i.e., in place of a parent) or (2) any person living in the household and related to the person by blood or marriage. "Intimate partner" means a (1) former spouse; (2) person who has a child in common with the person regardless of whether he or she is or has been married or are living or have lived together at any time; or (3) person in, or who has recently been in, a dating relationship with the person.

The act increases the penalty from a class B misdemeanor to a class D felony.

§ 9 — INTIMATE IMAGES

Specifies what is considered "harm" for distributing intimate images; prohibits dissemination when the other person is not identifiable, but other identifying information is included; and increases the penalty when dissemination is to more than one person over certain electronic platforms

"Harm"

By law, a person is guilty of unlawful dissemination of an intimate image when the person intentionally disseminates an intimate image without the other person's consent, knowing that the other person believed the image would not be disseminated, and the other person suffers harm because of the dissemination.

The act specifies that "harm" includes subjecting the other person to hatred, contempt, ridicule, physical or financial injury, psychological harm, or serious emotional distress.

Identifiable Information

Under prior law, there were certain circumstances where disseminating these images was not a crime, including, among others, when the other person is not clearly identifiable. But under the act, the exemption does not apply if there is personally identifying information associated with or accompanying the image.

Increased Penalty

The act increases the penalty, from a class A misdemeanor to a class D felony, if the unlawful dissemination is to more than one person by means of an interactive computer service, an information service, or a telecommunications service.

Under the act, "interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet, and the systems libraries or educational institutions operate or offer services for (47 U.S.C. § 230).

"Information service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but excludes any use of any such capability for managing, controlling, or operating a telecommunications system or managing a telecommunications service (47 U.S.C. § 153).

"Telecommunications service" means any transmission in one or more geographic areas (1) between or among points

the user specifies; (2) of information of the user's choosing; (3) without change in the information's form or content as sent and received; (4) by electromagnetic transmission means, including fiber optics, microwave, and satellite; (5) with or without benefit of any closed transmission medium; and (6) including all instrumentalities, facilities, apparatus, and services, except customer premises equipment, which are used for collecting, storing, forwarding, switching, and delivering such information and are essential to the transmission (CGS § 16-247a).

§ 10 — SENTENCING PERSISTENT OFFENDERS

Limits the look-back period for controlled substance possession and certain felonies to 10 years for persistent offenders and extends the exemption for these felony offenders to include class E felonies

By law, to be considered a persistent offender a person must (1) stand convicted of certain crimes and (2) have a prior conviction of certain crimes. The act limits the look-back period for qualifying felonies for prior convictions to 10 years for controlled substance possession violations and certain other felonies and extends the exemption to include class E felonies.

Under prior law, a persistent offender for possession of a controlled substance was someone convicted of a controlled substance possession violation who had two prior controlled substance possession convictions. The act limits the look-back to 10 years.

Under prior law, a persistent felony offender was someone convicted of a felony, other than a class D felony, who has been convicted twice before of these felonies. The act (1) extends the exemption to also include class E felonies and (2) limits the look-back period to 10 years.

§§ 11-18 — FEE WAIVERS FOR DIVERSIONARY PROGRAMS OR TREATMENTS

Waives, for certain indigent individuals represented by a public defender, the fee for certain diversionary programs and treatments and prohibits courts from requiring community service instead of any fees for indigent individuals

Fee Waivers

For individuals, including students' parents or guardians, as applicable, who are indigent and eligible for a public defender, the act waives the fees for certain diversionary programs. In some programs, it also eliminates the requirement that good cause be shown or that the fee would cause economic hardship. The act waives the fees for the following programs:

1. community service labor (CGS § 53a-39c),
2. accelerated pretrial rehabilitation (CGS § 54-56e),
3. pretrial alcohol education for certain motor vehicle violations (CGS § 54-56g),
4. pretrial drug education and community service for certain dependency-producing drug offenses (CGS § 54-56i),
5. pretrial school violence prevention (CGS § 54-56j), and
6. pretrial family violence education (CGS § 46b-38c).

Under existing law, indigent individuals are exempt from these program fees upon the filing of indigent status, its confirmation, and entering of the finding.

The act prohibits anyone from being denied a Department of Mental Health and Addiction Services clinical examination to determine alcohol or drug dependency due to inability to pay the associated fees or costs of the exam or program. It waives the fees through the processes described above.

Under prior law, a person granted suspended prosecution for drug or alcohol dependence treatment could be deemed indigent if the court determined the person had an estate insufficient to provide for the person's support or there was no other person legally liable or able to support them. The act also allows individuals to be deemed indigent if they have been determined indigent and eligible for a public defender to be appointed on their behalf.

The act makes minor, technical, and conforming changes.

Community Service Prohibition

Additionally, the act prohibits the court from requiring community service instead of paying the fee if waived for any of the programs described above.

§§ 14 & 19 — NARCOTIC DRUG STORAGE

Adds a penalty for failure to keep a narcotic in the original container and allows violators to take the pretrial drug education and community service program

Penalty

By law, a person who legally has any narcotic drug may only possess it in the container in which it was delivered. The act makes anyone who fails to do this guilty of a class D misdemeanor. Under prior law, a person who violated a dependency-producing drug provision without a specified penalty was subject to, for (1) a first offense, a fine of up to \$3,500, imprisonment of up to two years, or both; and (2) any subsequent offense, a class C felony.

The act's penalties do not apply to anyone who in good faith places the narcotic in either a (1) pill box, case, or organizer stored within his or her residence, or (2) secured or locked pill box, case, or organizer, if these objects are accompanied by proof of the person's prescription.

Pretrial Drug Education and Community Service Program

The act allows certain individuals charged with improper storage to take the pretrial drug education and community service program. As under existing law, individuals are generally ineligible to participate if they have already previously participated twice in this program, or its predecessor or community service programs. The program has a \$100 application fee, \$150 evaluation fee, and \$600 program fee, unless waived (see above). (PA 21-1, June Special Session (JSS), §§ 166 & 169, sunsets this pretrial program but establishes a similar program for people charged with drug possession, paraphernalia, and narcotic storage crimes.)

Among other things, the program consists of 15 sessions of drug education, at least 15 sessions of substance abuse treatment, and community service. As under existing law, if a person successfully completes the program, the court dismisses the charges, but those who do not complete the program must return to court to face the original charges.

§ 20 — FINE FOR FAILING TO PAY OR ACT FOR CERTAIN INFRACTIONS OR VIOLATIONS

Reduces certain penalties when a person fails to pay or respond to infractions or violations

Under prior law, a person charged with an infraction who failed to pay the fine and additional fee, failed to send in a plea of not guilty by the answer date, or willfully failed to appear at a required scheduled court appearance date was guilty of a class C misdemeanor. But for certain infractions or violations, failing to pay the fine and fees, failing to send in a timely plea, or willfully failing to appear in court was a class A misdemeanor. The act reduces these penalties to an unclassified misdemeanor for which violators may be subject to up to 10 days' imprisonment.

§ 21 — PRE-SENTENCE CONFINEMENT CREDIT

Allows for pre-sentence confinement credit on concurrent sentences and provides that consecutive sentences are only counted once

Under existing law, anyone who was confined in a community correctional center or a correctional institution for an offense, under a mittimus (an order to arrest and bring a person before the court) or because the person is unable to obtain bail or is denied bail, must, if subsequently imprisoned, have their sentence reduced by the number of days they spent in pre-sentence confinement.

In calculating these credits under the act for offenses committed on or after October 1, 2021, each day of pre-sentence confinement is counted (1) equally in reducing any concurrent sentence imposed for any offense pending at the time the sentence was imposed, but (2) only once in reducing any imposed consecutive sentence. Prior law allowed the credit to be counted only once for reducing all sentences.

These provisions apply only to people whose inability to obtain bail or bail denial is the sole reason for their presentence confinement. However, if a person is imprisoned at the same time he or she is in presentence confinement on another charge and the conviction for the imprisonment is reversed on appeal, the person is entitled, in any subsequent sentencing, to a reduction based on the presentence confinement.

Under the act, in the case of a fine, each day spent confined before sentencing is credited against the sentence at a per day rate equal to the average daily cost of incarceration as the correction commissioner determines.

§§ 22-24 — SALE OR POSSESSION OF DRUGS IN DRUG-FREE ZONES

Reduces the (1) scope of laws enhancing the penalties for illegal drug activities in drug-free zones and (2) size of these zones from 1,500 to 200 feet

The act reduces the scope of laws enhancing the penalties for illegal drug activities near schools, licensed childcare centers, and public housing projects (i.e., drug-free zones). It reduces the size of these zones from 1,500 to 200 feet and specifies that they are measured from the perimeter of the property.

The act also provides that for the enhanced penalty to apply for these crimes, the offender must commit the crime with the intent to do so in a specific location which the trier of fact (i.e., the jury or judge) determines is within the zone. To the extent this provision applies to illegal drug sales and related crimes, it codifies case law (e.g., *State v. Denby*, 235 Conn. 477 (1995)).

Drug-free zones, which the act reduces from 1,500 to 200 feet, generally require a mandatory sentence, in addition and consecutive to any prison term imposed for the underlying crime, as follows:

1. one year for various drug paraphernalia crimes near a public or private elementary or secondary school when the defendant is not enrolled there as a student;
2. class A misdemeanor with a required prison and probation sentence for possessing illegal drugs near a public or private elementary or secondary school when the defendant is not enrolled there as a student, or near a licensed child care center identified by a conspicuous sign; or
3. three years for selling illegal drugs, transporting or possessing them with intent to sell, or related crimes near a (a) public or private elementary or secondary school, (b) licensed childcare center identified by a conspicuous sign, or (c) public housing project.

Exceptions to Enhanced Penalties; Departing From a Mandatory Minimum

Under PA 21-1, JSS, §§ 2 & 4, the enhanced penalties do not apply to (1) drug paraphernalia-related actions involving cannabis or (2) possessing cannabis.

By law, judges can impose less than the law's mandatory minimum sentence under the laws described above when no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not threaten to use or suggest that he or she had a firearm, other deadly weapon, or other instrument that could cause death or serious injury. Defendants must show good cause and can invoke these provisions only once. Judges must state at sentencing hearings their reasons for (1) imposing the sentence and (2) departing from the mandatory minimum (CGS § 21a-283a).

§ 25 — SENTENCE MODIFICATIONS

Expands eligibility for sentence modification by allowing the court, without an agreement between the defendant and the state, to modify sentences, including those under plea agreements with seven years or less of actual incarceration

The act expands eligibility for sentence modification (i.e., sentence reduction, defendant discharge, or placement of the defendant on probation or conditional discharge). Prior law required both the defendant and prosecutors to agree for the court to hold a modification hearing when the defendant's entire sentence exceeded three years.

The act allows the court, without an agreement between the defendant and the state, to modify plea agreements, including those with an agreed upon sentence range, which include seven years or less of actual incarceration. The act requires such an agreement if the plea is over seven years. As under existing law, there must be a hearing and good cause shown. In addition, the act allows defendants whose sentence is a result of a trial to move for sentence modification without an agreement, regardless of sentence length.

The act prohibits the defendant from filing a subsequent motion for relief under these provisions until five years after the date of the most recent decision denying him or her relief by a sentence reduction or discharge.

*Judiciary Committee***AN ACT CONCERNING HUMAN TRAFFICKING**

SUMMARY: This act makes various changes to laws affecting human trafficking crime and victims. Principally, it:

1. extends vacatur relief by (a) allowing individuals who committed certain crimes (rather than just prostitution) due to being human trafficking victims to apply to have those convictions vacated, (b) requiring the applicants to notify any victim of the crimes about the application, and (c) giving the court discretion to vacate the convictions (except for prostitution convictions, for which vacatur remains mandatory for applicants who prove that they were trafficking victims) (§ 7);
2. establishes an affirmative defense for a trafficking victim who is a minor charged with trafficking in persons (§ 3);
3. narrows the elements of the trafficking in persons crime by including only actions a person commits knowingly (§ 3);
4. broadens the crimes of “sex trafficking,” “patronizing a prostitute,” and “commercial sexual abuse of a minor” to include taking these actions in exchange for anything of value, instead of only for paying a fee as under prior law (§§ 3-5) (PA 21-102, §§ 2 & 3, changes the term “patronizing a prostitute” to “soliciting sexual acts,” effective October 1, 2021);
5. reduces the required frequency for certain professionals to complete Department of Children and Families (DCF) refresher training in human trafficking awareness from annually to every three years, and extends the training requirement to emergency medical services (EMS) personnel (§ 6);
6. increases the Trafficking in Persons Council’s membership from 27 to 35 and requires it, by January 1, 2022, to (a) examine how traffickers use the internet to groom minors to be trafficked and exploited and (b) report its findings to the Judiciary Committee, including recommendations to combat online grooming (§§ 1 & 8); and
7. allows the court, upon the prosecutor’s request, to compel certain witnesses to testify and produce evidence in delinquency proceedings (§ 2).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021, except that the Trafficking in Persons Council’s membership provision is effective July 1, 2021, and the reporting provision is effective upon passage.

§ 7 — VACATUR RELIEF FOR TRAFFICKING VICTIMS*Eligibility*

By law, once a court enters a prostitution conviction (a class A misdemeanor), the defendant can apply to the Superior Court to vacate the conviction if his or her participation in the offense resulted from being a victim of another person’s conduct that constituted a human trafficking violation under state or federal law. The act expands eligibility for this vacatur relief to include those convicted of any misdemeanor offense; class C, D, or E felony; or unclassified felony offense carrying up to a 10-year prison term.

Victim Notice and Opportunity to be Heard

Existing law requires the court, before granting or denying the application, to give the prosecutor (1) a reasonable opportunity to investigate the defendant’s claim and (2) an opportunity to be heard regarding the defendant’s application. The act requires the court to also give the victim of the applicant’s crime an opportunity to be heard.

The act requires anyone who applies for vacatur relief to notify the victim by registered or certified mail about the application and the victim’s opportunity to be heard. The Office of the Chief Court Administrator must prescribe the notice’s form.

Vacating Conviction and Dismissal of Charges

Existing law and the act require the court to vacate a prostitution conviction if the defendant proves that his or her participation in the offense was a result of having been a victim of another person’s conduct that constitutes a human trafficking violation under state or federal law.

For other offenses eligible for vacatur as described above, the act gives the court discretion to vacate the conviction if the defendant proves that he or she was such a human trafficking victim (PA 21-104, § 62, makes a technical change by specifying that this discretion applies to misdemeanors other than prostitution). As under existing law, the court must

dismiss any charges related to an offense it vacates.

Under existing law, unchanged by the act, vacating a judgment of conviction and dismissal of human trafficking charges does not constitute grounds for awarding compensation for wrongful arrest, prosecution, conviction, or incarceration under any statute.

§ 3 — AFFIRMATIVE DEFENSE FOR TRAFFICKING VICTIM

Under the act, it is an affirmative defense in any human trafficking prosecution or delinquency proceeding that the defendant was a minor (under age 18) and his or her participation in the offense was a result of having been a victim of another person's conduct that constitutes human trafficking.

§§ 3-5 — ELEMENTS OF CERTAIN SEX CRIMES

Trafficking in Persons (§ 3)

Under prior law, a person was guilty of trafficking in persons when he or she:

1. used fraud, coercion, or force (or threat of force) to compel or induce another person to (a) engage in conduct involving sexual contact with one or more third persons or (b) provide labor or services that the other person has a legal right to refrain from providing;
2. compelled or induced a minor (under age 18) to engage in conduct with one or more third persons involving sexual contact for which the third person may be charged with a crime; or
3. otherwise committed a sex trafficking act.

The act narrows this crime to include only cases where the person (1) knowingly compelled or induced the other person to take these actions or (2) otherwise knowingly committed sex trafficking.

Specific Sex Crimes (§§ 3-5)

The act broadens the definition of the crimes of "sex trafficking," "patronizing a prostitute," and "commercial sexual abuse of a minor" by making it a crime to engage in the following conduct in exchange for anything of value, instead of only for a fee as under prior law:

1. for sex trafficking: the recruitment, harboring, transportation, or providing of a person to engage in sexual conduct with another person;
2. for patronizing a prostitute: paying another person based on an understanding that in return, the other person or a third person will engage in sexual conduct with him or her (or soliciting or requesting such an exchange); and
3. for commercial sexual abuse of a minor: (a) paying a minor or third person as compensation for the minor engaging in sexual conduct with the person or based on an understanding that in return for the payment, the minor will engage in sexual conduct or (b) soliciting or requesting to engage in sexual conduct with a minor, or someone the person reasonably believes to be a minor.

§ 6 — HUMAN TRAFFICKING AWARENESS COURSE

Existing law requires the DCF commissioner, in consultation with the commissioner of Emergency Services and Public Protection, to develop an initial and refresher training program to accurately and promptly identify and report suspected human trafficking. The act reduces the frequency with which certain professionals (see below) must complete the refresher training from annually to every three years.

The act also extends the training requirement to EMS personnel who have contact with patients. Existing law already requires the following professionals to complete the training: law enforcement personnel; Superior Court judges; prosecutors; public defenders and other criminal defense attorneys; hospital emergency room and urgent care facility staff who have patient contact; and employees of local and regional school boards or public higher education constituent units who have contact with students.

§ 1 — TRAFFICKING IN PERSONS COUNCIL MEMBERSHIP

The act increases the council's membership from 27 to 35 by adding (1) a Superior Court judge, appointed by the chief court administrator; (2) a state's attorney, appointed by the chief state's attorney; (3) a public defender, appointed by the chief public defender; and (4) five additional public members.

For the latter, the act increases (1) from two to three, the public members appointed by the governor and (2) from one to two, the public members appointed by each of the Senate and House majority and minority leaders. The table below lists the appointing authority and required qualifications for these additional five public members.

New Public Member Qualifications

<i>Appointing Authority</i>	<i>Qualifications</i>
Governor	Representative of a coalition of children's advocacy centers and multidisciplinary teams dedicated to serving child abuse victims and their families
Senate majority leader	Representative of the Connecticut Coalition to End Homelessness
House majority leader	Representative of the Connecticut Criminal Defense Lawyers Association
Senate minority leader	Representative of massage therapists
House minority leader	Representative of an organization that works with adult trafficking victims

§ 2 — COMPELLING WITNESS TESTIMONY

By law, if the chief state's attorney, state's attorney, or deputy chief state's attorney determines that a witness's testimony or production of evidence is necessary to the public interest, they may apply to the court for an order compelling the witness to testify or produce evidence in certain proceedings. They may do this only if they notify the witness after he or she has claimed privilege against self-incrimination.

Under the act, these officials may take this action in any delinquency proceedings, in addition to grand jury investigations and certain criminal proceedings as under existing law (e.g., those involving violent felonies; narcotics; and under certain circumstances, class A, B, and C felonies and certain unclassified felonies).

PA 21-104—sHB 6505

Judiciary Committee

AN ACT CONCERNING COURT OPERATIONS

SUMMARY: This act makes various unrelated changes in laws related to court procedures and operations.

Among the changes the act makes in laws related to juvenile matters, it:

1. replaces references to “juvenile detention center” with a new term “juvenile residential center” in statutes on juvenile matters (§§ 2-10, 12-14, 24, 27 & 29-33);
2. gives the Judicial Review Council's members and employees access to certain juvenile records (§§ 25, 26, 39 & 48); and
3. (a) allows certain education and service providers, subject to policies and procedures approved by the chief court administrator, to visit juvenile residential centers and interact with residents and staff without a court order, as required under prior practice; (b) prohibits the providers from disclosing confidential information; and (c) imposes a penalty for violations (§ 54).

Regarding Superior Court and probate court operations, among other things, the act:

1. expressly requires the probate court to hold hearings on new and modified rules of procedure (§ 15) and provides for the expeditious adoption of the state Supreme, Appellate, and Superior courts' rules under certain circumstances (§ 38);
2. allows other court-designated entities to produce court transcripts (§§ 41 & 42);
3. allows a Superior Court judgment based on default or nonsuit, or a civil judgment or decree, to be opened or set aside within four months after the decision was sent instead of when it was rendered, as under prior law (§§ 43 & 44); and
4. requires the court clerk to promptly schedule a hearing instead of scheduling the matter for a short calendar hearing in matters related to (a) personal property execution claims, (b) child support withholdings where the obligor claims mistake of fact, and (c) judgment debtor exemption claims (§§ 45-47).

Among the changes in laws related to family relations matters, the act:

1. allows the court to make certain findings in these matters without a hearing or requiring the parties' physical presence in court (§§ 11, 18-22, 34 & 35);
2. allows certain family court findings to be made without a hearing, as prior law required, but instead through a written judgment, order, or memorandum of decision of the court (§§ 11, 23 & 34-36);
3. requires the court to extend, upon the applicant's request, certain civil protection orders issued *ex parte* (i.e., without a hearing) up to another 14 days from the originally scheduled hearing date to allow more time for service of process (§ 17);
4. allows parties to include child support, visitation, and custody issues in arbitration agreements, including divorce cases, which prior law prohibited (§§ 21 & 53); and
5. expands the powers and duties of family support magistrates regarding the enforcement and modification of certain child support orders (§ 37).

It makes the following changes in laws affecting crime victims:

1. gives victims and their next of kin access to the private proceedings of juveniles being tried on the adult criminal docket (§§ 1 & 28);
2. makes any member of a crime victim's immediate family eligible to receive certain victim notifications and expands victim compensation eligibility (§§ 51 & 52); and
3. specifies that the court's discretionary vacatur relief available to certain human trafficking victims under PA 21-103 applies to misdemeanor offenses other than prostitution (§ 62).

Among the changes in laws related to crimes and civil and criminal procedures, it:

1. creates the crime of abuse of an oath document as a class D felony (§§ 55 & 56) and addresses agriculture-related violations (§§ 57-59);
2. extends the statute of limitations for malicious prosecution actions by counting the three years from the date the criminal proceeding that is the subject of the action ends (§ 60); and
3. delays, from June 30, 2021, to October 1, 2021, the effective date of a provision in PA 21-102 which expands eligibility for sentence modification (§ 63).

Additionally, the act makes the following unrelated changes:

1. specifies the scope of the Court Support Services Division's (CSSD) and the Board of Pardons and Paroles' (BPP) monitoring of offenders on provisional pardons or certifications of rehabilitation (§§ 49 & 50); and
2. requires (a) the judicial branch to compile and annually report to the Judiciary Committee, starting by January 15, 2023, on arresting officers' requests for a court order to detain an arrested child in a juvenile residential center and (b) arresting officers to attach to the summons a form the chief court administrator prescribes (§ 61).

Lastly, the act corrects a statutory reference (§ 16) and makes other technical and conforming changes.

EFFECTIVE DATE: Upon passage, except as otherwise noted below.

§§ 1 & 28 — VICTIM ACCESS TO JUVENILE PROCEEDINGS

The act allows victims and their next of kin to access the private proceedings of juveniles being tried on the adult criminal docket. It does so by prohibiting the court from excluding them from the proceedings.

Under the act (1) a "victim" includes the victim of the crime; his or her parent, guardian, or legal representative; a victim advocate; and the victim's designee (pursuant to CGS § 1-56r) and (2) "next of kin" is a spouse, adult child, parent, adult sibling, aunt, uncle, or grandparent.

§§ 2-10, 12-14, 24, 27 & 29-33 — JUVENILE RESIDENTIAL CENTER

The act creates a general definition for the term "juvenile residential center" to replace prior references to "juvenile detention center" throughout the statutes on juvenile matters.

Under the act, a "juvenile residential center" is a hardware-secured residential facility operated by CSSD that includes direct staff supervision, surveillance enhancements, and physical barriers that allow for close supervision and controlled movement in a treatment setting for pre-adjudicated juveniles and juveniles adjudicated as delinquent.

EFFECTIVE DATE: January 1, 2022

§§ 11, 18-23 & 34-36 — FAMILY MATTERS WITHOUT PHYSICAL COURT APPEARANCE

The act allows the court to make certain findings without requiring the parties' physical presence in court. Specifically, it allows the court, as an alternative to an in-person court hearing, to accept an affidavit made under oath stating the requirements in the matter and that no civil restraining order or family violence protective order between the parties is in effect or pending before the court. The act generally provides this option when the court is determining the following family relations matters:

1. cash medical support for children who are public assistance recipients (IV-D support cases) (§ 11);
2. divorce after a marriage has broken down irretrievably (§ 18);
3. waiver of the right to educational support (affidavit must state that the party fully understands the consequences of the waiver) (§ 19);
4. divorce after a legal separation (§ 20);
5. inquiry into the financial resources, needs, and parental fitness of parties who have submitted a final agreement concerning child custody, care, education, and visitation; alimony; or property disposition (§ 21);
6. identifying extraordinary medical and dental expenses for child support orders, including cases where paternity is determined in non-marital cases (§§ 22 & 34); and
7. enforcement orders to support a spouse or minor child (§ 35).

The act also generally allows the court to make its findings from a written judgment, order, or memorandum of decision of the court in addition to from a hearing on the record, as existing law allows, in matters related to:

1. cash and medical support in IV-D cases and cases involving paternity determination, and support enforcement orders (§§ 11 & 34-35).
2. orders (a) for pendente lite (temporary) or permanent alimony or support and (b) requiring either party to maintain life insurance for the other party or their minor child (§ 23); and
3. rebutting the presumption that a child support amount calculated using the child support guidelines is equitable or appropriate in a particular case, based on the deviation criteria established by the guidelines (§ 36).

The act also expressly states that it does not preclude the court from requiring that the parties attend a hearing and that findings be made on the record in certain matters involving divorce and educational support waivers (§§ 18 & 19).

§ 15 — PROBATE COURT RULES OF PROCEDURE

The law generally requires the probate court administrator to recommend uniform rules of procedure for the probate courts that the state Supreme Court may adopt and promulgate. The act requires the probate court, rather than the state Supreme Court, to hold the public hearing on the rules.

The act specifically requires the probate court administrator to designate at least three probate court judges who must hold a public hearing on any proposed new rule or rule change before it is presented to the state Supreme Court judges for adoption and promulgation. Under the act, reasonable notice of the hearing must be given in the Connecticut Law Journal and otherwise as the probate court administrator deems proper. Similar notice requirements applied under prior law to the public hearing held by the state Supreme Court.

§ 17 — CIVIL PROTECTION ORDERS

By law, a victim of sexual abuse, sexual assault, or stalking may apply for a civil protection order if he or she is not eligible for a civil restraining order (CGS § 46b-16a).

The act adds a provision requiring the court, under specific circumstances, to extend an ex parte order up to another 14 days from the originally scheduled hearing date to allow more time for service of process. Under the act, the court must do so upon the applicant's request and based on the information in the original application. In such a case, the court clerk must prepare a new order with the new hearing date, which must be served on the respondent in the same manner associated with the original application. (Under the law, this same provision already applies to civil restraining orders.)

§§ 21 & 53 — ARBITRATION AWARDS IN DIVORCE CASES

Under the law, an arbitration pursuant to an agreement in divorce cases may proceed only after the court has made certain inquiries and is satisfied with its findings, such as that the agreement was voluntary and without coercion. Under the act, the arbitration award is not enforceable until it has been (1) confirmed, modified, or vacated in accordance with laws on arbitration proceedings, as required under existing law, and (2) incorporated into a court divorce order or decree.

Under prior law, agreements to arbitrate could not include issues related to child support, visitation, and custody. The act instead allows arbitration agreements to include these issues. In divorce cases, the act specifically allows the court to enter an arbitration award that concerns child support if the court finds that the award complies with the child support

guidelines. Under the act, an arbitration award related to a divorce that is incorporated into a divorce order or decree is as enforceable and modifiable as an agreement of the parties that is incorporated into an order or decree of the court.

EFFECTIVE: October 1, 2021, for the provision on including child support, visitation, and custody issues in arbitration agreements in general (§ 53).

§§ 25, 26, 39 & 48 — JUDICIAL REVIEW COUNCIL’S ACCESS TO JUVENILE RECORDS

The act gives the Judicial Review Council’s members and employees access to certain juvenile records if they need it to perform their council-related duties. This applies to records pertaining to:

1. civil juvenile matters (e.g., child abuse and neglect) and appeals brought from probate court to Superior Court (§ 25);
2. juvenile delinquency proceedings (§ 26); and
3. youthful offender cases (§ 48).

By law, the Judicial Review Council must investigate every written complaint alleging conduct that could be grounds for removal, suspension, or censure of any judge, compensation commissioner, or family support magistrate. In conducting a related investigation, the council may request that a court give the council a record or transcript of court proceedings. The act specifies that this includes records and transcripts of juvenile matters and cases involving youthful offenders (§ 39).

§ 37 — FAMILY SUPPORT MAGISTRATES’ POWERS AND DUTIES

The act expands the powers and duties of family support magistrates regarding the enforcement and modification of certain support orders as described below. It also states that it does not preclude a family support magistrate from modifying an existing support order under any other section of the statutes.

Modification in IV-D Support Cases

The act specifies that agreements to modify or enforce support orders in IV-D support cases may be filed with the assistant clerk of the Family Support Magistrate Division for the judicial district where the child’s mother or father lives and where the parties have submitted to a motion for modification or an application for contempt of an existing support order. The act allows the family support magistrate to approve an agreement to modify support after an inquiry into the parties’ financial needs, resources, and respective abilities.

Under the act, the inquiry may take place on the record at a hearing or be based on an affidavit from each party, made under oath, stating that (1) each party has the financial resources and other facts satisfying any requirement of the inquiry in question and (2) no civil restraining order or family violence protective order between the parties is in effect or pending before the court. If each party attests to this, a family support magistrate may:

1. determine whether the agreement is fair and equitable under all the circumstances and
2. make any other findings required by this provision.

Obligor Qualified for Disability

The act allows a family support magistrate to reduce a support order to zero dollars or make other changes if the obligor (i.e., person from whom support is due) qualifies for federal Supplemental Security Income (SSI) Program disability benefits.

Under the act, if a support enforcement officer files an affidavit that the Social Security Administration (SSA) or a state agency that awards disability benefits has determined the obligor qualifies for SSI disability benefits, a family support magistrate may (1) modify the existing support order to zero dollars without a hearing, (2) schedule the motion for a hearing, or (3) deny the motion without a hearing.

The act requires the support enforcement officer’s affidavit to state:

1. the date the child support obligor qualified for SSI disability benefits;
2. that the officer confirmed this with SSA (or another appropriate federal agency);
3. that a diligent search failed to identify any other income or assets that could be used to satisfy the child support order;
4. that support enforcement services provided notice to the custodial party, consistent with service of process in a civil action, or by certified mail, return receipt requested, about the proposed modification and that the custodial party had the right to object to the proposed modification, generally within 15 days after receiving it; and
5. that support enforcement services did not receive an objection from the custodial party.

The act allows a support order modified based on this provision to be later modified upon a finding of a substantial change in circumstances.

§ 38 — COURT RULES AND FORMS

By law, the state's Supreme Court, Appellate Court, and Superior Court judges must adopt and promulgate, and may occasionally modify or repeal, rules and forms regulating pleading, practice, and procedure in judicial proceedings.

Under prior law, the rules became effective on the date the judges specified but not before 60 days after they were promulgated. The act allows the court to waive this 60-day requirement if a rule must be adopted expeditiously.

§ 40 — SUBPOENA TO TESTIFY BEFORE THE JUDICIAL REVIEW BOARD

By law, anyone can be compelled, by subpoena, to testify before the state Supreme Court or the Judicial Review Council in relation to a complaint against a judge, compensation commissioner, or family support magistrate.

By law, this pertains to conduct that could be grounds for removal or censure (e.g., mental infirmity or willful and persistent failure to perform the duty of a judge). The act also applies this to matters before the council that pertain to a judge becoming so permanently incapacitated that he or she is unable to adequately fulfill the duties of the office and may be retired by the Judicial Review Council.

EFFECTIVE DATE: October 1, 2021

§§ 41 & 42 — COURT TRANSCRIPTS

The act allows the chief court administrator to designate any other entity, in addition to an official court reporter or a court recording monitor, to produce transcripts. It does so by expanding the definition of the term "transcript" to also mean the official written record of a proceeding by any other entity designated by the chief court administrator, instead of only one made by an official court reporter or court recording monitor as under prior law.

The act also eliminates the \$2.00 per page rate paid to official court reporters and court reporting monitors when they type transcripts for a judicial officer or judicial branch employee. Under prior law, in addition to a salary, court reporters and court recording monitors could charge any public official \$2.00 per page ordered and transcribed from the official record. By law, unchanged by the act, the charge to public officials is generally \$0.75 per page for each transcript page previously produced.

EFFECTIVE DATE: July 1, 2022

§§ 49 & 50 — CERTIFICATE OF REHABILITATION AND PROVISIONAL PARDONS

By law, a "certificate of rehabilitation" is a form of relief, other than a provisional pardon, from barriers or forfeitures to employment or the issuance of licenses, that is granted to an eligible offender by the (1) Board of Pardons and Paroles (BPP) or (2) judicial branch's Court Support Services Division (CSSD) (CGS § 54-130e(3)).

A "provisional pardon" is granted to eligible offenders by BPP as a form of relief from barriers or forfeitures to employment or the issuance of licenses (CGS § 54-130e(8)).

Court Support Services Division (§ 49)

By law, CSSD may (1) issue a certificate of rehabilitation to an eligible offender who is under the division's supervision while on probation or other supervised release, (2) issue a new certificate to enlarge the relief previously granted, or (3) revoke a certificate as allowed under the law. The act specifies that the division is not required to continue monitoring the criminal activity of anyone to whom the division issued a certificate of rehabilitation but who is no longer under its supervision.

Board of Pardons and Paroles (§ 50)

By law, BPP may issue a provisional pardon or certificate of rehabilitation before an eligible offender has completed his or her term of incarceration, probation, or parole. The act extends these provisions to offenders who are on special parole (i.e., a period of parole supervision after completing his or her maximum prison sentence) and makes the corresponding conforming changes.

Under the law, certificates of rehabilitation are temporary and may be revoked. The act specifies that this also applies

to provisional pardons. Prior law required BPP to revoke a provisional pardon or certificate of rehabilitation if, after it was issued, the person who received it was convicted of a crime. The act instead allows, not requires, BPP to revoke a permanent provisional pardon or certificate of rehabilitation if the board becomes aware of the conviction. The act specifies that BPP is not required to continue monitoring the criminal activity of anyone to whom it has issued a provisional pardon or certificate of rehabilitation but who is no longer under parole or special parole supervision.

§ 51 — FAMILY VIOLENCE VICTIM COMPENSATION

The act expands eligibility for victim compensation by expanding the types of professionals that victims of eligible crimes may report to.

Family Violence Victims

Under the law, the Office of Victim Services or, on review, a victim compensation commissioner, may order compensation to be paid to certain victims if the (1) personal injury has been disclosed to certain professionals, such as a doctor, police officer, or licensed marriage or family therapist, and (2) office or commissioner reasonably concludes that the violation occurred. However, to be eligible for compensation, prior law required that the victims of family violence disclosed their alleged personal injury to a domestic violence or sexual assault counselor. The act instead allows family violence victims to report to the same list of professionals the law allows for reporting personal injury from other crimes.

Crime Victims Disclosure to Professional

For all eligible crime victims, the act adds child advocacy center employees to the list of professionals to whom the victim, including a family violence victim, may disclose the alleged personal injury. The crimes include 1st, 2nd, 3rd, and 4th degree sexual assault; 1st degree aggravated sexual assault; aggravated sexual assault of a minor; 3rd degree sexual assault with a firearm; prostitution; and human trafficking.

§ 52 — CRIME VICTIM NOTIFICATION

The act allows a member of a crime victim's immediate family to request that the judicial branch's Office of Victim Services (OVS) or the Department of Correction's (DOC) Victim Services Unit (VSU) notify them about certain events, such as when:

1. an inmate applies to the Board of Pardons and Paroles, DOC, the sentencing court or judge, or review division for a review of sentence;
2. an inmate is scheduled to be released from a correctional institution other than on furlough; or
3. certain felony or sexual offenders or offenders against minor victims file to be exempt from registration on the sex offender registry.

Existing law allows crime victims to request these same notifications. And as is the case for crime victims under the law, the act makes the family member responsible for notifying OVS and VSU of his or her current mailing address and telephone number, which is kept confidential.

EFFECTIVE DATE: July 1, 2021

§ 54 — JUVENILE RESIDENTIAL CENTER VISITS AND INTERACTIONS

Individuals Allowed to Visit and Enter Centers

The act authorizes the judicial branch, subject to policies and procedures approved by the chief court administrator, to allow the following individuals to enter, physically or virtually, a juvenile residential center and interact with the staff and juveniles without a court order, if the entry and interaction is required for the individual to perform his or her duties:

1. judicial branch employees or officials;
2. employees or authorized agents of the organization or agency providing educational services in the center;
3. Division of Public Defender Services employees;
4. attorneys representing a juvenile;
5. Department of Children and Families (DCF) employees or officials;
6. employees or authorized agents of an organization or agency contracted with the judicial branch to provide direct services to juveniles;

7. individuals who the judicial branch authorized to provide training, enrichment, recreational, or religious services to the juveniles; and
8. individuals the judicial branch authorized to repair or maintain the center.

Under prior judicial branch practice, anyone seeking entry into a juvenile residential facility had to make a request to the judicial branch, stating the purpose for the entry. If the chief court administrator decided to grant the request, he would issue a court order granting entry for that specific purpose.

Court's Authorization to Allow Entry. The act allows a Superior Court judge, upon finding that an individual is not authorized to enter but has a legitimate interest in entering a juvenile residential center, to order they be allowed to enter.

Confidentiality. The act prohibits an individual who is allowed to enter a juvenile residential center from disclosing any information that specifically identifies a juvenile, unless authorized by court order or otherwise provided by law. Under the act, individuals who violate this confidentiality provision are guilty of a class B misdemeanor, punishable by a fine up to \$100, and up to six months in prison.

§§ 55 & 56 — ADMINISTERING OATHS

Abuse of an Oath Document (§ 55)

The act creates the crime of abuse of an oath document, and makes a person guilty of the crime when he or she disseminates the oath document, executed subsequent to an oath taken by a judicial officer, by telegraph, mail, computer network, fax, or any other form of written communication, with the intent to defraud, deceive, intimidate, injure, or harass a judicial officer.

Under the act, abuse of an oath document is a class D felony (see [Table on Penalties](#)).

Means of Administering Oaths (§ 56)

The act allows a Judicial Department official authorized to administer oaths to do so using an interactive audiovisual device or other remote technology to any party, counsel, witness, or other participant in a court proceeding or appearing before the official for a purpose related to a court process.

EFFECTIVE DATE: October 1, 2021, for the abuse of an oath document provision.

§§ 57-59 — AGRICULTURE-RELATED VIOLATIONS

The act expands the agriculture commissioner's authority by expressly allowing him, or his agent, to issue citations for infractions or violations of statutes that are under the commissioner's authority (§ 57).

The act reduces the penalty for violating Connecticut's seed law (e.g., labeling, sales, and record keeping requirements). Previously the penalty was a class D misdemeanor with specified fines of \$100 for a first offense and \$200 for a subsequent offense. The act eliminates the misdemeanor penalty, leaving only the specified monetary fines in place (§ 59).

The act adds the agriculture-related violations shown in the table below to the list of violations handled by the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations (§ 58). Generally, anyone who is alleged to have committed an infraction or a violation may either plead not guilty or pay the established fine and any additional fee or cost for the infraction or the violation.

Additional Violations that May be Handled Through the Centralized Infractions Bureau

Statute (CGS §)	Violation
22-30	Using a brand name without written permission
22-61j	Violating certain seed labeling, sale, and record keeping requirements
22-61l(n)(1)	Producing hemp without a license or with a suspended or revoked license
22-61m(f)(1)	Manufacturing hemp without a license or with a suspended or revoked license
22-96	Violating imported nursery stock certificate of inspection requirements
22-277(c)	Violating livestock recordkeeping and records inspection requirements
22-278	Violating orders and regulations for controlling livestock diseases
22-344(g)	Failing to maintain a kennel, pet shop, shelter, or grooming or training facility in proper condition or operating these facilities without a license or registration

Statute (CGS §)	Violation
22-344b(b)(2)	Failing to post required statement of customer rights in pet shops
22-344c(d)	Keeping at least 10 unneutered or unspayed dogs capable of breeding without a license
22-344d(d)	Failing to post required signage in pet shops
22-344f	Violating veterinarian examination and recordkeeping requirements by animal importers
22-350a	Tethering a dog to a stationary object or mobile device for an unreasonable period of time or in violation of specified requirements
22-354	Violating specified pet shop licensee requirements, including limitations on breeders

The act also removes certain violations from the list of violations handled by the bureau, making it no longer able to process their associated fines. The act removes violations associated with (1) certain kennel owners' and keepers' failure to get a town-issued license (CGS § 22-342) and (2) animal shelters' failure to register and maintain their facilities in accordance with the animal shelter regulations (CGS § 22-344(f)).

EFFECTIVE DATE: October 1, 2021

§ 60 — CIVIL ACTION FOR MALICIOUS PROSECUTION

The act extends the statute of limitations for malicious prosecution actions. Under prior law, these tort actions had to be brought within three years from the date of the act or omission complained of (CGS § 52-577).

The act instead begins the three-year statute of limitations from the date the criminal proceeding that is the subject of the malicious prosecution action ends. In doing so, the act provides additional time for an aggrieved criminal defendant to bring a civil action against the person who falsely prosecuted him or her.

By law, a person commits "malicious prosecution" when he or she falsely prosecutes another person for a criminal charge, without probable cause and with malicious intent unjustly to vex and trouble the other person. Offenders are subject to a fine of up to \$100 or up to one year in prison (CGS § 53-39).

EFFECTIVE DATE: July 1, 2021, and applicable to any cause of action arising from a criminal proceeding terminating before, on, or after that date.

§ 61 — FILINGS AND REPORTING ON REQUESTS TO DETAIN CHILDREN

The act requires a law enforcement officer who requests a court order to detain an arrested child in a juvenile detention center to attach, along with the summons, a copy of the completed form to detain prescribed by the Office of the Chief Court Operator.

Under the act, the judicial branch must (1) compile data concerning officers' requests for these court orders, (2) sort the data by judicial district, and (3) categorize it based on how many requests were made and denied. Starting by January 15, 2023, the judicial branch must annually report this data from the previous calendar year to the Judiciary Committee.

EFFECTIVE DATE: October 1, 2021

§ 62 — VACATUR RELIEF FOR CERTAIN HUMAN TRAFFICKING VICTIMS

The law requires the court to vacate a conviction for prostitution (a class A misdemeanor) and dismiss the charge if the defendant proves that his or her participation in the offense was a result of having been a victim of another person's conduct that constitutes a violation of trafficking in persons crimes under state and federal laws.

PA 21-103 additionally gives the court discretionary power to vacate any judgment of conviction for any misdemeanor offense; class C, D, or E felony; or unclassified felony offense carrying up to a 10-year prison term applied for by a human trafficking victim. This act (1) specifies that the court's discretionary vacatur relief available to certain human trafficking victims under PA 21-103 applies to misdemeanor offenses other than prostitution and (2) corrects a statutory reference to a federal law.

EFFECTIVE DATE: October 1, 2021

§ 63 — SENTENCE MODIFICATION

PA 21-102 (§ 25) expands eligibility for sentence modification (i.e., sentence reduction, defendant discharge, or placement of the defendant on probation or conditional discharge) by generally allowing the court, without an agreement

between the defendant and the state, to modify plea agreements, including those with an agreed upon sentence range, that include seven years or less of actual incarceration. This act delays this provision's effective date from June 30, 2021, to October 1, 2021.

BACKGROUND

Related Acts

PA 21-155 (§ 5) contains an identical provision reducing the penalty for violating Connecticut's seed law (see §59).

PA 21-89 (§ 2) contains an identical provision making a violation of the state hemp law (CGS § 22-61*l*), which is an infraction, payable by mail through the Central Infractions Bureau (see § 58).

PA 21-109—sSB 1023

Judiciary Committee

AN ACT CONCERNING THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

SUMMARY: This act makes various changes affecting the Commission on Human Rights and Opportunities (CHRO) and related laws.

For all types of discriminatory practice complaints, the act allows claimants to file a complaint within 300 days after the alleged act. This applies to discriminatory acts that allegedly occurred on or after October 1, 2021. Under prior law, claimants had 300 days to file complaints for certain types of discrimination (e.g., employment and several types of state agency discrimination) and 180 days for other types (e.g., housing, public accommodations, and credit).

For purposes of existing requirements for employee training in sexual harassment laws, the act allows employers to not provide the training to an employee who, within two years before being hired, received it while working for another employer. This applies if CHRO gave that training in-person or through the online training program it is required, by law, to offer (see BACKGROUND).

Existing law allows state entities' equal employment opportunity officers to not investigate discrimination complaints filed against the entity if a complaint was also filed with CHRO or the Equal Employment Opportunity Commission (EEOC); instead, the entity may rely on CHRO's or the EEOC's process. The act provides that even if the entity relies upon the applicable commission's process, it still must mitigate discriminatory conduct and take immediate corrective action to prevent a similar occurrence. This provision generally applies to state agencies, departments, boards, and commissions.

For CHRO complaints that reach the public hearing stage, the act specifies that the chief referee must serve the complaint and required notice by first class mail, email, fax, or file transfer protocol.

By law, CHRO's executive director must approve, conditionally approve, or disapprove certain contractors' affirmative action plans within 120 days of their submission. The act specifies that these contractors are not barred from bidding on future contracts if the executive director failed to meet the deadline and the plan was deemed deficient without consequence. Existing law already provides that these contractors are not barred if their plans are deemed approved (see BACKGROUND).

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Employee Training on Sexual Harassment Laws

By law, employers generally must provide their employees, within specified deadlines, two hours of training on sexual harassment laws and remedies available to victims. (For employers with fewer than three employees, the requirement only applies to supervisory employees.) CHRO must develop and make available to employers a free, online training video or other interactive method that meets these training requirements.

Affirmative Action Plans and Contract Bidding

By law, the successful bidder for certain large state, municipal, or quasi-public agency contracts must file with CHRO, and obtain its approval for, an affirmative action plan before the contract is awarded. A contractor who is not subject to this requirement still must file an affirmative action plan with CHRO if the contractor (1) has 50 or more employees and (2) is awarded a contract for more than \$50,000 (hereinafter, “other contractors”).

The CHRO executive director or her designee must review and approve, conditionally approve, or disapprove affirmative action plans submitted by other contractors within 120 days after their submission. If she or her designee fails to do so, the plans are deemed approved or deficient without consequence.

PA 21-110—sSB 1059 (VETOED)

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING THE OFFICE OF THE CORRECTION OMBUDS, THE USE OF ISOLATED CONFINEMENT, SECLUSION AND RESTRAINTS, SOCIAL CONTACTS FOR INCARCERATED PERSONS AND TRAINING AND WORKERS' COMPENSATION BENEFITS FOR CORRECTION

SUMMARY: This act would have made numerous changes to laws related to the Department of Correction (DOC). Specifically, it would have:

1. expanded the current correction ombuds program to cover everyone in DOC custody, provide additional services, and grant additional powers, including (a) receiving complaints from individuals in DOC custody, (b) evaluating service delivery to incarcerated individuals, and (c) providing assistance on the incarcerated person's behalf;
2. relocated the correction ombuds program from DOC to the Office of Governmental Accountability (OGA) and provided that the ombuds act independently of any department in performing its duties;
3. generally required that each incarcerated person have the opportunity to be outside his or her cell for at least 6.5 hours a day;
4. limited the instances of, and placed new requirements on, the use of isolated confinement, seclusion, or restraints;
5. established certain visitation rights for incarcerated individuals, including generally allowing at least one 60-minute contact social visit and prohibiting the taking away of an incarcerated person's ability to write, send, or receive letters as discipline, retaliation, or for convenience;
6. allowed DOC to develop and report to the Judiciary Committee, a plan for incarcerated individuals on restrictive housing status to be outside for at least 6.5 hours a day and required DOC to report to the Judiciary Committee on the plan it develops; and
7. required DOC to develop written procedures for conducting hearings for depriving an incarcerated person of social contact visits.

EFFECTIVE DATE: October 1, 2021, except (1) July 1, 2022 for the provision on isolated confinement, restraints, and seclusion, and (2) upon passage for the provision on DOC developing and reporting a plan and written procedures.

§ 1 — CORRECTION OMBUDS

The act would have expanded the existing correction ombuds program to include (1) everyone in DOC custody, rather than just those under age 18, and (2) additional services.

Under the act, the correction ombuds office would have moved from DOC to OGA. As under existing law, the person seeking ombuds services would have had to reasonably pursue a resolution of the complaint through any existing internal DOC grievance appeals procedure.

Appointment

The act would have required the governor to nominate a person qualified by training and experience to perform and lead the correction ombuds office by October 1, 2021, and any time the position is vacant. The act would have eliminated the requirement that the DOC commissioner hire a person to provide ombudsman services and annually report that person's name to the Judiciary Committee. It also would have eliminated the ombudsman's ability to hire an executive assistant.

Legislative Confirmation

Under the act, any gubernatorial nomination for correction ombuds appointment would have been required to be referred, without debate, to the Judiciary Committee, which would report on each appointment within 30 days after that. The act would have required each General Assembly appointment to be by concurrent resolution in each chamber.

Upon any vacancy, if the General Assembly was not in session, the candidate the governor chose to serve as acting correction ombuds would have been entitled to the compensation, privileges, and powers of the ombuds until the General Assembly met to act on the appointment. The person appointed as correction ombuds would have been required to serve for an initial two-year term and could serve until a successor was appointed and confirmed and be reappointed for succeeding terms.

Independence and Authority to Hire Staff

In performing the office's duties, the correction ombuds would have had to act independently of any department regardless of state law. The correction ombuds could have, within available funds and as deemed necessary, appointed staff whose duties could include the correction ombuds' duties and powers if performed under his or her direction.

Appropriations and Report

The act would have required the General Assembly to annually appropriate the amount needed to pay staff salaries and office expenses and other actual expenses the ombuds incurred in performing his or her duties. Any legal or court fees the state obtained in actions the ombuds brought would be deposited in the General Fund.

Under the act, the correction ombuds would have been required to annually submit a detailed report analyzing the office's work to the governor and the Human Services, Judiciary, and Public Health committees.

"Ombuds" Services

The act would have renamed existing law's "ombudsman services" as "ombuds services" and expanded the services to include:

1. evaluating services for incarcerated individuals by DOC, its contractors, and other entities that provide services to people detained in state-funded correctional institutions or halfway houses;
2. periodically reviewing, with a view toward incarcerated individuals' rights, DOC procedures established to carry out correctional institution and DOC laws;
3. reviewing the procedures and operation of facilities that house people in DOC custody;
4. helping, including advocating with DOC, service providers, or others on an incarcerated person's behalf; and
5. taking all possible actions, including conducting public education programs, legislative advocacy, and making proposals for systemic reform and formal legal action, to secure and ensure the rights of individuals in DOC custody.

As under current law, but extended to everyone in DOC custody, the services would have also included:

1. receiving complaints from individuals in DOC custody regarding department decisions, actions, omissions, policies, procedures, rules, or regulations;
2. investigating these complaints and rendering a decision on their merits and communicating the decision to the complainant;
3. recommending to the DOC commissioner a resolution of any complaint found to have merit; and
4. publishing a report of all ombuds services and activities.

The act also would have decreased the frequency of this report by requiring it semiannually rather than quarterly.

Confidentiality and Exceptions

Under the act, in performing his or her responsibilities, the ombuds would have been allowed to communicate privately with any person in DOC custody and these communications would be confidential under certain circumstances.

Under existing law, confidentiality provisions protect communication between the correction ombudsman and someone age 18 or younger who is in DOC custody. The act would have extended these protections to everyone in DOC custody, with certain exceptions. Under the act, all oral and written communications and related records between an individual in custody and the correction ombuds, or a member of the ombuds' staff, would generally have been confidential and could not be disclosed without the individual's consent. However, the ombuds would have been able to disclose, without the individual's consent, communications and related records (e.g., the identity of a complainant, the details of a complaint, and the ombudsman's investigative findings and conclusions) that were necessary (1) for the ombuds to conduct an

investigation and (2) to support the ombuds' recommendations. The ombuds would have been able to also disclose, without the individual's consent, a complaint's formal disposition when requested in writing by a court that is hearing an application for a writ of habeas corpus filed after the ombuds' adverse finding on the complaint.

Regardless of any provision of state law concerning confidentiality of records and information, the ombuds would have had access to, including the right to inspect and copy, any records needed to carry out his or her responsibilities. If the ombuds were denied access to any of these records, he or she would have had the authority to issue a subpoena for them (see below).

Under the act, a complainant's name, address, and other personally identifiable information and all information or confidential records the ombuds obtained or generated when investigating would have been generally confidential and not subject to Freedom of Information Act disclosure. However, the information and records, other than confidential information concerning a pending law enforcement investigation or a pending prosecution, could have been disclosed if the ombuds determined that it was in the general public interest or needed for the ombuds to perform his or her responsibilities. A determination not to disclose information could be appealed under the Uniform Administrative Procedure Act.

Disclosure of Criminal Acts or Threats to Health and Safety

Regardless of the confidentiality provisions, the act would have required the ombuds to notify the DOC commissioner or a facility administrator when, in the course of providing ombuds services, the ombuds or a member of the ombuds' staff became aware of (1) the commission or planned commission of a criminal act or (2) a threat to anyone's health and safety or a correctional facility's security. If the commissioner reasonably believed that an individual in DOC custody had made or given to the ombuds an oral or written communication about a safety or security threat within the department or directed against a DOC employee, the ombuds would have been required to give the commissioner all oral or written communications relevant to the threat. Under existing law, these provisions apply to individuals age 18 or younger, but the act would have applied them to everyone in DOC custody.

Subpoena Power

The act would have allowed the correction ombuds to (1) issue subpoenas to compel the attendance and testimony of witnesses or the production of books, papers, and other documents and (2) administer oaths to witnesses in any matter under his or her investigation.

The act would have allowed the person issued such a subpoena to, within specified timeframes, (1) serve the ombuds with a written objection to the subpoena and (2) file the objection in the Hartford Superior Court, which would be required to adjudicate the objection under court rules. The person would have to do so within 15 days after the subpoena was served or by the day the subpoena specified for compliance, if the time was less than 15 days after service. If the person failed to object or appear or, having appeared, refused to testify or failed to produce the evidence required, the ombuds would have been able to apply to the Superior Court for the Hartford judicial district, which would have had jurisdiction to order the person to appear and give testimony or to produce the evidence, as applicable.

Grants, Gifts, and Bequests

The act would have allowed the ombuds to apply for and accept grants, gifts, and bequests of funds from other states, federal and interstate agencies, independent authorities, private firms, individuals, and foundations, to carry out his or her responsibilities. It would have established a Correction Ombuds account within the General Fund as a separate nonlapsing account. Any funds received under this provision would have been required to, upon deposit in the General Fund, be credited to the account and the ombuds would have been able to use it in performing his or her duties.

Retaliation Prohibited

The act would have prohibited state or municipal agencies from discharging, or discriminating in any manner or retaliating against, any employee who in good faith made a complaint to the correction ombuds or cooperated with the office in an investigation.

Immunity

Under the act, the state would have been required to protect and hold harmless any attorney, director, investigator, social worker, or other person the Correction Ombuds Office employed. The act would have protected those individuals from any financial loss and expense, including legal fees and costs arising out of any claim, demand, or suit for damages resulting from acts or omissions committed in discharging their duties within the scope of their employment that could constitute negligence, but were not wanton, malicious, or grossly negligent as a court determined.

Study

The act would have required the Correction Ombuds Office to study the conditions in the state's correctional facilities and halfway houses and annually report to the Judiciary Committee on them.

§§ 2 & 4 — ISOLATED CONFINEMENT, RESTRAINTS, AND SECLUSION

The act would have limited the instances of, and placed new requirements for, using isolated confinement, seclusion, or restraints. But these policies would not have applied to any incarcerated person convicted of capital felony or murder with special circumstances. As under existing law, the act would have prohibited DOC from placing any individual under age 18 on administrative segregation status (i.e., placing an inmate on restrictive housing status after determining the inmate can no longer be safely managed within the general inmate population of the correctional facility).

Right to Be Outside the Cell

Beginning July 1, 2022, the act would have generally required each incarcerated person, other than those on restrictive housing status, to have the opportunity to be outside his or her cell for at least 6.5 hours a day. Beginning July 1, 2023, the act would have generally required those on restrictive housing status to be allowed out of their cells for at least 6.5 hours a day.

The act would have allowed the DOC commissioner to develop a plan to govern how each incarcerated person on restrictive housing status would have the opportunity to be outside his or her cell for at least 6.5 hours each day, except under certain circumstances and conditions (see below). The act specified that regardless of whether the plan was developed, each incarcerated person would have the opportunity to be outside his or her cell for at least 6.5 hours a day.

The commissioner would have been required to report the plan to the Judiciary Committee within two weeks after it was developed.

Under the act, the outside of the cell requirement would not apply to those held in (1) seclusion or (2) isolated confinement in response to certain situations. These situations are (1) a serious incident resulting in a correctional facility-wide lockdown, (2) a substantiated threat of imminent physical harm to another person based on recent conduct, or (3) an incarcerated person's request for segregation for the person's protection.

Under the act, a "serious incident" would have been any of the following:

1. an attack on a DOC building or facility conducted from outside of the building or facility;
2. a significant breach of a DOC building or facility perimeter;
3. possession of firearms, ammunition, or explosives by an incarcerated person or a visitor to a DOC building or facility;
4. the death of or injury to an on-duty DOC employee, a DOC contractor or volunteer, or a visitor to a DOC building or facility;
5. an unnatural death or admission to an acute care hospital of an incarcerated person;
6. a riot or hostage situation, major fire, or bomb threat at a DOC building or facility;
7. a suspected bio-chemical contamination of a DOC building or facility;
8. any suspected, attempted, or confirmed escape of an incarcerated person from a correctional facility or work detail or during transport, including any escape a public member reports;
9. any incident requiring a unit to be placed on alert or mobilized in response to an emergency at a DOC building or facility;
10. an intentional or accidental firearm discharge at a DOC building or facility, other than during training;
11. use of a category 2 chemical agent at a DOC building or facility, as categorized by federal Occupational Safety and Health Administration standards, for purposes other than those approved for building, facility, or equipment maintenance;
12. an event that seriously impacts normal DOC operations such as a health emergency, power outage, any major destruction or disablement of state property, or an incident requiring an unplanned lockdown of a DOC facility;
13. a terrorist threat or intelligence of suspected terrorist activity;

14. an instance or threat of workplace violence in any workplace or as part of any work detail requiring the immediate separation of incarcerated individuals due to an imminent threat of violence;
15. a suicide attempt by an incarcerated person requiring immediate life-saving measures; or
16. a reported sexual abuse of an incarcerated person or a DOC employee, contractor, or volunteer committed on or by these individuals where there is immediate evidence or indication that sexual abuse occurred.

Isolated Confinement

The act would have required DOC, before holding an incarcerated person in isolated confinement (i.e., in a cell, alone or with others, for more than 17.5 hours per day) due to one of the situations described above, to attempt to defuse the situation with de-escalation methods (i.e., to effectively defuse a crisis without the use of force by using trained tactics to recognize and respond to emotions) and less restrictive measures. Only if those methods and measures failed to defuse the situation would DOC have been allowed to hold a person in isolated confinement.

Under the act, within 24 hours after initiating the process of holding someone in isolated confinement, DOC would have been required to ensure a physician and therapist (i.e., a licensed physician specializing in psychiatry, psychologist, marital and family therapist, clinical or master social worker, or professional counselor), respectively, conducted a physical examination and a mental health evaluation to determine whether the person was a member of a vulnerable population.

Under the act, a “member of a vulnerable population” would have been an incarcerated person who:

1. was age 21 or younger, or age 65 or older;
2. had a mental disability, a history of psychiatric hospitalization, or recently exhibited self-harming conduct, including self-mutilation;
3. had a developmental disability;
4. had a serious medical condition that cannot be effectively treated in isolated confinement;
5. was pregnant, is in the postpartum period, or recently suffered a miscarriage or terminated a pregnancy; or
6. had a significant auditory or visual impairment.

If DOC held an incarcerated person in isolated confinement, the act would have required it to:

1. ensure continuous monitoring of the person’s safety and well-being;
2. ensure that any person held in isolated confinement had sufficient and regular access to a toilet, water, food, light, air, and heat;
3. continue de-escalation efforts; and
4. end the person’s isolated confinement as soon as the threat of the serious incident or of imminent physical harm to others passed or the person no longer requested segregation for his or her own protection.

The act would have prohibited DOC from subjecting any incarcerated person to isolated confinement (1) because of the person’s race, creed, color, national origin, nationality, ancestry, age, marital or civil union status, domestic partnership, affectional or sexual orientation, genetic information, pregnancy or breastfeeding status, sex, gender identity or expression, disability, or atypical hereditary cellular or blood trait or (2) for any continuous period longer than 72 hours or for more than 72 hours during any 14-day period.

The act would have prohibited staff members ranked lower than captain from ordering an incarcerated person to be held in isolated confinement. It would have only allowed those ranked captain or higher, or the commissioner or deputy commissioner, to order an incarcerated person to be held in isolated confinement for an initial period of up to eight hours. If there was no staff member on duty at a facility with the rank of captain or higher, the warden could have authorized the highest-ranking officer on duty to order that an incarcerated person be held in isolated confinement for an initial period of up to eight hours. Only those ranked deputy warden or warden or the commissioner or deputy commissioner could have ordered continued isolated confinement in increments of up to eight hours and not more than 48 hours total. Only the commissioner or deputy commissioner could have ordered continued isolated confinement of up to 72 hours total.

Restraints

The act would have prohibited DOC from subjecting an incarcerated person to:

1. life-threatening restraints (i.e., any physical restraint or hold that restricts the flow of air into a person’s lungs, whether by chest compression or any other means, or immobilizes or reduces the free movement of a person’s arms, legs, or head while the person is in the prone position);
2. pharmacological restraints (i.e., a drug or medication used to manage a person’s behavior or restrict a person’s freedom of movement and not as a standard treatment or administered in a dosage appropriate for the patient’s condition), except as when the act would have expressly allowed them (see below); or
3. physical restraints, except when the act would have allowed for (a) transporting the incarcerated person between

units or outside the correctional facility or (b) responding to a substantiated threat of imminent physical harm to another person as evidenced by recent conduct.

Under the act, “physical restraint” would have meant any mechanical device used to control the movement of an incarcerated person’s body or limbs, including, flex cuffs, soft restraints, hard metal handcuffs, a black box, leg irons, belly chains, a security chain, or a convex shield. But it did not include any medical device or helmet, mitt, or similar device used to prevent self-injury when the device is part of a documented treatment plan and is the least restrictive means available to prevent self-injury. The act would have defined “soft restraints” as any physical restraint constructed of padded, quilted, or pliable materials, but the term would not include flex cuffs, handcuffs, a black box, leg irons, a belly chain, or a security chain.

Before subjecting an incarcerated person to physical restraints when responding to a substantiated threat of imminent physical harm, DOC would have had to first attempt to defuse the situation by using de-escalation methods and less restrictive measures. DOC could have used physical restraints only if these methods and measures failed to defuse the situation, except as restricted under the laws for pregnant inmates (CGS § 18-69c).

Under the act, if DOC subjected an incarcerated person to physical restraints when responding to a substantiated threat of imminent physical harm, DOC would have been required to:

1. confirm continuous monitoring to ensure the person’s safety and well-being, including requiring certain medical professionals to check the restraints and then again every two hours to ensure adequate circulation and range of movement to avoid pain and to allow the incarcerated person to perform necessary bodily functions, including breathing, eating, drinking, standing, lying down, sitting, and using the toilet;
2. ensure that no physical restraints were imposed on an incarcerated inmate who was showering or exercising;
3. continue de-escalation efforts; and
4. stop using physical restraints on the incarcerated person as soon as the threat of the serious incident or imminent physical harm to others passed.

The act would have prohibited staff members ranked lower than captain from subjecting an incarcerated person to physical restraints. It would have only allowed those ranked captain or higher to order an incarcerated person to be subjected to physical restraints for an initial period of not more than two hours. Only a deputy warden or warden or the commissioner or deputy commissioner could have ordered the use of physical restraints for an additional period of up to two hours, provided no incarcerated person was subjected to physical restraints for more than four hours in any 24-hour period.

Use of Restraints or Seclusion

The act would have allowed DOC to subject an incarcerated person to seclusion (i.e., involuntary confinement as a patient in a separate room, subject to close medical supervision to protect the patient and others from harm) or restraints in response to a psychiatric emergency, if a therapist attempted to defuse the situation by using de-escalation methods and less restrictive measures that failed. Under the act, “psychiatric emergency” would have meant an event during which a person poses a substantiated threat of imminent physical harm to himself or herself or another person due to an acute disturbance of behavior, thought, or mood.

The act would have only allowed a therapist to order an incarcerated person to be subjected to restraints in response to a psychiatric emergency. This could have occurred after the therapist conducted an in-person evaluation and determined that restraints were needed to prevent a substantiated threat of imminent physical harm to the incarcerated person or to others because of an acute disturbance of behavior, thought, or mood. The therapist could have ordered the person to be subjected to restraints for a period of up to two hours. A therapist could have only ordered the person to be restrained for an additional period of up to two hours if the therapist, after an in-person evaluation, determined that restraints remained necessary to prevent the same harm as before.

If DOC subjected an incarcerated person to seclusion or restraints in response to a psychiatric emergency, the department would have been required to:

1. ensure that the seclusion or restraints were only within the correctional facility’s medical units;
2. ensure that the only restraints employed were soft restraints or pharmacological restraints;
3. ensure that no (a) soft restraints were used if pharmacological restraints had already been administered and alleviated the risk of a serious incident or imminent physical harm and (b) pharmacological restraints were administered if soft restraints had already been used and alleviated the risk;
4. ensure a medical professional checked the restraints every two hours, to ensure adequate circulation and range of movement to avoid pain and that a medical professional continually monitored the restrained person through direct observation;
5. continue de-escalation efforts; and
6. stop using seclusion or restraints on the incarcerated person as soon as the threat of the serious incident or imminent

physical harm had passed.

The act would have required DOC to develop standards to enable staff members to determine whether using restraints or seclusion was contraindicated for each incarcerated person, based on the person's medical and psychiatric status. The department would have been required to (1) inform each incarcerated person of his or her restraint or seclusion status and (2) maintain the person's restraint or seclusion status in a place easily visible to staff members if an emergency response was necessary.

Documentation

Under the act, any time DOC used isolated confinement or seclusion or restrained a person, it would have been required to:

1. video and audio record each incident from the moment the use of restraints or confinement was imposed until it stopped and
2. document the (a) de-escalation methods attempted, (b) cause for imposing restraints or confinement, and (c) method and duration of any restraint used.

DOC would have had to retain any video or audio record, or document created for at least five years.

Under existing law, DOC must publish on its website a description of any form and phase of housing (i.e., any status, restrictive, or otherwise, that an incarcerated person may experience while in DOC custody) used at any of its correctional facilities for inmates on restrictive housing status (see below). The act would have instead required DOC to publish this description for incarcerated individuals held in isolated confinement and data used in the report in a downloadable, sortable format.

Restrictive Housing Status

Under existing law, "restrictive housing status" means the designation of a DOC inmate that provides for closely regulated management and separation of the inmate from other inmates. Under the act, it would have instead meant any classification that requires closely regulated management and separation of an incarcerated person and included the following correctional statuses: administrative segregation, punitive segregation, transfer detention, administrative detention, security risk group, chronic discipline, special needs, and protective custody.

Annual Report on Certain Data

Additionally, existing law requires DOC to at least annually submit to the Criminal Justice Policy and Planning Division a report containing certain aggregated and anonymized data. The act would have instead required the data to be disaggregated and provide specific information on isolated confinement, restraints, and seclusion, rather than on just administrative segregation generally.

Under existing law, the report must include the number of inmates on administrative housing status for the previous year with disaggregate data with certain personal information, the form and phase of housing the inmate was held in, the durations of time in each status, and a breakdown by correctional facility.

The act would have instead required DOC to report the number of incarcerated individuals who spent any time in isolated confinement during the 12 months before the report's submission.

Under the act, the data would have also been required to include lists of unique individuals in DOC custody during the 12 months before the report's submission who were subjected to any form of isolated confinement or restraints. The lists would have been required to include each person's: age, gender identity, ethnicity, total number of days spent in isolated confinement or restraints in the previous calendar year, total number of days spent in isolated confinement or restraints over the course of the entire incarceration period, specific restrictive housing status, if any, and mental health score as DOC calculated, if any. The isolated confinement list would have been required to also include the reason for placement in isolation.

The act would have also required the data to include the number of incidents, broken down by correctional facility, for the previous calendar year, categorized as:

1. suicides,
2. attempted suicides,
3. self-harm,
4. staff member use of force against incarcerated individuals,
5. incarcerated individuals assaulting staff members, and
6. assaults between incarcerated individuals.

The report would have also been required to include the number of incarcerated individuals subjected to more than 72 hours of isolated confinement in the previous calendar year as categorized by the following periods of time: (1) up to 15 days, (2) 16 to 30 days, (3) 31 to 79 days, or (4) 80 days or more.

Restrictive Housing Status Study

The act would have required the DOC commissioner to study and submit a report to the Judiciary Committee on the use and oversight of all forms and phases of housing for inmates on restrictive housing status.

Training and Wellness Measures for DOC Employees

Under existing law, DOC, within available appropriations, must provide certain training to, and take measures to promote the wellness of, DOC employees who interact with inmates. The act would have expanded (1) this training to include recognizing and mitigating trauma and vicarious trauma and (2) these measures to include developing and using strategies to prevent and treat trauma-related effects on employees.

§§ 3 & 5 — VISITATION POLICY AND OTHER RIGHTS OF INCARCERATED INDIVIDUALS

The act would have established certain visitation rights for incarcerated people and eliminated the requirement for a separate visitation policy for an inmate who was a parent to a child under age 18. But as under existing law, any policy for such a person would have had to include rules on (1) physical contact, (2) convenience and frequency of visits, and (3) access to child-friendly visiting areas. The act would have specified that this policy did not apply to any incarcerated person convicted of a capital felony or murder with special circumstances.

Under the act, the visitation policy would have had to:

1. allow at least one 60-minute contact social visit per week (i.e., an in-person meeting between an incarcerated person and an approved visitor who are not separated from each other by any physical divider, including, a screen or partition);
2. allow visitation by members of an incarcerated person's immediate family, extended family, unmarried co-parents, unmarried romantic partners, and close personal friends (a person's past criminal conviction could not be the sole or primary basis for denying a person's application to visit); and
3. provide that no incarcerated person may be restrained during a contact social visit.

The policy would have been required to provide that no incarcerated person, except one with a history of contraband violations, would be deprived of a contact social visit without first having a hearing where DOC had the burden of showing by clear and convincing evidence that the visitation denial was needed to (1) protect against a substantiated threat of imminent physical harm to DOC employees, other visitors, or other individuals or (2) prevent the introduction of contraband. Any incarcerated person who was denied a contact social visit would have been required to have an opportunity for a visit not involving contact instead.

The act would have allowed an incarcerated person with a history of contraband violations to be deprived of these contact social visits without a hearing, although the person could have requested a hearing to have visitation reinstated.

These hearings would have been required to be guided by written procedures that the DOC commissioner would have had to develop by September 30, 2021. The procedures would have guided the hearings on and after October 1, 2021, and the commissioner would have had to report on the procedures to the Judiciary Committee by that date.

The act would have prohibited DOC from depriving an incarcerated person of contact social visits for more than 90 days, except for those convicted of a capital felony or murder with special circumstances.

Mail and Writing

The act would have required the DOC commissioner to establish policies concerning mail to and from incarcerated people. The policies would have been required to (1) allow each incarcerated person to write, send, and receive letters without limiting the number of letters an incarcerated person received, wrote, and sent at his or her own personal expense and (2) prohibit unnecessary delays in processing an incarcerated person's incoming and outgoing mail.

The act would have required each correctional facility commissary to sell (1) stationery, envelopes, postcards, greeting cards, and postage and (2) aerogramme folding letters (i.e., light paper foldable and sealable to form a letter) for foreign air mail letters.

The act would have prohibited DOC from depriving an incarcerated person of the ability to write, send, or receive letters for discipline, retaliation, or convenience.

PA 21-128—sSB 363*Judiciary Committee***AN ACT CONCERNING THE AUTHORITY OF THE OFFICE OF THE ATTORNEY GENERAL**

SUMMARY: This act expands the attorney general’s powers to include (1) investigating allegations of certain hate crimes and civil rights violations; (2) initiating related legal proceedings, with certain exceptions; and (3) seeking relief for the affected person. When conducting investigations, the attorney general may issue subpoenas and interrogatories consistent with how he investigates Connecticut Antitrust Act violations. But the act prohibits information obtained from these investigations from being used in any criminal proceeding.

The act specifies that its provisions do not allow the attorney general to assert a claim against a state agency or a state officer or employee whose act or omission was done in his or her official capacity unless he determines that the officer or employee is not entitled to indemnification under the law.

The act also establishes a civil penalty, directed to the General Fund, of up to \$2,500 for such a hate crime or civil rights violation established by clear and convincing evidence.

Under the act, the person affected by the hate crime or civil rights violation retains the right to bring a civil action in court and to file a Commission on Human Rights and Opportunities (CHRO) complaint. However, the act prohibits the attorney general from bringing an action while a case before CHRO is pending that involves the same parties and alleged facts and circumstances.

The act also specifies that its civil rights provision does not limit CHRO’s jurisdiction, and it authorizes the attorney general to refer cases to CHRO as appropriate. It also requires the attorney general to post information on the office’s website about properly filing a CHRO complaint.

EFFECTIVE DATE: July 1, 2021

§§ 1 & 2 — APPLICABILITY

The act applies to allegations of:

1. 1st, 2nd, or 3rd degree intimidation based on bigotry or bias (commonly called “hate crimes”) (PA 21-78, §§ 17-19, effective October 1, 2021, specifies that this includes actions motivated in whole or in substantial part by bigotry or bias);
2. conduct that subjects someone, or causes him or her to be subject, to the deprivation of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions or laws (i.e., civil rights); or
3. conduct that interferes, or attempts to interfere by threats, intimidation, or coercion, with another individual’s exercise or enjoyment of any rights, privileges, or immunities secured by the U.S. or Connecticut constitutions or laws.

§ 1 — HATE CRIMES*Civil Action in the State’s Name*

Under the act, if the attorney general finds that a person has committed a hate crime, he may bring a civil action in the state’s name against the person in the Superior Court for the judicial district where the act occurred.

Relief

The act allows the attorney general to obtain any relief that the affected person may be entitled to by law. This includes treble damages; a civil penalty of up to \$2,500 per violation, as long as the violation is established by clear and convincing evidence; and declaratory, injunctive, or equitable relief that the attorney general determines is necessary to vindicate the public’s interests. Any civil penalty received must be deposited in the General Fund.

§ 2 — CIVIL RIGHTS VIOLATIONS*Civil or Administrative Action in the State’s Name*

The act allows the attorney general to investigate, intervene in, or bring a civil or administrative action in the state's name seeking injunctive or declaratory relief, damages, and any other relief that may be available under law, whenever any person is engaged in conduct that violates another person's civil rights as described above.

However, the act prohibits the attorney general from bringing an action for a civil rights violation that would otherwise be barred under the applicable statute of limitations or repose.

Relief

Under the act, if the attorney general prevails in such a civil action, the court must order the distribution of any award of damages to the injured person. In a case involving the interference or attempted interference with a right protected by the U.S. or state constitution, the court may also impose civil penalties against each defendant for up to \$2,500 per violation, as long as the violation is established by clear and convincing evidence. Any civil penalty received must be deposited in the General Fund.

Assurance of Discontinuance

In lieu of bringing a civil action, the act allows the attorney general to accept an assurance of the discontinuance of any allegedly unlawful or unconstitutional practice from anyone engaged in the practice. Under the act, any evidence of a violation of the assurance constitutes prima facie proof of a violation of the applicable law or right in any action the attorney general commences.

PA 21-142—SB 919

Judiciary Committee

AN ACT CONCERNING IMMUNITY FROM CRIMINAL PROSECUTION FOR A MINOR WHO POSSESSES ALCOHOL WHEN THE MINOR SEEKS EMERGENCY ASSISTANCE TO PREVENT THE DEATH OR SERIOUS INJURY OF ANOTHER PERSON

SUMMARY: This act provides a minor (i.e., under age 21) immunity from criminal prosecution for illegally possessing alcoholic liquor (e.g., spirit, wine, or beer) when he or she calls 9-1-1 to prevent another person's death or serious injury. By law, a first violation for possession of alcohol as a minor is an infraction, and a second violation is punishable by a fine of \$200 to \$500. Convicted minors also face driver's license sanctions (e.g., a 60-day suspension if the minor possessed alcohol in public) (CGS § 14-111e).

For the immunity to apply under the act, a law enforcement officer must first become aware of a minor's illegal possession of alcohol after the minor made the 9-1-1 call to a law enforcement agency requesting emergency medical assistance. The minor must have called based on his or her reasonable belief that another individual needed immediate medical assistance to prevent death or serious bodily injury.

Additionally, the act requires the minor placing the call to (1) be the first person to make the call requesting immediate medical assistance and (2) provide his or her full name and any other relevant information the law enforcement agency requests during the call. Finally, the minor must remain at the scene with the individual needing immediate medical assistance until law enforcement and emergency medical personnel arrive and must fully cooperate with them at the scene.

EFFECTIVE DATE: October 1, 2021

PA 21-161—HB 6466

Judiciary Committee

AN ACT CONCERNING PROPERTY THAT IS EXEMPT FROM A JUDGMENT CREDITOR

SUMMARY: By law, certain types and amounts of property, income, and assets are exempt from debt collection (i.e., attachment and post-judgment collections). The act modifies this exemption by:

1. increasing the motor vehicle exemption from \$3,500 for one vehicle to \$7,000 in the aggregate for up to two vehicles, which, under existing law and the act, is determined by the vehicle's fair market value minus all liens

- and security interests on it;
- 2. expanding the list of exemptions to include the cash surrender value of a state resident's life insurance policy unless the policy was (a) assigned to or effected for the creditor's benefit or (b) purchased, sold, or transferred with the intent to defraud the creditor;
- 3. increasing the homestead exemption to \$250,000, instead of \$75,000 or, for money judgments for hospital services, to \$125,000 as under prior law; and
- 4. limiting the homestead exemption to \$75,000 for money judgments for claims of sexual abuse or exploitation of a minor, sexual assault, or other willful, wanton, or reckless misconduct.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

PA 21-169—HB 6538

Judiciary Committee

AN ACT MAKING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT

SUMMARY: This act makes various revisions to the Common Interest Ownership Act (CIOA).

It allows unit owner meetings, and votes at these meetings, to be held by telephone, video, or other conferencing process unless the association's declaration or bylaws prohibit it. By contrast, prior law allowed meetings in this way only if the declaration or bylaws authorized it.

As under prior law, (1) the meeting notice must state the conferencing process to be used and how unit owners can participate and (2) the process must provide all unit owners the opportunity to hear the discussion and offer comments on relevant matters. The act specifies that the standard CIOA rules for unit owner meetings apply to in-person, electronic, or combined in-person and electronic meetings.

Additionally, the act:

- 1. gives associations more time to produce records for examination or copying by unit owners or their agents, and specifically allows the records to be presented electronically; and
- 2. eliminates the requirement for associations to send hearing and decision notices by certified mail.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§ 3 — ASSOCIATION RECORDS

By law, common interest community associations must keep various records and make them available to unit owners. Subject to certain exceptions, the association must make these records available for examination and copying by unit owners or their authorized agents (1) during reasonable business hours or at a mutually convenient time and location and (2) upon notice in a record reasonably identifying the specific records requested.

The act (1) specifically allows these records to be made available for examination in person or electronically and (2) extends the required notice period from five to 30 days.

It requires the association, within five business days after receiving the request, to provide the unit owner or agent with two dates at which the records may be available for examination, copying, or both.

The act also specifies that the association's declaration or bylaws cannot override these record access provisions.

§ 4 — HEARING AND DECISION NOTICES

The act eliminates the prior requirement that common interest community associations provide the appropriate unit owner with board hearing notices and related decisions by certified mail in addition to regular mail. It also specifies that these notice provisions and the existing deadlines apply despite any contrary provisions in the association's declaration or bylaws.

Specifically, the act applies to mailing notices and decisions for the following hearings:

- 1. those generally required before an association can bring an action or proceeding against a unit owner and
- 2. those that a unit owner requested when seeking to enforce CIOA or association governing documents.

BACKGROUND

Common Interest Ownership Act

CIOA governs condominiums and other common interest communities formed in Connecticut on and after January 1, 1984 (CGS § 47-200 et seq.). Certain CIOA provisions (including those amended by this act) also apply to common interest communities created in Connecticut before January 1, 1984, but do not invalidate existing provisions of the communities' governing instruments. Common interest communities created before that date can amend their governing instruments to conform to portions of CIOA that do not automatically apply (CGS §§ 47-214, 216 & 218).

PA 21-170—sHB 6548

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE JURY SELECTION TASK FORCE

SUMMARY: This act adjusts the method for summoning jurors from each town to reflect how many complied with the summons in the past year. Beginning October 1, 2022, the act requires the jury administrator to compile the number of jurors summoned from each town who complied with the summons. And beginning July 1, 2023, the number of jurors chosen from each town must reflect the proportional representation of each town's population within the judicial district, based on the data collected and a specified formula.

The act establishes temporary procedures for the jury administrator to follow before the data is collected. From July 1, 2022, to June 30, 2023, whenever there is an undeliverable jury summons, a replacement summons must be sent to a prospective juror in the same zip code.

The act expands eligibility for jury service (e.g., to certain permanent residents and certain convicted felons). It also requires (1) additional questions on the juror questionnaire and (2) the judicial branch to compile demographic information on those who participate in the jury process.

EFFECTIVE DATE: October 1, 2021, for the eligibility expansion provision; July 1, 2022, for the zip code replacement summons provision; October 1, 2022, for the juror data compilation and questionnaire provisions; and July 1, 2023, for the proportional representation provision.

§§ 2-4 — JUROR SUMMONS

The act adjusts the method for summoning jurors from each town to reflect each town's juror summons compliance rate in the past year.

Beginning October 1, 2022, the act requires the jury administrator to annually compile the number of jurors summoned from each town who complied with the summons and appeared for jury service.

Beginning July 1, 2023, the act requires the number of jurors chosen from each town to reflect the proportional representation of each town's population within the judicial district. This is calculated by dividing each town's proportional share of the judicial district's population by the town's "yield ratio." Under the act, the "yield ratio" is the number of jurors from the town who were summoned the previous court year and complied and appeared for jury service, divided by the town's proportional share of the judicial district's population multiplied by the total number of jurors summoned in the judicial district in the previous court year. A "court year" is the one-year period beginning on September 1 and ending on August 31 the following year.

As under existing law, the jury administrator must use population data from the most recent decennial census.

The act also establishes temporary procedures for the jury administrator to follow before the above data is collected. Specifically, from July 1, 2022, to June 30, 2023, for each undeliverable jury summons, he or she must send an additional, randomly generated summons to a juror with the same zip code as the undeliverable summons.

§ 1 — EXPANDED JURY POOL

The act expands jury service eligibility by (1) including permanent residents as allowed under federal law (8 U.S.C. § 1101(a)(20)) and (2) shortening, from seven to three years, the timeframe for barring someone with a felony conviction

from serving on a jury.

The act also increases the minimum age, from 70 to 75, for when someone may claim an exemption from being summoned and makes a conforming change to the lists the jury administrator must keep. As under existing law, jurors must be Connecticut residents having permanent residence in the state who are at least age 18.

§ 5 — JURY QUESTIONNAIRE

Under prior law, the jury administrator had to send a prospective juror a confidential questionnaire with certain questions about his or her personal information (e.g., age, race, occupation). The act requires the questionnaire to also have questions on gender and other demographic information the judicial branch deems appropriate. It requires the administrator to provide, rather than send, the questionnaire.

Additionally, the act requires the judicial branch to compile a record of the demographic characteristics of all individuals who (1) are summoned for jury service; (2) participated in a panel; (3) are subject to a preemptory challenge (i.e., objection to a prospective juror without needing a reason); (4) are subject to challenge for cause (i.e., objection to a prospective juror for a stated reason, such as bias); and (5) serve on a jury. The record must exclude personally identifiable information (i.e., identifying information linked or linkable to a specific person) and be maintained in a way that provides free and open access to the information on the internet.

PA 21-173—sHB 6665

Judiciary Committee

AN ACT CONCERNING THE REMOVAL OF RESTRICTIONS ON OWNERSHIP OR OCCUPANCY OF REAL PROPERTY BASED ON RACE AND ELIMINATION OF THE RACE DESIGNATION ON MARRIAGE LICENSES

SUMMARY: This act voids “unlawful restrictive covenants,” which are covenants or provisions in instruments affecting title to real property that purport to restrict ownership or occupancy based on race. The act does not affect any other property covenant or provision or its validity, so long as it is not unlawfully restrictive.

The act requires town clerks, after receiving a form or an affidavit notifying them of an unlawful restrictive covenant, to record it, and to the extent practicable, notate the land records. The act correspondingly requires the Office of Policy and Management, by December 1, 2021, to develop a standardized form to report unlawful restrictive covenants to town clerks and makes a conforming change allowing the affidavits. Under the act, each town clerk must (1) make the form available on the municipality’s website and in the town clerk’s office where land records are kept and (2) post a notice informing the public of the act’s provisions in the town clerk’s land records office.

The act also provides a process for condominium and common interest community unit owners and their associations’ boards of directors or executive boards, as applicable, to remove provisions in association declarations that restrict ownership or occupancy by race.

Lastly, the act removes race from the list of demographic information applicants must provide on marriage licenses.

EFFECTIVE DATE: July 1, 2021, except the marriage license provisions are effective October 1, 2021.

UNLAWFUL RESTRICTIVE COVENANTS

Recording in Land Records

Under the act, a real property owner who identifies an unlawful restrictive covenant in an instrument recorded on land records may file a form or affidavit identifying it with a town clerk. The affidavit or form must:

1. be in the form existing law requires for other affidavits relating to land titles,
2. identify the land record volume and page that the instrument containing the unlawful covenant is on, and
3. state that the affidavit or form is being filed in accordance with the act.

To the extent practicable, a town clerk receiving one of these forms or affidavits must notate the indices to the land records to reflect the covenant’s invalidity. Under the act, the town clerk may not assess a recording fee for this. However, the unlawfully restrictive covenant is invalid regardless of whether the form or affidavit is filed.

Additionally, the act deems that any references to an unlawful restrictive covenant in recorded instruments do not constitute its revival, reinstatement, or republication. This applies to instruments affecting real title or any other documents

affecting land records, including reports, opinions, contracts, or insurance policies. An affidavit or form recorded under the act's provision does not encumber the property.

Liability

A town clerk or municipality is not liable under the act for any damages resulting from recording an affidavit or form unauthorized under the act's provisions. The act instead makes any liability from an unauthorized recording the sole responsibility of the person who caused the affidavit or form to be recorded.

CONDOMINIUM AND COMMON INTEREST OWNERSHIP ASSOCIATIONS

Generally, a "declaration" is an instrument that creates and governs a condominium or common interest community (CGS §§ 47-70 & -202). The act allows a condominium association board of directors, or a common interest association executive board, by a majority vote, to remove a provision from the association's declaration that purports to restrict ownership or occupancy by race. For condominium associations governed by the Condominium Act, the act specifies that no additional vote by the unit owners is required. For common interest associations (including condominium associations) governed by the Common Interest Ownership Act, the vote must be at a meeting held in accordance with existing law.

The act also requires boards to hold a meeting, within 90 days of receiving a written request from a unit owner to remove a provision in the association's declaration that restricts ownership or occupancy by race, to determine whether the provision exists and should be removed according to the procedures described above.

BACKGROUND

Related Act

PA 21-26, § 7, requires the Department of Public Health commissioner, by January 1, 2022, to revise marriage license applications and certificates to remove references to a spouse's race or ethnicity and any designation of such race or ethnicity.

PA 21-174—sHB 6667

Judiciary Committee

Appropriations Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE

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Generally allows information obtained about a child during a detention screening or assessment to be disclosed to CSSD

EFFECTIVE DATE: Upon passage, except the (1) provision on the definition of a "child" is effective July 1, 2021 (§ 1); (2) provision on juvenile record erasure is effective October 1, 2021 (§ 9); and the (3) provisions on (a) educational unit plan implementation (§ 3), (b) awarding diplomas to education unit students (§ 5), and (c) student record transfers (§ 7) are effective October 1, 2022.

§ 1 — DEFINITION OF CHILD FOR DELINQUENCY PROCEEDINGS

Raises the minimum age of children subject to juvenile court delinquency jurisdiction from age seven to age 10

Prior law generally defined a child, for the purposes of delinquency matters and proceedings, as a person between ages seven and 19. Therefore, a child seven years of age who had allegedly committed a delinquent act could be arrested and, if convicted, enter the juvenile justice system.

The act increases the minimum age of a child who may be subject to juvenile court jurisdiction for delinquency matters and proceedings from seven to 10 years of age.

§§ 2 & 3 — EDUCATION UNIT OPERATIONAL PLAN

Requires DCF to create and implement a plan for an educational unit to improve educational and vocational outcomes for children who are incarcerated or in a juvenile justice facility

The act requires the Department of Children and Families (DCF), with help from an implementation team, to develop an operational plan for an education unit within DCF to educate children who are incarcerated or residing in a juvenile justice facility.

Implementation Team

Under the act, the implementation team must include (1) representatives of state and local agencies, including from the State Department of Education (SDE), the Court Support Services Division (CSSD), the Department of Correction (DOC), and local and regional boards of education, and (2) one child and one family representative appointed by DCF. Each serves as a voting member.

The act requires the implementation team to (1) identify the implementation timeline, funding, and other measures needed to fully implement the operational plan and (2) provide a report to the Juvenile Justice Policy and Oversight Committee (JJPOC) by September 1, 2021.

Educational Unit Implementation

The act requires the DCF commissioner to implement the operational plan and administer, coordinate, and control educational unit operations. It also makes her responsible for the overall supervision and direction of unit courses and activities. (The act does not specify a date by which she must complete the implementation plan.)

Under the act, the DCF commissioner, or her designee, must:

1. have the ability to (a) employ and dismiss staff and, in accordance with existing law, teachers, as necessary to carry out the education unit's purpose (including paying salaries) or (b) contract with local or regional boards of education or educational service providers to provide services to children served by the unit;
2. develop and review quarterly reports, which must be made available to JJPOC, on academic performance, school discipline, attendance, and other similar issues on students educated within the unit;
3. have the ability to, at least semiannually, contract with educational service providers to compile performance data to ensure that reporting measures are tailored to the experiences of students in juvenile justice facility short- and long-term placements;
4. require educational service providers to develop partnerships and programs with local educational agencies, private educational providers, and local industries and businesses;
5. report to JJPOC on student performance data, attendance, and participation rates for all education programs, and document transition activities and outcomes and collaborations with community service providers and parents;
6. ensure that students have access to (a) earn credits toward high school graduation; (b) arts, career, and technical education courses; and (c) statewide and college preparatory testing;
7. provide alternative high school equivalency certificate options for students age 20 or older with insufficient credits to meet graduation requirements; and
8. enable students to have access to web-based content, including credit recovery programs for the opportunity to earn credit for a course a student did not satisfactorily complete.

Unit Transition Specialists

The act allows the DCF commissioner to employ transition specialists within the unit to facilitate a child's successful transition from his or her community to secure facilities and then, upon the child's release, back to his or her local educational program. It requires transition specialists to do the following:

1. collaborate with (a) local and regional boards of education, (b) state or local charter school governing councils, (c) interdistrict magnet school operators, and (d) agencies that serve children, employers, and other community supports to plan for and manage successful transitions;
2. manage and track educational credits of students in out-of-home placements and document the success of a

placement after a student's community reentry; and

3. be responsible for communicating with reentry coordinators on DCF's list (see "Reentry Coordinators," below).

Under the act, the education unit must ensure that the school in which the child is enrolling upon leaving the unit has services and supports to maximize the student's success.

Educational Record Transfers

The act requires the education unit to use a uniform system of statewide electronic record transfers to maintain and share educational records for children in an education program who are incarcerated or in a juvenile justice facility. The system must be overseen by a DCF commissioner-designated directory manager and aligned with recommendations by the Individualized Education Program Advisory Council.

§ 4 — REENTRY COORDINATORS

Requires SDE, by August 1, 2021, to assemble a list of people who may serve as reentry coordinators to help obtain child records

Existing law requires JJPOC to ensure that the statewide education system for children in justice system custody includes using professional reentry coordinators to support educational success in children returning to the community (CGS § 46b-121n(q)(8)(A)(vi)(III)).

The act requires SDE, by August 1, 2021, to assemble a list of people who may perform the function of reentry coordinator. SDE must (1) distribute the list to DOC, DCF, CSSD, or any parent or person interested in receiving it; (2) post the list on its website; and (3) annually review and update the list.

Under the act, local and regional boards of education must use a reentry coordinator from SDE's list to obtain records of children in juvenile justice facilities and help transfer records to the facilities. Any board for a district enrolling less than 6,000 students may designate an employee to perform the reentry coordinator functions.

§ 5 — DIPLOMAS FOR EDUCATION UNIT STUDENTS

Requires local or regional boards of education to award diplomas to students educated at the DCF education unit and who meet certain requirements

The act requires a local or regional board of education to award a diploma to a student educated under DCF's education unit who (1) would have otherwise attended a school under the board's jurisdiction, (2) is at least age 17, and (3) satisfactorily completed the minimum credits required for students graduating in the year of awarding the diploma.

If a local or regional board of education cannot be identified, DCF must determine if the student completed the minimum required credits for graduation and, if so, award the diploma.

§ 6 — TRANSFERRED CREDIT CONVERSION

Requires the SDE and DCF commissioners to develop a system to standardize the conversion of transferred credits

The act requires the SDE and DCF commissioners to develop a system to standardize the conversion of transferred credits from students transferring to a new school district or state charter school from Unified School District (USD) #1 (DOC) or USD #2 (DCF). The system must allow for a determination of whether the credits apply to graduation requirements within 30 days after a credit transfer occurs.

§ 7 — STUDENT RECORD TRANSFERS

Requires the transfer of student education records to occur within five days after receiving notice that a child transferred from DCF's education unit to a new school or state charter school, or vice versa

The act requires the DCF commissioner to immediately notify a student's previous school when a student who will be educated under the DCF education unit (see above) is placed in a juvenile justice facility or incarcerated. It requires the school district for the previous school or the previous state charter school to transfer the student's records to the DCF education unit within five days after receiving the notice.

For students transferring to a new school district or new state charter school from USD #1 or USD #2, the act requires the new district or charter school to immediately notify USD #1 or USD #2 in writing of the student's enrollment, instead of within 10 days as prior law required. The act also halves the deadline, from 10 to five days after receiving the notice, for USD #1 and USD #2 to transfer the student's records to the new school.

The act applies these notification and record transfer requirements to student transfers involving the new DCF education unit. Similarly, as under existing law for credits received at USD #1 or USD #2, a new school district or new state charter school, as applicable, must credit a student for all instruction he or she received at the education unit within 30 days after receiving his or her student records from the unit.

§ 8 — STUDY ON SUSPENSION AND EXPULSION ALTERNATIVES

Establishes a committee to study the effects of, and possible alternatives to, student suspensions and expulsions

The act establishes a 14-member committee to study and report on the effects of, and possible alternatives to, student suspension and expulsion.

Committee Membership

Under the act, the committee includes the following four non-appointed members:

1. executive director of the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO);
2. chairpersons of the JJPOC education working group; and
3. SDE commissioner or her designee.

The act requires the SDE commissioner to appoint to the committee a representative of the State Board of Education Accountability and Support Committee. The JJPOC education working group chairpersons must also appoint the following nine members:

1. chairperson of a collaborative group for social and emotional wellbeing;
2. executive director of a statewide association of public school superintendents;
3. president of a statewide association of public school superintendents;
4. chairperson of a statewide advisory council for special education; and
5. one representative each of a statewide school discipline collaborative, disability rights organization, statewide organization that advocates for special education equity, youth services bureau association, and an organization that is a catalyst for improving children's health and development.

The act requires the initial appointments to be made by July 8, 2021, and vacancies to be filled by the appointing authority.

The CWCSEO executive director, the chairperson of a collaborative group for social and emotional wellbeing, and the executive director of a statewide association of public school superintendents are the committee's three chairpersons. They must schedule and hold the first meeting by August 7, 2021.

Reports

The act requires the committee to complete two reports on the effects of, and alternatives to, suspension and expulsion. The first, due by January 1, 2022, must cover students in preschool through second grade. The second report, due January 1, 2023, must cover two different student groups: one for grades three to eight and another for grades nine to 12.

By those same dates, the committee must submit to JJPOC a report with its findings and recommendations, if any, related to each completed study and report. The committee ends when it submits the second report to JJPOC, or January 1, 2023, whichever is later.

Under the act, the reports must include the following information:

1. funding recommendations for any proposed alternatives to suspension and expulsion;
2. timelines for potentially implementing the alternatives;
3. data-based individual school district needs;
4. training recommendations for school personnel;
5. implementation procedures for alternative in-school disciplinary practice, strategies, and intervention to support students and school personnel;
6. strategies for family engagement;
7. recommendations for health and mental health screening; and
8. recommendations for strengthening connections to community-based services and supports, including trauma-

informed mental health interventions.

§ 9 — JUVENILE RECORD ERASURE

Requires CSSD to provide written notice to the child upon discharge, and the child's parents or guardians, on the erasure of a child's police and court records, if certain conditions are met

By law, a child or his or her parent or guardian may petition the Superior Court to erase the child's police and court records if the child was convicted as delinquent, adjudicated a member of a Family With Service Needs, or signed a statement of responsibility for a delinquent act and was discharged from DCF custody, court supervision, or court-committed care. The act requires CSSD to provide the child and the child's parent or guardian written notice of this when (1) the child is discharged and (2) the child turns 18 if the child was discharged prior to age 18.

Under existing law, the court must order erasure if it finds:

1. it is at least two years, or four years in the case of a serious juvenile offense, since the child's discharge date;
2. there is no subsequent juvenile or criminal proceeding pending against the child;
3. the child was not convicted during the two- or four-year period of a (a) felony or misdemeanor as an adult or (b) delinquent act that would be a felony or misdemeanor if committed by an adult; and
4. the child is 18 years of age.

§ 10 — STUDY ON TELEPHONE CALL RATES AND COMMISSARY NEEDS

Establishes a committee to study telephone call rates and commissary needs of 18- to 21-year-olds incarcerated in DOC facilities

The act establishes a committee, with members appointed by the JJPOC chairpersons, to study telephone call rates and commissary needs for 18- to 21-year-olds incarcerated in DOC facilities. It allows the committee to recommend legislation based on the study and report it to the Department of Administrative Services and the Judiciary Committee by January 1, 2022.

§ 11 — CHEMICAL AGENTS IN JUVENILE DETENTION FACILITIES

Requires the DOC commissioner to review the department's use of chemical agents on anyone under age 18 in a juvenile detention center or correctional facility

The act requires the DOC commissioner to (1) review the department's use of chemical agents on youths under age 18 who are housed in a facility the department operates and in the commissioner's custody and (2) review and evaluate specified data. Under the act, the commissioner must review data on the (1) youths' participation in rehabilitation programming and (2) department's efforts to implement positive behavioral supports for them. The review must evaluate data on:

1. the types and frequency of training provided to department staff that present alternatives to using chemical agents;
2. the reason and date of chemical agent use on youths along with their age, race, and gender;
3. how the chemical agent use may disproportionately affect youths with special education needs;
4. any interventions attempted before subjecting a youth to chemical agent use and the types and frequency of medical and behavioral interventions employed after such use; and
5. the number of, and details associated with, incidents of chemical agent use on youths with a respiratory or psychiatric condition.

The act requires the DOC commissioner to report on the review to the Judiciary Committee by February 1, 2022.

§ 12 — PREARREST DIVERSION IMPLEMENTATION TEAM

Requires a team to develop plans for mandatory prearrest diversion of low-risk children

The act establishes an implementation team to develop two plans for mandatory prearrest diversion of low-risk children. It requires the team to include state and local agency representatives, including from DCF, SDE, CSSD, DOC, and local and regional boards of education. The implementation team ends when it submits its second report or January 1, 2023, whichever is later.

Plan Contents

Under the act, the first plan must cover automatic prearrest diversion of children to youth service bureaus or other services instead of arrest for Tier 1 offenses, including infractions for such things as simple trespass, creating a public disturbance, possessing less than one-half of an ounce of a cannabis-type substance, and using, possessing, or delivering drug paraphernalia related to less than one-half of an ounce of a cannabis-type substance. By January 1, 2022, the team must develop the plan and provide a report on its findings and recommendations to JJPOC.

The second plan, which the team must develop by January 1, 2023, must address the diversion for Tier 2 offenses that include infractions such as 2nd degree breach of peace; disorderly conduct; 5th or 6th degree larceny; possessing at least one-half an ounce of a cannabis-type substance; and using, possessing, or delivering drug paraphernalia related to at least one-half an ounce of a cannabis-type substance. As with the first plan, the team must provide JJPOC with a report on its findings and recommendations by the same date that it must develop the plan.

Plan Development

In developing the plans, the act requires the implementation team to consider stakeholder input, including from children, families, and law enforcement officials. The team must also consider the:

1. capacity of youth service bureaus and other local agencies who will provide services to children diverted under the plans,
2. accountability mechanisms to measure success of provided services,
3. processes for victim input and involvement,
4. data collection to track referrals of diverted children to youth service bureaus,
5. communication and outreach strategies to stakeholders for accessing local services,
6. dates for fully implementing the plans, and
7. any other considerations the committee finds necessary for successful plan implementation.

§ 13 — PLAN TO SECURELY HOUSE PERSONS UNDER AGE 18

Requires the judicial branch to develop an implementation plan to securely house in its custody anyone under age 18 who is arrested and detained prior to sentencing or disposition

The act requires the judicial branch to (1) develop an implementation plan for, beginning January 1, 2023, securely housing in its custody anyone under age 18 who is arrested and detained before sentencing or disposition and (2) submit the plan to the Judiciary Committee and JJPOC by January 1, 2022. The plan must include cost estimates and recommendations for any necessary or appropriate legislation to implement the plan.

§ 14 — JUVENILE RECORD CONFIDENTIALITY EXCEPTIONS

Generally allows information obtained about a child during a detention screening or assessment to be disclosed to CSSD

Under existing law, information obtained about a child during a detention screening or assessment must be used only for planning and treatment purposes. Otherwise, it must generally remain confidential and be kept in the files of the entity performing the screening or assessment. It may be further disclosed for limited purposes, including a court-ordered evaluation or treatment or mandated reporter laws.

The act allows this information to also be disclosed to CSSD and its contracted quality assurance providers for program evaluation purposes.

By law, the information obtained during a detention screening must be used only to make a recommendation to the court about the child's detention and is not subject to subpoena or other court process for use in any other proceeding, or for any other purpose.

PA 21-183—SB 940 (VETOED)

Judiciary Committee

AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE COURT ORDERS

SUMMARY: This act would have specifically required state agencies to recognize, apply, and honor any probate court order, denial, or decree that the court is statutorily authorized to issue. Under the act, “state agency” referred to an agency as defined in the Uniform Administrative Procedure Act (UAPA) (see BACKGROUND).

Unlike most probate appeals, the act would have required a party appealing such a probate court decision to file the appeal in Hartford Superior Court, rather than the Superior Court in the judicial district where the probate court is located. Also, as is currently the case for certain probate appeals, the act would have:

1. required hearings on the appeal to begin within 90 days after its filing, unless the probate court or Superior Court granted a stay, and
2. prohibited the Superior Court from referring the appeal to a special assignment probate judge.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Definitions

Under the UAPA, an agency is a state board, commission, department, or officer authorized by law to make regulations or to determine contested cases. The term does not include the House, Senate, or legislative committees; courts; the Council on Probate Judicial Conduct; the governor, lieutenant governor, or attorney general; town or regional boards of education; or automobile dispute settlement panels (CGS § 4-166).

PA 21-5—HB 5377

Labor and Public Employees Committee

**AN ACT CONCERNING THE REMOVAL OF COVID-19 RELATED LAYOFFS FROM THE
UNEMPLOYMENT COMPENSATION EXPERIENCE ACCOUNT**

SUMMARY: This act disregards an employer's benefit charges and taxable wages between July 1, 2019, and June 30, 2021, when calculating the employer's unemployment tax experience rate for taxable years starting on or after January 1, 2022 (see BACKGROUND). In effect, this means that the unemployment benefits paid to an employer's former employees during that period will not affect the employer's experience rate. The act's provisions apply to the extent allowed by federal law and as necessary to respond to the spread of COVID-19.

The act similarly disregards the statewide benefits and taxable wages for calendar years 2020 and 2021 when calculating the unemployment tax rate that will apply to new employers for tax years starting on or after January 1, 2022. Thus, the rate charged to employers who have not participated in the system long enough to have their own experience rates will not be affected by the benefits paid during those years.

EFFECTIVE DATE: October 1, 2021

EXPERIENCE RATES

By law, an employer's experience rate generally depends on the amount of unemployment benefits its former employees received during its "experience period," which is the three-year period preceding each June 30, when an employer's rate is calculated. The rate is determined by calculating the ratio between the amount charged to the employer's experience account (generally, the amount of benefits paid to its former employees) and the amount of the employer's taxable wages during the experience period. This ratio is converted to a percentage between 0.5% and 5.4%, which becomes the employer's experience rate (CGS § 31-225a(e)).

But for tax years starting on or after January 1, 2022, the act requires that an employer's experience period disregard the employer's benefit charges and taxable wages from July 1, 2019, through June 30, 2021, when applicable. Thus, an employer's experience rate would not be affected by the chargeable benefits paid to its employees during that period.

NEW EMPLOYER RATES

By law, employers that have not been chargeable with benefits for a long enough time to have their own experience rate calculated must pay either 1% or the state's five-year benefit cost rate, whichever is higher. The state's five-year benefit cost rate is determined by dividing the total benefits paid to claimants over the previous five years by the five-year payroll over that period.

For tax years starting on or after January 1, 2022, however, the act requires that the five-year benefit cost rate be calculated without the benefit payments and taxable wages for calendar years 2020 and 2021, when applicable. Thus, the statewide benefits paid during those years will not affect the rate charged to the new employers.

BACKGROUND

State Unemployment Tax

By law, an employer's state unemployment tax liability typically depends on three factors: (1) its individual experience rate, (2) the statewide fund balance rate (a tax rate tied to the trust fund's financial solvency), and (3) the amount of wages it paid that are subject to the tax (the taxable wage base). Generally, the sum of the first two rates applies against the taxable wage base (CGS § 31-225a).

PA 21-18—SB 907*Labor and Public Employees Committee***AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE WORKERS' COMPENSATION ACT****SUMMARY:** This act makes various minor and technical changes in the workers' compensation statutes. It:

1. retitles the workers' compensation commissioners as "administrative law judges" in state statutes and in any public acts from the 2021 legislative session (§ 1);
2. reduces the frequency with which the workers' compensation commission's advisory board must meet from twice to once each quarter (among other things, the board helps evaluate the performance of the administrative law judges and advises on the physicians available to examine injured workers (§ 2);
3. eliminates a requirement that the commission's statistical division be administered by a full-time, salaried director appointed by the Workers' Compensation Commission's chairperson (§ 3);
4. eliminates a requirement that the audio recordings of formal hearings provided to parties be on cassette (§ 4);
5. eliminates obsolete provisions about (a) the transfer of certain cases to the Second Injury Fund (which has not been allowed since 1995) (§§ 5-7); (b) a medical panel of occupational lung disease physicians (which has not met since the 1980s) (§ 8); and (c) the destruction of old workers' compensation agreements filed in Superior Court (which has been obsolete since the creation of the Compensation Review Division in 1980 and the subsequent Compensation Review Board) (§ 8);
6. eliminates a provision that placed the Workers' Compensation Commission within the Department of Labor for administrative purposes only (§ 8); and
7. makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

PA 21-25—sSB 908*Labor and Public Employees Committee***AN ACT CONCERNING ACCESS TO CERTAIN PUBLIC EMPLOYEES BY THE EXCLUSIVE BARGAINING REPRESENTATIVE OF A PUBLIC EMPLOYER BARGAINING UNIT****SUMMARY:** This act requires public employers (i.e., the state, municipalities, and local or regional boards of education) to provide public employee unions with certain information about new and current employees (e.g., names and contact information) and access to (1) new employee orientations, (2) the employees that the unions represent, and (3) government buildings and facilities to conduct meetings with bargaining unit members.

The act also establishes requirements and criteria related to payroll deductions for dues paid to public employee unions. Among other things, these require:

1. public employers to rely on a union's certification that it has and will maintain the deduction authorizations signed by the individuals from whose pay the deductions will be made,
2. the unions to indemnify public employers for any employee claims about deductions that relied on that certification, and
3. public employers to direct employee requests to cancel or change their deductions to the union rather than the employer.

The act prohibits public employers from deterring or discouraging public employees or job applicants from (1) becoming or remaining members of a public employee union, (2) authorizing representation by one, or (3) authorizing dues or deductions to one (§ 1(n)). It makes it a prohibited labor practice for public employers to, among other things, encourage an employee to resign or decline membership in a public employee union.

The act makes an employer's failure to comply with its provisions a violation of the duty to bargain and an unfair labor practice. It also allows the provisions of a collective bargaining agreement that contain obligations set forth in the act to be enforced under the act's provisions (§ 1(l)).

EFFECTIVE DATE: October 1, 2021

EMPLOYEE INFORMATION

New Employees (§ 1(a))

The act requires public employers to provide an “exclusive representative” with a newly hired employee’s (1) name; (2) job title, department, and work location; (3) work phone number; and (4) home address. Under the act, an “exclusive representative” is public employee organization certified as the exclusive bargaining representative of a public employer bargaining unit. A “public employee organization” is a lawful association, labor organization, federation, or council whose primary purpose is improving public employees’ wages, hours, and employment conditions.

The act requires the public employer to provide the information in an editable digital file format and, if possible, in a format agreed to by the exclusive representative. If possible, the employer must also provide the information with real-time electronic transmission of new hire data, but no later than 10 days after the employee was hired or the first pay period of the month after the employee was hired, whichever is earlier.

Current Employees (§ 1(d))

Beginning on January 1, 2022, the act also requires public employers to provide exclusive representatives with each bargaining unit employee’s (1) name; (2) job title; (3) worksite location; (4) work phone number; (5) hire date; (6) work email address; and (7) home address. The employer must provide the information in an editable digital file format agreed to by the exclusive representative every 120 days unless an agreement between the parties requires more frequent or more detailed lists. The information required by the act is in addition to any other employee information to which a public employee organization is entitled.

If authorized by the employee via written authorization provided to the exclusive representative, the information above must also include the employee’s home telephone number, personal cell phone number, and personal email address if on file with the public employer. The act allows an employee to revoke the authorization at any time. The authorization or revocation must be provided to the exclusive representative at either the physical or electronic address provided by the representative for notices about orientation access (see below).

NEW EMPLOYEE ORIENTATION ACCESS

Access by Unions (§ 1(b))

The act requires public employers to provide exclusive representatives with access to their new employee orientations. The employer must give the exclusive representative written or electronic notice about an orientation at least 10 days in advance unless there is an urgent need critical to the employer’s operations, requiring shorter notice. By January 31 each year, the exclusive representative must give the public employer the physical and electronic address where the notice must be sent.

The act requires the parties to determine the structure, time, and manner of the exclusive representative’s access to an orientation through mutual agreement. It requires the parties to negotiate these issues upon either party’s request.

If they fail to reach an agreement within 45 days after their first meeting, or 60 days after the request to negotiate, whichever is earlier, the act allows either party to demand compulsory interest arbitration. If a party makes the demand, then the applicable arbitration procedure prescribed in state law applies, but the arbitrator must consider the following factors:

1. the exclusive representative’s ability to communicate with the employees it represents;
2. the exclusive representative’s legal obligations to the employees;
3. applicable federal, state, and local laws;
4. stipulations by the parties;
5. the public’s interest and welfare;
6. the financial condition and day-to-day operations of similarly situated public agencies;
7. the structure, time, and manner of access to new employee orientations in comparable public employers, including access provisions in other memoranda of understanding or collective bargaining agreements;
8. the public employee organization’s need to meaningfully communicate through cost-effective and efficient means with the employees it represents; and
9. any other factors that are normally or traditionally considered when establishing how an exclusive representative may access new employee orientations.

ACCESS TO EMPLOYEES, PUBLIC BUILDINGS, AND FACILITIES

Employees (§ 1(c))

The act requires public employers to provide exclusive representatives with access to the public employees that they represent. This includes the right to do the following:

1. meet with individual employees on the employer's premises during workdays to investigate and discuss grievances, workplace-related complaints, and other workplace issues;
2. conduct worksite meetings on the employer's premises before and after the workday and during meal periods and other paid or unpaid breaks; and
3. meet with a newly hired employee within the bargaining unit, without charge to the employee's pay or leave time, for between 30 and 120 minutes (a) within 30 calendar days after the employee is hired; (b) during orientations; or, (c) if the employer does not hold orientations, at individual or group meetings.

Email (§ 1(e))

The act gives exclusive representatives the right to use public employers' email systems to communicate with bargaining unit members about collective bargaining, administering collective bargaining agreements, investigating grievances, other workplace-related complaints and issues, and internal union matters involving the public employee organization's governance or business. It also specifies that this provision does not limit a public employee organization's rights to communicate with public employees.

Buildings and Facilities (§ 1(f))

The act gives exclusive representatives the right to use state and municipal government-owned or -leased buildings and facilities to conduct meetings with bargaining unit members. It gives the representatives the right to hold the meetings (1) at a reasonable time and place, as long as they do not interfere with the public employer's operations, and (2) without undue interference. It also allows them to place reasonable restrictions on the conduct of someone attending the meetings.

Greater Access Permitted (§ 1(g))

The act specifies that its provisions establish minimum requirements for an exclusive representative's access to and communication with bargaining unit employees and do not prevent a public employer from granting the representative greater access to or communication with public employees.

PAYROLL DEDUCTIONS

Deduction Authorizations (§ 1(h)-(j))

The act allows a public employer's employees and retirees to authorize deductions from their salaries, wages, or retirement benefits to pay dues in or for a service, program, or committee that a public employee organization provides or sponsors. It requires public employers to honor the deduction authorizations that the organization creates or adopts as long as they are in a form that satisfies the Connecticut Uniform Electronic Transactions Act (CUETA), including electronic and voice authorizations that meet CUETA's electronic signature requirements (i.e., electronic sounds, symbols, or processes attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record). The revocability of an authorization must be determined by the authorization's terms.

Under the act, public employers that administer employee-authorized payroll deductions must rely on a public employee organization's certification, when requesting a deduction or reduction, that it has and will maintain authorizations signed by the individuals from whose pay the deductions will be made. An organization that makes this certification does not have to provide copies of the authorizations to the public employer unless a dispute arises about their existence or terms. The organizations must indemnify the public employer for any claims an employee makes about deductions that rely on the certification.

Deduction Cancellations, Changes, or Revocations (§ 1(j))

The act requires public employers to direct employee requests to cancel or change their deductions to the public

employee organization rather than the employer. It requires the (1) employer to rely on information provided by the organization about whether the deductions were properly canceled or changed and (2) organization to indemnify the employer for any claims an employee makes about deductions that rely on this information. Under the act, deductions may be revoked only under the terms of the employee's written authorization.

Liability (§ 1(k) & (l))

The act limits a public employee organization's or public employer's liability to the amounts improperly deducted and prohibits a public agency or court from awarding further damages or penalties. It makes public employers liable to a public employee organization, without recourse to the employees, for the full amount of dues that the employer fails to remit to the organization, as long as the organization complies with the act's provisions.

Disputes (§ 1(m))

If a dispute arises between an employee and the public employee organization over a deduction authorization's existence, validity, or revocation, the act requires that it be resolved through a prohibited labor practice proceeding under the state's collective bargaining laws for state, municipal, or board of education employees, as applicable.

PROHIBITED LABOR PRACTICES

The act makes it a prohibited practice for a public employer to do the following:

1. encourage an employee to resign or decline membership in a public employee organization,
2. encourage an employee to revoke authorization for a payroll deduction of dues to an organization,
3. knowingly aid such an effort by another entity, or
4. allow an entity to use the employer's email system to discourage membership in a public employee organization or discourage authorization of payroll deductions for the organization's dues.

PA 21-27—HB 5158

Labor and Public Employees Committee

AN ACT CONCERNING BREASTFEEDING IN THE WORKPLACE

SUMMARY: This act establishes certain requirements for employer-provided areas that employees can use to express breast milk.

Existing law requires employers to make reasonable efforts to provide a room or other location near the employee's work area, other than a toilet stall, where an employee can express milk in private during a meal or break period. The act further requires that, as long as there is no undue hardship, this area must (1) be free from intrusion and shielded from the public while the employee expresses milk; (2) include or be near a refrigerator or employee-provided portable cold storage device in which the employee can store the breast milk; and (3) have access to an electrical outlet.

By law, an employer's "reasonable efforts" to provide such an area are those that would not impose an undue hardship on the employer's business operation. An "undue hardship" is any action that requires significant difficulty or expense when considered in relation to factors such as the business's size and financial resources and the nature and structure of its operation.

EFFECTIVE DATE: October 1, 2021

PA 21-30—HB 6380

*Labor and Public Employees Committee
Judiciary Committee*

AN ACT CONCERNING THE DISCLOSURE OF SALARY RANGE FOR A VACANT POSITION

SUMMARY: This act requires employers to provide job applicants and employees with the wage range of their positions. Under the act, a “wage range” is the range of wages the employer anticipates relying on when setting wages for a position, such as an applicable pay scale; previously determined wage ranges for the position; actual wage ranges for current employees; or the employer’s budgeted amount for the position.

The act also broadens the standard used to determine whether an employer is discriminating in the amount of compensation it pays to an employee based on sex (i.e., gender wage discrimination). Generally, it requires employers to provide equal pay for comparable (rather than equal) work.

EFFECTIVE DATE: October 1, 2021

WAGE RANGE DISCLOSURE

The act prohibits employers from failing or refusing to provide a job applicant with the wage range of the position for which the applicant is applying. The employer must provide the wage range before or when offering the applicant the job, or when the applicant requests it during the application process, whichever is earlier.

The act also prohibits employers from failing or refusing to provide their employees with their wage ranges when (1) they are hired, (2) their position with the employer changes, or (3) they first request it.

Under the act, job applicants and employees may bring a lawsuit to redress violations within two years. Employers may be found liable for compensatory damages, attorney’s fees and costs, punitive damages, and legal and equitable relief as the court deems just and proper.

GENDER WAGE DISCRIMINATION

The law prohibits employers from practicing gender wage discrimination. It requires an employee who alleges gender wage discrimination to demonstrate certain facts to show that the discrimination exists.

Prior law required an employee to show that the employer pays employees of one sex a lower wage than employees of the opposite sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions. Under the act, the employee must instead show that the employer pays employees of one sex a lower wage for comparable work, when viewed as a composite of skill, effort, and responsibility, that is performed under similar working conditions.

The law allows an employer accused of gender wage discrimination to defend itself by showing that a pay difference is based on a (1) seniority system; (2) merit system; (3) system that measures earnings by production quantity or quality; or (4) differential system based on a bona fide factor other than sex, such as education, training, or experience. The act specifies that these other bona fide factors may also include credentials, skill, and geographic location.

As under existing law, an employee who alleges gender wage discrimination may file a complaint with the labor commissioner or the commissioner may investigate on his own motion. If the commissioner does not investigate the complaint, the employee may bring an action in court (CGS § 31-76).

PA 21-43—sSB 999

Labor and Public Employees Committee

AN ACT CONCERNING A JUST TRANSITION TO CLIMATE-PROTECTIVE ENERGY PRODUCTION AND COMMUNITY INVESTMENT

SUMMARY: This act requires renewable energy project developers to meet certain requirements if their project (1) begins construction on or after July 1, 2021; (2) has a total nameplate (i.e., generating) capacity of at least two megawatts (MW); and (3) meets certain other criteria. In general, the developers must:

1. establish a workforce development program;
2. enter into a community benefits agreement with a community organization representing the host community’s

- residents, if the project has a nameplate capacity of at least five MW; and
3. ensure that the contractors and subcontractors on the project meet certain criteria.

The act also requires that (1) construction workers on covered projects be paid wages and benefits at least equal to those required under the state's prevailing wage law and (2) operations, maintenance, and security employees in any building or facility created by the project be paid wages and benefits that are at least equal to those required under the state's standard wage law (see BACKGROUND). Under the act, however, the prevailing wage requirement does not apply if the project is covered by a project labor agreement (PLA) that meets certain requirements.

EFFECTIVE DATE: July 1, 2021

COVERED PROJECTS

The act's requirements apply to "covered projects," which are renewable energy projects situated on land in the state that begin construction on or after July 1, 2021, and have a total nameplate capacity rating of at least two MW. They do not include renewable energy projects (1) selected in a competitive solicitation conducted by the Department of Energy and Environmental Protection (DEEP) or an electric distribution company (i.e., Eversource or United Illuminating) and (2) approved by the Public Utilities Regulatory Authority before January 1, 2022. (PA 12-2, June Special Session, § 82, additionally exempts projects that are under contract with another entity and approved by the relevant regulatory authority, as applicable, before January 1, 2022.)

Under the act, a "renewable energy project" is a Class I renewable energy source (e.g., solar, wind, fuel cells), but it does not include any offshore wind facility procured under certain laws that authorize DEEP to solicit proposals to procure power from these resources.

WORKFORCE DEVELOPMENT PROGRAMS

The act requires a covered project's developer to take appropriate actions to ensure that a workforce development program is established. Under the act, a "workforce development program" is a program that gives newly hired and existing employees the opportunity to develop skills that will enable them to qualify for higher paying jobs on a covered project. This includes (1) apprenticeship training through an apprenticeship program registered with the state Department of Labor (DOL) or a federally recognized state apprenticeship agency that complies with federal regulations on apprenticeships and (2) pre-apprenticeship training that will enable students to qualify for registered apprenticeship training.

COMMUNITY BENEFITS AGREEMENTS

If a covered project has a nameplate capacity of at least five MW, the act requires the project's developer to also take all reasonable actions to ensure that a community benefits agreement is entered into with the appropriate community organizations representing residents of the community where the project will be located (i.e., the host community).

Under the act, a "community benefits agreement" is an agreement between the covered project's developer and community-based organizations, or a coalition of them, that details the project's (1) contributions to the host community and (2) aspects that will mitigate the host community's adverse conditions and create opportunities for local business, communities, and workers.

CONTRACTOR AND SUBCONTRACTOR CERTIFICATIONS

The act requires a covered project's developer to take all necessary actions to ensure that each contractor and subcontractor involved in building the project completes a sworn certification that it meets the following conditions:

1. has the necessary resources to perform its portion of the covered project, including the necessary technical, financial, and personnel resources;
2. has all of the contractor, specialty contractor, or trade licenses, certifications, or certificates required by the applicable state or local laws;
3. participates in apprenticeship training through a DOL-registered apprenticeship program or a federally recognized state apprenticeship agency that complies with federal regulations;
4. will not pay personnel employed on the project less than the applicable wage and fringe benefit rates for the classification in which the personnel are employed and required for the project; and
5. has not misclassified and will not misclassify employees as independent contractors.

The certification must also state that during the previous three years the contractor or subcontractor has not (1) been debarred by a government agency; (2) defaulted on a project; (3) had any license, certification, or other business credential

revoked or suspended; or (4) been found in violation of any law applicable to the contractor's or subcontractor's business that resulted in the payment of a fine, back pay damages, or any other type of penalty of at least \$10,000.

The act requires the developer to submit the certifications to the labor commissioner at least 30 days before project construction begins. Under the act, the certifications are public documents that must be made available without redaction on DOL's website within seven days after they were submitted.

Debarment Penalties

If a certification contains false, misleading, or materially inaccurate information, the act subjects the contractor or subcontractor that prepared it, after notice and opportunity to be heard, to debarment under the state's debarment law, which generally makes a person or firm that disregarded its obligations under the state's prevailing wage law ineligible to (1) contract with the state or its political subdivisions and (2) work on a public works project covered by the prevailing wage law. Both bans last for a period of up to three years, as determined by the labor commissioner, after the debarred person or firm first appears on the list (CGS § 31-53a(b)).

The debarment law requires the labor commissioner to distribute a list of the debarred persons and firms to all state agencies and political subdivisions. The act requires the commissioner to also include on the list persons or firms that he found to have submitted false, misleading, or materially inaccurate information on the sworn certifications required by the act.

Other Noncompliance Penalties

Under the act, a developer's failure to take reasonable steps to ensure that the certifications are accurate and truthful is a violation of the act subject to penalties and sanctions for noncompliance. The labor commissioner must adopt regulations that establish the applicable penalties and sanctions for this noncompliance.

PREVAILING AND STANDARD WAGES

The act requires each contractor and subcontractor on a covered project to pay each construction employee on the project at least the wages and benefits that the state's prevailing wage law requires for the employee's corresponding job classification on a public works project.

It subjects the contractors and subcontractors to the prevailing wage law's reporting and compliance requirements and its penalties and sanctions for violations. Among other things, this (1) requires them to submit to the project's developer monthly certified payroll records with certain specified information (e.g., that the wages and benefits meet prevailing wage requirements and that employees have the necessary workers' compensation insurance coverage); (2) subjects them to fines between \$2,500 and \$5,000 for willful failures to pay the required wages; and (3) makes failing to file the certified payroll records a class D felony subject to a fine of up to \$5,000, five years imprisonment, or both.

The act also requires that each operations, maintenance, and security employee employed in a building or facility that is built in a covered project be paid at least the prevailing wage or the "standard wage," including benefits, for the employee's corresponding job classification.

Exemption for Project Labor Agreements

The act exempts construction projects that are covered by a PLA from its prevailing wage requirements, as long as the PLA does the following:

1. binds all contractors and subcontractors on the covered project to the PLA by including specifications in all relevant solicitation provisions and contract documents;
2. allows all contractors and subcontractors to compete for contracts and subcontracts on the project regardless of whether they are parties to collective bargaining agreements;
3. establishes uniform terms and conditions of employment for all construction labor employed on the project;
4. guarantees against strikes, lockouts, and similar job disruptions;
5. has mutually binding procedures for resolving labor disputes; and
6. includes any other provisions negotiated by the parties to promote the covered project's successful delivery.

BACKGROUND

Prevailing Wage

The state's prevailing wage law requires employers on certain public works projects to pay their construction workers wages and benefits equal to those that are customary or prevailing for the same work, in the same trade or occupation, in the same town. The requirement applies to new construction projects of \$1 million or more and renovation projects of \$100,000 or more (CGS § 31-53).

Standard Wage

The state's standard wage law generally requires private contractors who do building and property maintenance, property management, or food service work in state buildings to pay wages and benefits determined by the labor commissioner to their employees. In general, an employee's standard wage equals the hourly wage and benefits received by the most employees doing the same type of work under a union contract, as long as the contract covers at least 500 employees in Hartford County. If there is no such contract, then the commissioner sets the hourly rate based on the Federal Register of Wage Determinations, plus a 30% surcharge for health and retirement benefits (CGS § 31-57f).

PA 21-98—sSB 904

Labor and Public Employees Committee

AN ACT CONCERNING THE EXECUTIVE DIRECTOR OF THE LABOR DEPARTMENT'S EMPLOYMENT SECURITY DIVISION AND INCREASING THE COMPENSATION FOR STATE BOARD OF MEDIATION AND ARBITRATION MEMBERS

SUMMARY: This act makes the executive director of the Department of Labor's Employment Security Division a member of the state employee classified service (i.e., subject to various civil service procedures and requirements) and requires the executive director to devote full-time to the office's duties. By law, the division is responsible for various matters related to the state's unemployment compensation system, and the labor commissioner may (1) appoint its executive director, subject to the governor's approval; (2) set the position's pay, subject to approval from the governor and the Office of Policy and Management secretary; and (3) prescribe the position's duties.

The act also increases, from \$150 to \$325, the compensation that State Board of Mediation and Arbitration members receive for each extra day of presiding over a proceeding that lasts for more than one day. Under existing law, they also receive \$325 for the proceeding's first day. By law, no proceeding may last beyond two days without the labor commissioner's prior approval for each additional day.

In addition, the act increases, from \$150 to \$200, the compensation the board members receive upon concluding an executive panel session. In general, an executive panel session is a meeting of the arbitrators who presided over a proceeding as a three-member panel. The meeting is held to decide a case after its last hearing or briefing.

EFFECTIVE DATE: Upon passage, except that the provisions on the board's compensation are effective July 1, 2021.

PA 21-107—SB 660

Labor and Public Employees Committee
Appropriations Committee

AN ACT EXPANDING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY HEALTH CARE PROVIDERS IN CONNECTION WITH COVID-19

SUMMARY: This act expands eligibility for workers' compensation benefits for post-traumatic stress injuries (PTSI) to cover (1) emergency medical services (EMS) personnel; (2) all Department of Correction (DOC) employees; (3) telecommunicators (i.e., 9-1-1 emergency dispatchers); and (4) under certain circumstances related to COVID-19, health care providers.

Prior law provided workers' compensation PTSD benefits to police officers, DOC-employed parole officers, and firefighters diagnosed with PTSD as a direct result of certain qualifying events (e.g., witnessing someone's death) that occur in the line of duty. The act changes the terminology used in the underlying law by replacing "post-traumatic stress disorder" (PTSD) with "post-traumatic stress injury." It also allows EMS personnel, DOC employees, and emergency dispatchers to qualify for the benefits through the same qualifying events, although the dispatchers must do so by hearing them. Qualifying events for health care providers under the act are the same types of events, but they must have occurred due to, or as a result of, COVID-19.

The PTSI benefits provided under the act are subject to the same limitations and procedures that apply to the benefits for firefighters, police, and parole officers.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

EMS PERSONNEL, TELECOMMUNICATORS, AND HEALTH CARE PROVIDERS

Under the act, "emergency medical services personnel" are certified emergency medical responders, emergency medical technicians, advanced emergency medical technicians, EMS instructors, and licensed paramedics.

"Telecommunicators" are individuals engaged in or employed by a public or private safety agency as telecommunications operators (1) whose primary responsibility is receiving or processing 9-1-1 calls for emergency assistance or dispatching emergency services provided by public safety agencies and (2) who receive or disseminate information relative to emergency assistance by telephone or radio.

"Health care providers" are people employed at a physician's office, hospital, health care center, clinic, medical school, local health department or agency, nursing or retirement facility, nursing home, group home, home health care provider, facility that performs laboratory or medical testing, or pharmacy or any similar institution.

Health care providers also include people who provide personal care assistance (PCAs) under a state-funded program, such as the Connecticut Home Care Program for Elders, as long as the PCA is regularly employed by the owner or occupier of the dwelling for more than 26 hours per week.

QUALIFYING EVENTS

By law, police officers, parole officers, and firefighters are eligible for workers' compensation PTSI benefits if a mental health professional examines them and diagnoses PTSI as a direct result of a qualifying event in the line of duty.

EMS Personnel, DOC Employees, and Emergency Dispatchers

The act extends the same eligibility requirements to EMS personnel, DOC employees, and emergency dispatchers. Thus, their PTSI is compensable with workers' compensation benefits if a mental health professional examines them and diagnoses PTSI as a direct result of an event that occurs in the line of duty on or after July 1, 2019, and in which they:

1. view a deceased minor;
2. witness (a) someone's death or an incident involving someone's death, (b) an injury to someone who subsequently dies before or upon admission to a hospital as a result of the injury and not any other intervening cause, or (c) a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in the victim's permanent disfigurement; or
3. carry, or have physical contact with and treat, an injured person who subsequently dies before or upon admission to a hospital as a result of the injury and not any other intervening cause.

For emergency dispatchers, however, "witnessing" a qualifying event is hearing by telephone or radio (1) someone's death or an incident involving someone's death; (2) an injury to someone who subsequently dies before or upon admission to a hospital because of the injury; or (3) a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in the victim's permanent disfigurement. In addition, this must occur while the dispatcher is directly responding to an emergency that constitutes a qualifying event and providing a dispatch assignment.

Health Care Providers

For health care providers under the act, a qualifying event is an event arising in and out of the course of employment on or after March 10, 2020, in which the provider was engaged in activities substantially dedicated to mitigating or responding to the COVID-19 emergency and:

1. witnessed the death of someone due to COVID-19;

2. witnessed an injury to someone who subsequently died as a result of COVID-19;
3. had physical contact with and treated or provided care for someone who subsequently died as a result of COVID-19; or
4. witnessed a traumatic physical injury that resulted in someone's loss of a vital body function due to COVID-19.

PTSI BENEFITS AND PROCEDURE

Under the act, the PTSI benefits provided to EMS personnel, DOC employees, emergency dispatchers, and health care providers are subject to the same limitations and procedures that the law already applies to the benefits for firefighters, police, and parole officers. Among other things, this (1) caps the benefits' duration at 52 weeks; (2) prohibits the benefits from being awarded beyond four years after the qualifying event; and (3) requires that employers contest a claim for PTSI benefits through a process that is generally similar to the one used for contesting other workers' compensation claims, although with different deadlines.

PA 21-141—sSB 903

Labor and Public Employees Committee

AN ACT CONCERNING THE LABOR DEPARTMENT'S RECOMMENDED CHANGES TO STATUTES CONCERNING APPRENTICESHIPS AND OTHER LABOR STATUTES

SUMMARY: This act modifies the definition of “preapprentice” under the Department of Labor’s (DOL) subsidized training and employment program for eligible small businesses and manufacturers. Specifically, it (1) expands the definition to include those age 19 and older who are not students and (2) applies the definition to existing law on apprenticeship programs and the Connecticut State Apprenticeship Council (hereafter, “council”) (§§ 4 & 5). In doing so, it conforms to the definition in an existing statute that bans employing minors in certain hazardous occupations.

The act also places more control of apprenticeship programs under DOL rather than the council and makes various minor and conforming changes to the apprenticeship laws (§§ 2, 6 & 9-11).

Additionally, the act:

1. modifies a labor commissioner annual reporting requirement to three legislative committees on the Connecticut Technical Education and Career System (CTECS) (§ 1);
2. modifies the unemployment compensation base period for claimants who are on workers' compensation or sick or disability leave under an employer's leave policy and eliminates the alternative base period for those claimants (§ 7);
3. allows unemployment claimants considered likely to exhaust their regular benefits to use the Reemployment Services and Eligibility Assessment (RSEA) program, instead of a profiling system for job search assistance (§ 8); and
4. repeals a number of obsolete statutes, on, among other things, a job training coordinator position; a manpower study; the displaced homemakers program; training for ISO 9000 standards; and the Connecticut Low Wage Advisory Board (§§ 3 & 12).

It also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except changes to the apprenticeship laws in §§ 9-11 are effective October 1, 2021.

§ 4 — PREAPPRENTICE DEFINITION

By law, DOL's subsidized training and employment program provides grants to help cover training costs and pay for the first 180 days of a new employee's (“preapprentice's”) job with an eligible small business or small manufacturer.

Under prior law, a preapprentice was either (1) a current high school, preparatory school, or higher education student or (2) age 18 or younger. The act instead defines a preapprentice as a person, student, or minor. In doing so, it permits a non-student age 19 or older to participate in the program.

By law and unchanged by the act, the preapprentice must be employed under a written agreement with an apprenticeship sponsor for a training and employment term no longer than 2,000 hours or 24 months in duration. The act also requires the preapprentice to be registered with DOL.

§ 1 — CTECS MEETING REPORTING REQUIREMENT

By law, several state officials, including the labor commissioner, must meet annually with the Education, Higher Education and Employment Advancement, and Labor and Public Employees committees to discuss, among other things, the state's workforce needs; economic and occupational trends; and the employment status of graduates of CTECS high schools (formerly known as the technical high school system).

The act requires the labor commissioner to provide information identifying emerging regional, state, and national workforce needs over the next 10 years, instead of the next 30 years, as under prior law.

§§ 2, 6 & 9-11 — STATE APPRENTICESHIP COUNCIL

Prior law required (1) the council to form policies to administer the apprenticeship statutes and (2) all apprenticeship programs to register with the council. The act instead requires the council to assist in recommending policies to DOL and requires all programs to register with DOL. Additionally, the act authorizes the council to recommend minimum apprenticeship standards, rather than adopt recommendations for these standards.

The act also makes related conforming changes by replacing references to the council with DOL in several statutes.

§ 7 — UNEMPLOYMENT COMPENSATION BASE PERIOD

By law, unemployment compensation is based in part on the claimant's work base period before becoming unemployed. Under prior law, the base period for claimants who are also receiving workers' compensation benefits, or who are properly absent from work under the employer's sick leave or disability leave policy, was the first four of the five most recently worked quarters. The act instead makes the claimant's work base period the four consecutive quarters immediately preceding the most recently worked quarter. Under prior law, the quarters were not required to be consecutive, thus allowing an employee who was in and out of work over a period of time to use quarters from over a longer period.

The act also changes a claimant's work base period in the same manner for the alternative base period, which is used if a claimant is ineligible under the base period described above. In doing so, it eliminates an alternative base period for claimants receiving workers' compensation or who are out of work on an employer's leave policy since the act changes the period to the four consecutive quarters immediately preceding the most recently worked quarter. Under prior law, the alternative base period used the four most recently worked calendar quarters for claimants who are receiving workers' compensation benefits or who are absent from work under the employer's sick or disability leave policy.

§ 8 — RSEA AND EMPLOYMENT SEARCH ASSISTANCE

By law, unemployment claimants must participate in reemployment services in order to continue to receive benefits. Claimants considered likely to exhaust their regular benefits must also use a reemployment profiling system unless they have already used it or have justifiable cause for not participating. The act additionally allows claimants to use RSEA as an alternative to the profiling system.

The act also requires the commissioner to adopt regulations to administer RSEA.

PA 21-154—HB 6378

Labor and Public Employees Committee

AN ACT CODIFYING PREVAILING WAGE CONTRACT RATES

SUMMARY: This act revises the method the labor commissioner must use to set prevailing wage rates on public works projects. It establishes one process for building, heavy, and highway projects and another for residential projects.

Under the prevailing wage law, contractors on public works projects must at least pay the prevailing hourly wage rate and benefits, as determined by law, to all eligible workers on the project. The requirement applies to new construction projects of \$1 million or more and renovation projects of \$100,000 or more.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2021

PREVAILING WAGE DETERMINATIONS

Prior law allowed the commissioner to set the rates in one of two ways: (1) on his own, after (a) holding a hearing to determine the prevailing wage rates on any public work within a specified area and (b) establishing classifications of skilled, semiskilled, and ordinary labor, or (2) by adopting and using the applicable prevailing wage rates set by the federal labor secretary for the federal prevailing wage law. Under prior practice, the labor commissioner uses the federally determined rates for the four types of prevailing wage projects: building, heavy, highway, and residential.

The act instead establishes one process for building, heavy, and highway projects and another for residential projects. Residential projects are those of either single- or multi-family housing or dormitories of no more than four stories.

Building, Heavy, and Highway Project Rates

The act requires the commissioner to make the prevailing hourly wage rate for building, heavy, and highway projects for each trade or occupation the same as the rate established in the collective bargaining agreement or understanding between employers or employer associations and labor organizations in effect for that trade or occupation for the town where the project is being constructed. It also specifies the wage rates must conform to the overtime wage law.

For benefits, the act requires the commissioner, when making the rate determination, to consider the amount of payment, contributions, and member benefits, including health, pension, annuity, and apprenticeship funds (1) as recognized by the U.S. Department of Labor and the state labor commissioner and (2) paid or payable on behalf of each person to any employee welfare fund that is established in a collective bargaining agreement or understanding between an employer and a union. Under prior law, the benefit rate was the amount of payment or contributions paid or payable on behalf of each person to any employee welfare fund (see BACKGROUND).

Under the act, for each trade or occupation for which more than one collective bargaining agreement is in effect for the town in which such project is being constructed, the collective bargaining agreement of historical jurisdiction must prevail. The act does not define “historical jurisdiction.”

Residential Project Rates and Towns With No Bargaining Agreement

Under the act, for residential project rates the labor commissioner must adopt and use the appropriate and applicable federally determined prevailing wage rates.

The act also requires the labor commissioner to use this methodology for each trade or occupation for which there is no collective bargaining agreement in effect for the town in which the building, heavy, or highway works project is being constructed.

BACKGROUND

Employee Welfare Fund

Under the prevailing wage law, an “employee welfare fund” means any trust fund established by one or more employers and one or more labor organizations or other third parties to provide, whether through the purchase of insurance, annuity contracts, or otherwise, benefits under an employee welfare plan. The welfare plan provides benefits or services established or maintained for persons performing the work of any mechanics, laborers, or workers or their families or dependents, or for both. Benefits include medical, surgical, or hospital care benefits; sickness, accident, disability, or death benefits; unemployment benefits; or retirement benefits (CGS § 31-53(i)).

PA 21-189—sSB 658

*Labor and Public Employees Committee
Judiciary Committee*

AN ACT REQUIRING EMPLOYERS TO RECALL CERTAIN LAID-OFF WORKERS IN ORDER OF SENIORITY

SUMMARY: This act requires hotels, lodging houses, food service contractors, and building service enterprises with at least 15 employees to meet certain requirements related to recalling certain employees laid off between March 10, 2020,

and May 1, 2022. Among other things, these employers must notify laid-off employees about available positions for which they are qualified and offer the positions to those with the most seniority at the employment site.

If the laid-off employee declines an employer's offer job due to underlying conditions related to contracting COVID-19, the act gives the employee the right to accept an available position with the employer until the end of the public health and civil preparedness emergencies declared by the governor on March 10, 2020, in response to COVID-19. If an employer hires someone else instead of a laid-off employee, the act requires the employer to give the laid-off employee a written notice that includes the reasons for the decision.

The act prohibits employers from retaliating against laid-off employees for exercising their rights under the act and allows a laid-off employee aggrieved by a violation to bring a civil action in Superior Court.

EFFECTIVE DATE: Upon passage

COVERED EMPLOYERS AND LAID-OFF EMPLOYEES

Employers

An "employer" covered by the act is any person who conducts an "enterprise" and employs or exercises control over the wages, hours, or working conditions of any employee. It includes corporate officers or executives, acting directly or indirectly, or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity. A "person" under the act is an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, either domestic or foreign.

Enterprises

Under the act, an "enterprise" is a hotel, lodging house, food service contractor, or building service enterprise that employs 15 or more employees, including those businesses located at a publicly- or privately-operated highway service plaza. The act specifies that an enterprise does not include cruise line companies.

A hotel is a building that (1) is regularly used and open to feed and lodge guests where anyone who conducts themselves properly and who is able and ready to pay for these services is received if there are accommodations and (2) derives the major portion of its operating receipts from renting rooms and selling food. It includes an apartment hotel in which apartments are rented for fixed periods of time, furnished or unfurnished, while the keeper of the hotel supplies food to the occupants, if required, but it does not include a bed and breakfast establishment (CGS § 12-407).

A "lodging house" is a building or portion of one other than a hotel, an apartment hotel, or a bed and breakfast establishment, in which people are lodged for hire with or without meals (e.g., motels). It does not include (1) privately owned and operated convalescent homes, residential care homes, and homes for the infirm, indigent, or chronically ill; (2) religious or charitable homes for the aged, infirm, indigent, or chronically ill; (3) privately owned and operated children's summer camps; (4) children's summer camps operated by religious or charitable organizations; (5) lodging accommodations at educational institutions; or (6) lodging accommodations at a facility operated by and in the name of a nonprofit charitable organization, as long as the income from the facility's lodging accommodations are exempt from federal income taxes.

A "food service contractor" is a person who enters into a food service contract to provide food service at a commercial, industrial, institutional, or mixed-use business facility in the state in a single building or contiguous buildings under common ownership or management or at any state building. The applicable food service contract must be for providing food service (i.e., on-site preparation, service, and cleanup of food or beverages) for at least a six-month term and require the food service contractor to provide all food service workers.

A "building services enterprise" under the act is a person providing janitorial, building maintenance, or security services under contract to office, retail, or other commercial or state buildings.

Laid-Off Employees

A "laid-off employee" covered by the act is an employee (1) employed by an employer for at least six of the 12 months preceding March 10, 2020, and (2) whose most recent separation from active service with, or whose failure to be scheduled for customary seasonal work by, that employer occurred between March 10, 2020, and May 1, 2022, because of lack of business or a reduction or furlough of the employer's workforce due to the COVID-19 pandemic. This includes the executive orders issued under the current COVID-19 public health and civil preparedness emergencies. "Customary seasonal work" is work performed by an employee for approximately the same portion of each calendar year.

RECALL NOTICE AND PREFERENCE

Notice

The act requires an employer, within 30 days after laying off an employee before May 1, 2022, to submit an affidavit to the Department of Labor stating the reasons for the decision.

It also requires an employer, within five days after a job position becomes available, to notify each laid-off employee who is qualified for the position that the position is available. The notification must be sent in writing (1) to the laid-off employee's last known physical address or e-mail address, whichever is the usual and customary means for providing notices between the employer and employee, and (2) by text message to the employee's mobile phone, if the employer maintains the phone number.

Under the act, laid-off employees are qualified for a position if they (1) held the same or a similar position at the enterprise when they were most recently separated from service with the employer or (2) are or can be qualified for the position with the same training as a new employee hired for the position.

Recall Order and Job Offers

If more than one employee is qualified for a position, the act requires an employer to offer it to the employee with the greatest length of service at the employment site. An "employment site" under the act is the principal physical place where the laid-off employee performed the predominance of his or her duties before being laid off. But for a laid-off employee in building services or other industries where work is performed at locations other than the employer's administrative headquarters, it is any location served by the headquarters. An employee's "length of service" is the total amount of time that the employee was in active service, including the employee's time on leave or vacation.

The act requires that a job offer to a laid-off employee be at substantially the same employment site (which may be relocated within 25 miles). If the laid-off employee held the same or a similar position at the enterprise when he or she most recently separated from active service with the employer, then the job offer must also be in the same classification or job title and have substantially the same duties, compensation (including fringe benefits), and working conditions that the employee had immediately before March 10, 2020.

Under the act, an employer must give a laid-off employee who is offered a position at least five days to accept or decline the offer. If the employee does not respond within the time provided by the employer, then the offer is considered declined. If the employee timely declines due to underlying conditions related to contracting COVID-19 diagnosed by May 1, 2021, as evidenced by a medical note to the employer, then the employee retains the right to accept an available position for which he or she is qualified and all other rights under the act. The employee retains these rights until the current COVID-19 public health and civil preparedness emergencies, and any extensions of them, expire and the laid-off employee is reoffered a position. The act requires that rehired employees be allowed to work for at least 30 days unless there is just cause for their termination.

If an employer does not rehire a laid-off employee due to a lack of qualifications and instead hires someone else, then the act requires the employer to give the laid-off employee a written notice within 30 days after hiring the other individual. The notice must include the reasons for the decision.

Application of Act's Provisions

The act specifies that its provisions apply if:

1. the employer's form of organization changed after March 10, 2020;
2. another entity acquired substantially all the employer's assets and conducts the same or similar operations using substantially the same assets; or
3. the employer relocates the operations where the laid-off employee worked before March 10, 2020, to a different employment site within 25 miles of the original employment site.

The act also requires that its provisions apply to each laid-off employee, regardless of whether he or she is represented for collective bargaining or covered by a collective bargaining agreement. But it specifies that it (1) is not a violation for an employer to follow a different recall order of preference if it is required by a collective bargaining agreement and (2) does not invalidate or limit the rights, remedies, and procedures of any contract or agreement that provides equal or greater protection for laid-off employees.

The act also allows its provisions to be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. It specifies that unilateral implementation of terms and conditions of employment by either party to an agreement does not constitute and must not be allowed as a waiver.

EMPLOYEE PROTECTIONS AND ENFORCEMENT

The act prohibits employers from terminating, refusing to reemploy, reducing compensation, or taking any adverse action against anyone seeking to enforce their rights under the act or for (1) participating in proceedings related to the act, (2) opposing a violation of it, or (3) otherwise asserting their rights under it. It requires an employer that does so to give the laid-off employee a detailed written statement of the reason why when it takes these prohibited actions. The statement must include all the facts substantiating the employer's reason or reasons for taking the prohibited action and all facts known to the employer that contradict the substantiating facts.

The act allows a laid-off employee aggrieved by a violation to bring a civil action in Superior Court. If the court finds that the employer violated the act, it may enjoin the employer from engaging in the violation and order appropriate affirmative action (e.g., reinstatement or rehiring, back pay, and benefits) and any other equitable relief it deems appropriate.

If a court orders back pay, the act requires that the laid-off employee's interim earnings or amounts earnable with reasonable diligence be deducted from the back pay. However, any reasonable amounts that the laid-off employee spent searching for, obtaining, or relocating to new employment must be deducted from the interim earnings before they are deducted from the back pay.

Under the act, the court may also order compensatory and punitive damages if it finds that the employer committed the violation with malice or with reckless indifference to the act's requirements. It also requires courts to award attorney's fees and costs to a laid-off employee who prevails in a civil action.

PA 21-21—HB 6105

Planning and Development Committee

AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH CERTIFICATES BY ADULT ADOPTED PERSONS

SUMMARY: This act expands access to birth certificates for adopted persons age 18 and older and their adult children or adult grandchildren by allowing them to obtain an uncertified copy of the adoptee’s original birth certificate upon request, regardless of when the adoption occurred. Prior law provided this access only for adoptions finalized on or after October 1, 1983.

For adoptions before that date, prior law allowed access to the original certificate by these individuals only through a court order. If the birth parents were alive, the court could issue the order only with their consent or, in certain circumstances, the consent of a legal representative or guardian ad litem (GAL).

The act also transfers, from the Department of Public Health (DPH) to municipalities, the responsibility to issue the original birth certificate upon an eligible individual’s request. Specifically, it requires the registrar of vital statistics in the municipality of the adopted individual’s birth to issue the uncertified copy of the certificate to the adoptee age 18 or older or his or her adult child or adult grandchild. The registrar must do so within 30 days after a written request by these individuals. Prior law did not set a timeframe for DPH to issue these birth certificates.

The act similarly transfers, from DPH to municipalities, the responsibility to issue original birth certificates to certain relatives (e.g., adult descendants or biological siblings of the adoptee) upon a court order in cases where an adoptee is deceased. (In these cases, the same requirement to obtain consent from the living birth parents or a legal representative or GAL applies as noted above.)

The act also makes conforming and technical changes, including repealing certain expired reporting requirements. EFFECTIVE DATE: July 1, 2021, and changes to court petitions apply to petitions filed on and after July 1, 2021.

BACKGROUND

Adoptee Birth Certificates

In most cases, DPH seals the original birth certificate when a court notifies it that a child born in Connecticut has been adopted. It prepares a new certificate substituting the adoptive parents’ names for those appearing on the original certificate (CGS § 7-53).

PA 21-29—sHB 6107

Planning and Development Committee

AN ACT CONCERNING THE ZONING ENABLING ACT, ACCESSORY APARTMENTS, TRAINING FOR CERTAIN LAND USE OFFICIALS, MUNICIPAL AFFORDABLE HOUSING PLANS AND A COMMISSION ON CONNECTICUT’S DEVELOPMENT AND FUTURE

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[§§ 1, 6, 7 & 10 — AS OF RIGHT ACCESSORY APARTMENTS](#)

Requires municipalities that zone under CGS § 8-2 to adopt or amend regulations to allow ADUs as of right on the same lot as single-family homes unless they follow the act’s opt-out process; specifies that these units will not count toward a municipality’s base housing stock calculation for purposes of the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g); modifies the definition of ADU for purposes of the appeals procedure; specifies that the addition of an ADU on a lot does not make the sewerage system a “community sewerage system”

[§ 2 — APPLICATION AND TECHNICAL CONSULTANT FEES](#)

Limits municipal authority to charge disproportionality higher land use application fees for larger residential projects; authorizes municipalities to charge technical consultant fees

[§§ 3 & 4 — CGS § 8-2: REORGANIZATION AND MINOR CHANGES](#)

Reorganizes the Zoning Enabling Act (CGS § 8-2, which applies to municipalities exercising zoning powers under the statutes) and makes minor, technical, and conforming changes

§ 4 — CGS § 8-2: REQUIRED GOALS AND CONSIDERATIONS

Eliminates a requirement that zoning regulations be (1) designed to prevent overcrowding and undue population concentration and (2) made with reasonable consideration as to the “character” of a district; requires that regulations provide for varied housing opportunities and affirmatively further the purposes of the federal Fair Housing Act; requires regulations to be designed to protect historic, tribal, cultural, and environmental resources

§§ 4 & 5 — CGS § 8-2: PROHIBITED PROVISIONS

Prohibits regulations from (1) prohibiting cottage food operations in a residential zone; (2) placing a cap on the number of dwellings in multifamily, middle, or mixed-use developments; or (3) establishing minimum floor area requirements for dwelling units; limits local authority to require the provision of parking spaces

§ 4 — CGS § 8-2: OPTIONS FOR PROMOTING CONSERVATION

Expands the energy conservation tools and renewable energy types a municipality can promote, including explicitly authorizing regulations to require certain conservation measures

§ 4 — CGS § 8-2: REGULATING MOBILE MANUFACTURED HOMES

Specifies how regulations must treat mobile manufactured homes and associated lots

§ 8 — ZONING ENFORCEMENT OFFICER CERTIFICATION

Beginning January 1, 2023, requires all appointed ZEOs to obtain and maintain certification from the state’s professional ZEO association

§ 9 — BIENNIAL TRAINING FOR CERTAIN LAND USE OFFICIALS

Requires local planning and zoning officials to complete at least four hours of training biennially

§ 11 — WATER POLLUTION CONTROL PLANS

Allows WPCAs to add information about sewer system capacity for certain areas to municipal water pollution control plans

§ 12 — AFFORDABLE HOUSING PLANNING REQUIREMENT

Specifies that municipalities must prepare and adopt their first plans by June 1, 2022; requires plans to be submitted to OPM

§ 13 — COMMISSION ON CONNECTICUT’S DEVELOPMENT AND FUTURE

Establishes a commission within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure

BACKGROUND

§§ 1, 6, 7 & 10 — AS OF RIGHT ACCESSORY APARTMENTS

Requires municipalities that zone under CGS § 8-2 to adopt or amend regulations to allow ADUs as of right on the same lot as single-family homes unless they follow the act’s opt-out process; specifies that these units will not count toward a municipality’s base housing stock calculation for purposes of the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g); modifies the definition of ADU for purposes of the appeals procedure; specifies that the addition of an ADU on a lot does not make the sewerage system a “community sewerage system”

Definitions

Under the act, an “accessory apartment” (also referred to as an accessory dwelling unit or “ADU”) means a separate dwelling unit that (1) is located on the same lot as a principal dwelling unit of greater square footage; (2) has cooking facilities; and (3) complies with or is otherwise exempt from any applicable building code, fire code, and health and safety regulations.

The act specifies that “as of right” means able to be approved without requiring (1) a public hearing; (2) a variance, special permit, or special exception; or (3) other discretionary zoning action, other than a determination that a site plan conforms with applicable zoning regulations.

Regulation Adoption Requirement

The act requires municipalities that exercise powers under CGS § 8-2 (the Zoning Enabling Act) to adopt regulations (1) allowing one ADU as of right on each lot that contains a single-family dwelling and (2) designating other areas where ADUs are allowed. But the act also creates an opt-out process, as described below.

The act specifies that municipalities cannot require as of right ADUs sharing a lot with a single-family home to be preserved for lower-income families (i.e., an “affordable accessory apartment,” which, generally, is a deed restricted unit made affordable for households with incomes that do not exceed 80% of the median income).

If a municipality does not opt out and does not amend or adopt ADU regulations by January 1, 2023, the act requires the municipality to review ADU permit applications in accordance with the act’s regulation requirements until the regulations are amended or adopted. A municipality may not use or impose additional standards beyond those set forth in the act. The act deems noncompliant regulations to be null and void.

Opt-Out Process

Until January 1, 2023, the act allows municipalities to opt out of the act’s as of right ADU provisions. To do so, the municipality’s zoning or combined planning and zoning commission must:

1. first hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings;
2. affirmatively decide by a two-thirds vote to opt out within the statutory time limit (generally within 65 days of the hearing’s completion);
3. state in the record the reasons for its decision; and
4. publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

The act requires the opt-out to be confirmed by a two-thirds vote of the municipal legislative body (or if it is a town meeting, the board of selectmen).

As of Right Permitting

The act requires regulations to establish an as of right permit application and review process for ADUs. The process must require the zoning or planning and zoning commission to decide within 65 days after an application unless an applicant approves an extension or extensions of up to 65 days total or withdraws the application.

Under the act, municipalities cannot condition ADU approval on the correction of a nonconforming use, structure, or lot or require fire sprinklers unless they are also required in the principal dwelling or by the fire code.

Regulation Contents

Under the act, the ADU zoning regulations must:

1. allow attached and detached ADUs and ADUs contained within the principal dwelling unit;
2. set a maximum net floor area for ADUs that is the lesser of (a) at least 30% of the principal dwelling’s net floor area or (b) 1,000 square feet (but regulations may allow a larger net floor area for ADUs);
3. require setbacks, lot size, and building frontage less than or equal to that which is required for the principal dwelling;
4. require lot coverage greater than or equal to that which is required for the principal dwelling; and
5. provide for height, landscaping, and architectural design standards that do not exceed standards applied to single-family dwellings in the municipality.

Regulations cannot require:

1. a passageway between the ADU and principal dwelling;

2. an exterior door for an ADU, except as required by the applicable building or fire code;
3. more than one parking space for the ADU or fees in lieu of parking;
4. a familial, marital, or employment relationship between the principal dwelling unit's occupants and the ADU's occupants;
5. a minimum age for ADU occupants;
6. separate billing of utilities otherwise connected to, or used by, the principal dwelling unit; or
7. periodic ADU permit renewal.

The act further specifies that it does not supersede applicable building code requirements or other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment must not be unreasonably withheld.

Additionally, the act prohibits municipalities, special districts, and sewer or water authorities from (1) considering an ADU to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling on the same lot or (2) requiring the installation of a new or separate utility connection directly to an ADU or imposing a related connection fee or capacity charge.

Under existing law, a community sewer system is a sewer system service for at least two residences in separate structures that is (1) not connected to a municipal sewer system or (2) connected to it as a distinct and separately managed segment of the system. The act specifies that a "community sewerage system" does not include a system serving only a principal dwelling and ADU located on the same lot.

The act does not prevent municipalities from prohibiting or limiting the use of ADUs for short-term rentals or vacation stays.

Housing Stock Calculation Under CGS § 8-30g

The Department of Housing (DOH) annually promulgates a list identifying the housing stock in each municipality that qualifies as affordable housing under the Affordable Housing Land Use Appeals Procedure (see BACKGROUND). The list, based on U.S. Census data, provides this information as a percentage of the total housing stock in the municipality (see CGS §§ 8-30g(k) & 8-37qqq(a)(2)(D)). The act specifies that ADUs built or permitted after January 1, 2022, but that are not subject to deed restrictions that qualify them as affordable housing will not increase a municipality's base (market-rate) housing stock calculation. Therefore, as of right ADUs will not increase the amount of affordable housing that a municipality must have to obtain or maintain an exemption or moratorium from the procedure.

The act also aligns the definition of "accessory apartment" under the appeals procedure with the act's definition of ADU.

EFFECTIVE DATE: January 1, 2022, for the main ADU provisions (§ 6) and October 1, 2021, for the definitions and conforming changes (§§ 1, 7 & 10).

§ 2 — APPLICATION AND TECHNICAL CONSULTANT FEES

Limits municipal authority to charge disproportionality higher land use application fees for larger residential projects; authorizes municipalities to charge technical consultant fees

Existing law allows municipalities, by ordinance, to set reasonable fees for processing applications submitted to the planning, zoning, or planning and zoning commission; the zoning board of appeals; or inland wetlands commission. The act prohibits adopting a fee schedule that imposes higher fees on developments built following an appeal brought under the Affordable Housing Land Use Appeals Procedure (CGS § 8-30g). It also prohibits using a fee schedule charging more because a residential building has more than four units, including higher fees per unit, per square footage, or per unit of construction cost.

The act additionally allows municipalities to adopt regulations establishing reasonable technical consultant fees for applications made to the abovementioned boards and commissions. The fees must be used to pay consultants who have expertise in land use to review particular technical aspects of an application (e.g., traffic or stormwater) for the benefit of the commission or board.

The fees must be accounted for separately and may only be used for technical review costs. The fees cannot be used to pay a consultant who is a salaried employee of the municipality, commission, or board. Leftover amounts, including any interest accrued, must be returned to the applicant within 45 days after the review is complete.

EFFECTIVE DATE: October 1, 2021

§§ 3 & 4 — CGS § 8-2: REORGANIZATION AND MINOR CHANGES

Reorganizes the Zoning Enabling Act (CGS § 8-2, which applies to municipalities exercising zoning powers under the statutes) and makes minor, technical, and conforming changes

The act makes various minor, technical, and conforming changes to the Zoning Enabling Act, which applies to municipalities that exercise zoning powers under the statutes (as opposed to a special act).

Among these, the act specifies that when a municipality is contiguous to, or on a navigable waterway that drains to, Long Island Sound, its regulations must require the zoning commission to consider a proposed development's environmental impact on Long Island Sound's coastal resources, rather than impacts on Long Island Sound generally. By law, "coastal resources" means coastal waters and their natural resources, related marine and wildlife habitat, and adjacent shorelands (CGS § 22a-93).

The act specifically authorizes municipalities to use a vehicle's estimated miles traveled and vehicle trips generated standard instead of, or in addition to, a "level of service" traffic calculation when assessing (1) a proposed development's anticipated traffic impact and (2) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks, or bus shelters (including off-site).

The act specifies that regulations may provide for floating zones, overlay zones, and planned development districts. (Connecticut courts have held that CGS § 8-2 implicitly grants municipalities the power to use these techniques.)

The act also makes technical and conforming changes to the temporary health care structure law (§ 3).

EFFECTIVE DATE: October 1, 2021

§ 4 — CGS § 8-2: REQUIRED GOALS AND CONSIDERATIONS

Eliminates a requirement that zoning regulations be (1) designed to prevent overcrowding and undue population concentration and (2) made with reasonable consideration as to the "character" of a district; requires that regulations provide for varied housing opportunities and affirmatively further the purposes of the federal Fair Housing Act; requires regulations to be designed to protect historic, tribal, cultural, and environmental resources

Required Goals

The act eliminates the requirement that zoning regulations be designed to prevent the overcrowding of land and avoid undue concentration of population.

The act requires that regulations be designed to do the following:

1. protect the state's historic, tribal, cultural, and environmental resources;
2. consider the impact of permitted land uses on contiguous municipalities and the planning region;
3. address significant disparities in housing needs and access to educational, occupational, and other opportunities;
4. affirmatively further the purposes of the federal Fair Housing Act; and
5. promote efficient review of proposals and applications.

Consideration of Character

Prior law required that zoning regulations be made with (1) reasonable consideration as to the character of the district and its peculiar suitability for particular uses and (2) a view toward conserving the buildings' value and encouraging the most appropriate use of land throughout a municipality. The act eliminates the broad requirement that regulations consider character and preserve property values. Instead, it requires consideration of a district's physical site characteristics and its peculiar suitability for particular uses, with a view toward encouraging the most appropriate use of land throughout a municipality.

The act also specifies that regulations cannot be applied to deny a land use application (including site plans, special permits or exceptions, or other zoning approval) based upon:

1. a district's character unless the character is expressly articulated in regulations with clear and explicit physical standards for site work and structures or
2. the immutable characteristics, income source, or income level of an applicant or end user (other than age or disability, in the case of age-restricted or disability-restricted housing).

Providing Housing Opportunities

In addition to the housing-related provisions above, the act requires zoning regulations to provide for, rather than encourage, the development of housing opportunities for all residents of the municipality and local planning region. This includes opportunities for multifamily dwellings consistent with soil types, terrain, and infrastructure capacity.

The act requires zoning regulations to expressly allow, rather than encourage, housing that meets the needs identified in the state's Consolidated Plan for Housing and Community Development and Plan of Conservation and Development.

EFFECTIVE DATE: October 1, 2021

§§ 4 & 5 — CGS § 8-2: PROHIBITED PROVISIONS

Prohibits regulations from (1) prohibiting cottage food operations in a residential zone; (2) placing a cap on the number of dwellings in multifamily, middle, or mixed-use developments; or (3) establishing minimum floor area requirements for dwelling units; limits local authority to require the provision of parking spaces

The act prohibits zoning regulations from:

1. prohibiting cottage food operations (i.e., operations in which food products are prepared in a private residential dwelling's home kitchen and for sale directly to the consumer) in a residential zone;
2. establishing minimum floor area requirements for dwelling units that are greater than those required under applicable building, housing, or other code; or
3. placing a fixed numerical or percentage cap on the number of dwelling units permitted in multifamily housing over four units, middle housing, or mixed-use developments.

Under the act, "middle housing" refers to duplexes, triplexes, quadplexes, cottage clusters, and townhouses. A "cottage cluster" is a grouping of at least four detached housing units or live work units per acre that are located around a common open area. A "mixed-use development" is a development containing residential and nonresidential uses in a single building. A "townhouse" is a residential building constructed in a grouping of three or more attached units, each of which shares at least one common wall with an adjacent unit and has exterior walls on at least two sides.

The act also prohibits regulations from requiring more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms unless the municipality opts out as authorized under the act.

To opt out of the act's parking provision, the municipality's zoning or combined planning and zoning commission must do the following:

1. first hold a public hearing on the proposed opt-out, subject to the standard notice and timeframes for such hearings;
2. affirmatively decide by a two-thirds vote to opt out within the statutory time limit (generally within 65 days of the hearing's completion);
3. state in the record the reasons for its decision; and
4. publish notice of the decision within 15 days in a newspaper that has substantial circulation in the municipality.

The act requires the opt-out to be confirmed by a two-thirds vote of the municipal legislative body (or, if it is a town meeting, the board of selectmen).

EFFECTIVE DATE: October 1, 2021

§ 4 — CGS § 8-2: OPTIONS FOR PROMOTING CONSERVATION

Expands the energy conservation tools and renewable energy types a municipality can promote, including explicitly authorizing regulations to require certain conservation measures

Prior law allowed zoning regulations to encourage the use of certain energy conservation tools, including solar. The act instead allows the regulations to require or promote these and specifically includes distributed generation or freestanding wind and combined heat and power.

The act also expands the conservation tools that municipalities can incentivize developers' use of to include any solar and other renewable forms of energy; combined heat and power; water conservation, including demand offsets; and other energy conservation techniques. Prior law specifically addressed only passive solar techniques.

EFFECTIVE DATE: October 1, 2021

§ 4 — CGS § 8-2: REGULATING MOBILE MANUFACTURED HOMES

Specifies how regulations must treat mobile manufactured homes and associated lots

Under prior law, zoning regulations adopted under CGS § 8-2 could not treat manufactured homes and lots substantially differently from single-family dwellings and lots with those dwellings. Additionally, prior law specified that under such regulations, manufactured home developments could not be treated substantially differently from multifamily dwellings or associated lots, cluster developments, or planned unit developments.

The act instead prohibits regulations from imposing on manufactured homes, including mobile homes and associated lots and parks, conditions that are substantially different from those imposed on single- or multi-family dwellings and associated lots, cluster developments, or planned unit developments. The act removes references to manufactured home developments for these purposes.

As under prior law, these provisions apply to manufactured homes built to federal standards and with a narrowest dimension of 22 feet or more.

EFFECTIVE DATE: October 1, 2021

§ 8 — ZONING ENFORCEMENT OFFICER CERTIFICATION

Beginning January 1, 2023, requires all appointed ZEOs to obtain and maintain certification from the state's professional ZEO association

Beginning January 1, 2023, and annually thereafter, the act requires zoning enforcement officers (ZEOs) working in municipalities that exercise zoning authority under the statutes to obtain certification from the Connecticut Association of ZEOs. The act requires ZEOs to maintain certification for the duration of their employment as ZEOs.

By law, each municipality decides how its zoning regulations are enforced. In practice, the zoning or combined planning and zoning commission may reserve the enforcement power to itself, or it may be delegated to a ZEO. ZEOs may be responsible for (1) investigating zoning violations and issuing cease and desist orders and (2) reviewing and providing an advisory opinion on applications for special permits, site plans, subdivisions, and variances.

EFFECTIVE DATE: October 1, 2021

§ 9 — BIENNIAL TRAINING FOR CERTAIN LAND USE OFFICIALS

Requires local planning and zoning officials to complete at least four hours of training biennially

Beginning January 1, 2023, the act requires each member of a local planning commission, zoning commission, planning and zoning commission, or zoning board of appeals to complete at least four hours of training biennially.

Members serving on a board or commission as of January 1, 2023, must complete their initial training by January 1, 2024. Members not serving on January 1, 2023, must complete the training within one year after being elected or appointed to the board or commission.

The initial and subsequent training must include at least one hour on affordable and fair housing policies. Training may also cover:

1. process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act;
2. the interpretation of site plans, surveys, maps, and architectural conventions; and
3. the impact of zoning on the environment, agriculture, and historic resources.

By January 1, 2022, the act requires the Office of Policy and Management secretary to establish guidelines for the training in collaboration with land use training providers, including the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Land Use Academy at UConn's Center for Land Use Education and Research, the Connecticut Bar Association, regional councils of governments, and other nonprofit or educational institutions that provide land use training. If the secretary fails to establish the guidelines, then land use training providers may create and administer appropriate training.

The act requires each board or commission, starting by March 1, 2024, to annually submit to its municipal legislative body (or board of selectmen, if a town meeting) a statement affirming its members' compliance with the act's training requirement.

EFFECTIVE DATE: Upon passage

§ 11 — WATER POLLUTION CONTROL PLANS

Allows WPCAs to add information about sewer system capacity for certain areas to municipal water pollution control plans

By law, water pollution control plans created by municipal water pollution control authorities (WPCAs) delineate areas such as those (1) served by the municipal sewerage system, (2) where sewerage facilities are planned, and (3) where sewers should be avoided. The plans also describe municipal programs to avoid pollution problems and manage subsurface sewage disposal.

The act allows WPCAs to delineate in these plans the specific capacity allocations to serve developable areas for residential or mixed-use buildings with at least four dwelling units.

EFFECTIVE DATE: October 1, 2021

§ 12 — AFFORDABLE HOUSING PLANNING REQUIREMENT

Specifies that municipalities must prepare and adopt their first plans by June 1, 2022; requires plans to be submitted to OPM

Existing law requires every municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan specifying how the municipality will increase the number of affordable housing developments in its jurisdiction. The act specifies that municipalities must prepare and adopt their first plans by June 1, 2022. The act also requires municipalities to post their draft plan or updates online. Under prior law, this was only required if they held a public hearing on the draft plan or updates. (As under prior law, if they hold a hearing, they must post the draft plan online at least 35 days beforehand.) It eliminates a requirement that the draft plan or amendment be filed with the town clerk.

The act requires municipalities to submit their plans to OPM for posting on its website. Under prior law, if a municipality did not comply with plan amendment deadlines, it had to submit a letter to the housing commissioner explaining why. The act instead requires them to submit the letter to OPM and, in providing this explanation, specify a date by which the plan will be amended.

The act also authorizes municipalities to submit their affordable housing plans as part of their local plan of conservation and development (POCD). Those doing so may submit their affordable housing plan early to coincide with a POCD submission, so long as their next submission is five years later. (POCDs are due every 10 years.)

EFFECTIVE DATE: Upon passage

§ 13 — COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE

Establishes a commission within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure

The act establishes a Commission on Connecticut's Development and Future within the Legislative Department to evaluate policies related to land use, conservation, housing affordability, and infrastructure.

The act specifies that the commission may accept administrative support and technical and research assistance from employees of the Joint Committee on Legislative Management and outside organizations. The co-chairpersons may establish working groups consisting of commission members and nonmembers and may designate a chairperson of each working group.

Membership

The commission consists of the following members:

1. two appointed by the House speaker, one who is a legislator and one who represents a municipal advocacy organization;
2. two appointed by the Senate president pro tempore, one who is a legislator and one who has expertise in state or local planning;
3. two appointed by the House majority leader, one who has expertise in state affordable housing policy and one who represents a town with a population over 30,000 but less than 75,000;
4. two appointed by the Senate majority leader, one who has expertise in zoning policy and one with expertise in community development policy;

5. two appointed by the House minority leader, one who has expertise in environmental policy and one who represents a municipal advocacy organization;
6. two appointed by the Senate minority leader, one who represents the Connecticut Association of Councils of Governments and one with expertise in homebuilding;
7. two appointed by the governor, one who is an attorney with expertise in planning and zoning and one who has expertise in fair housing;
8. the chairs and ranking members of the Planning and Development, Environment, Housing, and Transportation committees;
9. the administrative services, economic and community development, energy and environmental protection, housing, and transportation commissioners, or their designees; and
10. the OPM secretary.

The House speaker and Senate president pro tempore cannot appoint as their legislative appointees a chair or ranking member of the Planning and Development, Environment, Housing, or Transportation committee. The act requires appointing authorities, in cooperation with one another, to make a good faith effort to ensure that, to the extent possible, the commission's membership closely reflects Connecticut's gender and racial diversity.

Members serve without compensation, except for necessary expenses incurred in the performance of their duties. Appointing authorities must fill any vacancy.

The House speaker and Senate president pro tempore must jointly select one of their legislative appointments to serve as one of the chairpersons. The OPM secretary serves as the other chairperson. The chairpersons are responsible for scheduling the first commission meeting.

Responsibilities

By January 1, 2022, and again by January 1, 2023, the commission must submit a report to the Planning and Development, Environment, Housing, and Transportation committees and to the OPM secretary regarding the following:

1. any recommendations for statutory changes to the process for developing, adopting, and implementing the state plan of conservation and development;
2. any recommendations for (a) statutory changes to the process for developing and adopting the state's consolidated plan for housing and community development and (b) implementing it;
3. any recommendations for guidelines and incentives for compliance with the law's (a) affordable housing planning requirement (see above, § 12) and (b) requirements under the Zoning Enabling Act that zoning regulations provide opportunities for developing varied housing opportunities, promote housing choice and economic diversity in housing, and expressly allow for housing to be developed that meets the needs identified in the state's consolidated plan for housing and community development and plan of conservation and development;
4. any recommendations as to how such compliance should be determined, as well as the form and manner in which evidence of such compliance should be demonstrated;
5. (a) existing categories of discharge that constitute alternative on-site sewage treatment systems, subsurface community sewerage systems, and decentralized systems; (b) current administrative jurisdiction to issue or deny permits and approvals for these systems (with reference to these systems' daily capacities); and (c) the potential impacts of increasing their daily capacities, including changes in administrative jurisdiction over these systems and the timeframe for adopting regulations to implement these changes; and
6. development of (a) model design guidelines for both buildings and context-appropriate streets that municipalities may adopt, in whole or in part, as part of their zoning or subdivision regulations as described below and (b) implementation by the regional councils of governments of an education and training program for delivering the model design guidelines.

Under the act, the report on model design guidelines must provide guidelines that:

1. identify common architectural and site design features of building types used throughout Connecticut;
2. create a catalogue of common building types, particularly those typically associated with housing;
3. establish reasonable and cost-effective design review standards for approval of common building types, accounting for topography, geology, climate change, and infrastructure capacity;
4. establish procedures for expediting the approval of buildings or streets that satisfy these design review standards, whether for zoning or subdivision regulations; and
5. create a design manual for context-appropriate streets that complements common building types.

The act specifies that the provision requiring the commission to provide recommendations related to compliance with the state's affordable housing planning requirement should not be construed to change municipalities' obligation to adopt or amend their plans on-time.

If the commission is unable to meet the first reporting deadline (January 1, 2022), the co-chairpersons must request an extension from the House speaker and Senate president pro tempore and must submit an interim report. The commission terminates when it submits its final report or January 1, 2023, whichever is later.

EFFECTIVE DATE: Upon passage

BACKGROUND

Affordable Housing Land Use Appeals Procedure (CGS § 8-30g)

The procedure requires municipal planning and zoning agencies (“municipalities”) to defend their decisions to reject affordable housing development applications or approve them with costly conditions. In traditional land use appeals, the developer must convince the court that the municipality acted illegally, arbitrarily, or abused its discretion. The procedure instead places the burden of proof on municipalities.

With limited exceptions, developers can use the appeals procedure to contest a municipality’s decision on an affordable housing development application submitted to a municipality if (1) fewer than 10% of the municipality’s housing units are affordable, based on certain statutory criteria, and (2) the municipality has not qualified for a moratorium (i.e., a temporary suspension of procedure following a relatively rapid increase in affordable housing stock).

By law, DOH annually publishes a list of housing stock in each municipality that qualifies as affordable housing.

PA 21-41—SB 700

Planning and Development Committee

AN ACT CONCERNING THE DISCLOSURE OF DAMS AND SIMILAR STRUCTURES BY SELLERS OF REAL PROPERTY

SUMMARY: This act adds a question about dams to the standard written residential condition report that the law generally requires a seller of residential property to provide to a prospective buyer before the transaction occurs.

Under the act, the report must include a question about the presence of dams that have been, or must be, registered with the Department of Energy and Environmental Protection (DEEP). (State law requires dams and similar structures that could endanger life or property if they fail to be registered with DEEP (CGS § 22a-409(b)).)

The act also requires the report to have a statement informing prospective buyers that they may obtain information on dam registration and categorization from DEEP. (State regulations classify dams by the hazard they would pose if they fail (Conn. Agencies Regs. § 22a-409-2).)

EFFECTIVE DATE: October 1, 2021

PA 21-73—sHB 6643

Planning and Development Committee

AN ACT CONCERNING MUNICIPAL TAXATION ASSISTANCE PROGRAMS AND THE MUNICIPAL PROPERTY TAX WAIVER

SUMMARY: This act increases the maximum total property tax bill that a municipality’s legislative body may waive, from less than \$25 to less than \$100.

It additionally allows municipalities and taxing districts to adopt programs for FYs 22 and 23 to provide certain temporary property tax or municipal utility charge relief to residents, businesses, and nonprofits (i.e., taxpayers), as long as the municipality’s legislative body, or taxing district’s board of directors, approves the program. The act authorizes municipalities and taxing districts to establish these programs regardless of any conflicting state statutes regarding taxing districts or local taxes, special acts, charters, home rule ordinances, or local laws.

EFFECTIVE DATE: July 1, 2021

OPTIONAL RELIEF PROGRAMS

Under the act, municipalities and taxing districts may, with approval from their legislative body or board of directors, establish programs that:

1. allow taxpayers to defer payments for 90 days from the date they are due or
2. lower the interest rate (generally from 1.5% to 0.25% per month) on late payments for 90 days from the date they become due.

Under either program, the relief may apply to property taxes (including those owed on real and personal property and motor vehicles) or municipal water, sewer, or electric rates, charges, or assessments (i.e., municipal utility charges).

Payment Deferral

Municipalities and districts that offer a payment deferral program must allow taxpayers to defer property tax or municipal utility payments for 90 days after the due date. Under existing law, unchanged by the act, taxpayers generally have a one-month grace period, after which interest accrues from the due date (CGS § 12-146).

Lowered Interest Rate

Municipalities and districts that adopt a program to lower interest rates must subject delinquent property tax and municipal utility payments to an interest rate of 0.25% per month (3% per year) for 90 days after they become due, unless the full amount is paid sooner or the interest rate under existing law is lower. After the 90-day period expires, any unpaid amount is subject to the penalties and interest rate specified under existing law.

Generally, municipal property taxes accrue interest at a rate of 1.5% per month (18% per year) for each month or part of a month that elapses between the due date and the payment date (CGS § 12-146). The same rate typically applies to municipal utility charges.

BACKGROUND

Existing Authority to Waive Interest

Existing law limits municipalities' statutory authority to waive interest on delinquent property taxes to certain specific situations (e.g., if the tax collector and assessor jointly determine that the tax delinquency is the result of an error by either official (CGS § 12-145)). Additionally, they must waive the interest for a taxpayer who is a crime victim and who has received compensation from the state's Criminal Injuries Compensation Fund, and for certain active military members (CGS §§ 12-146 and 12-146e).

Related Executive Orders (EOs)

EOs 7S, § 6, and 7W, § 1, established a similar deferment program and low interest rate program and required municipalities to participate in one or both programs.

PA 21-83—HB 6420

Planning and Development Committee

AN ACT CONCERNING THE PROPERTY TAX EXEMPTION FOR CERTAIN MUNICIPAL VOLUNTEERS

SUMMARY: This act increases the maximum property tax exemption that municipalities may provide to certain active and retired volunteer emergency personnel, making it equal to the maximum amount of relief municipalities may provide these individuals through abatements (i.e., \$2,000).

By law, a municipality may provide tax relief by ordinance to qualifying volunteer emergency personnel (see BACKGROUND) in the form of either an abatement or an exemption. An abatement is a reduction in the amount of taxes owed; an exemption is a reduction in the property's assessed value for tax purposes.

The act increases the maximum exemption amount from \$1 million to \$2 million, divided by the municipality's mill rate (expressed as a whole number per \$1,000 of assessed value) at the time of the assessment. By doing so, it increases

from \$1,000 to \$2,000 the maximum amount of tax relief for exemption recipients.

The act also makes a technical change.

EFFECTIVE DATE: July 1, 2021, and applicable to assessment years beginning on and after October 1, 2021.

BACKGROUND

Tax Relief for Volunteer Emergency Personnel

By law, municipalities may provide tax relief by ordinance to the following types of active and retired volunteers:

1. local emergency management directors;
2. firefighters and fire police officers;
3. emergency medical technicians;
4. paramedics;
5. civil preparedness staff;
6. active members of a volunteer canine search and rescue team;
7. active members of a volunteer underwater search and rescue team;
8. ambulance drivers in the municipality; and
9. retired volunteer firefighters, police officers, or emergency medical technicians who have completed at least 25 years of service in those roles.

The tax relief ordinance may also authorize interlocal agreements for providing tax relief to certain active and retired volunteers who live in one municipality but volunteer or volunteered their services in another municipality.

PA 21-120—sHB 6646

Planning and Development Committee

AN ACT CONCERNING CRUMBLING CONCRETE FOUNDATIONS

SUMMARY: This act makes various changes in state law concerning “crumbling foundations.” (Generally, this means concrete foundations that are failing or deteriorating due to the presence of pyrrhotite.)

It makes the Connecticut Foundation Solutions Indemnity Company (CFSIC) permanent by eliminating the prior law’s June 30, 2022, termination date and adds two gubernatorial appointees to its board of directors (§§ 2 & 3). The act also requires CFSIC to study the extent of pyrrhotite-related foundation damage in nonresidential buildings and remits up to \$175,000 from the Healthy Homes Fund for the study’s expenses (§§ 4 & 5). (CFSIC is the statutorily created captive insurance company that distributes money to homeowners with crumbling foundations.)

The act requires concrete aggregate quarry operators to test and report on their aggregate’s total sulfur content (“total S”). It imposes restrictions on the use of aggregate that has a relatively high total S and, in certain circumstances, requires additional testing to identify the presence of pyrrhotite. The act authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to adopt regulations on aggregate testing and impose restrictions on aggregate that contains pyrrhotite (§ 9).

The act also:

1. eliminates the five-year cap on reduced assessments for properties made with defective concrete (§ 1) and
2. requires concrete aggregate quarries to (a) submit an operations plan to the state geologist and DEEP commissioner annually and (b) prepare a geological source report (GSR) every four years and submit it to the same entities (§ 8).

Additionally, the act permanently exempts certain executive branch agency records related to faulty or failing concrete foundations in residential buildings from disclosure under the Freedom of Information Act (FOIA) and applies the exemption to the same types of records held by public higher education institutions (§ 6). The act requires executive branch agencies to keep information about claims of faulty or failing foundations confidential in perpetuity (§ 7).

EFFECTIVE DATE: July 1, 2021, except the provision on assessments (§ 1) is effective upon passage.

§ 1 — REDUCED ASSESSMENT FOR PROPERTIES WITH DEFECTIVE FOUNDATIONS

By law, municipal assessors or their staff must inspect and reassess residential properties with foundations made from defective concrete at the property owner’s request. Under prior law, the adjusted assessment was valid for five assessment

years unless the foundation is repaired or replaced sooner. The act eliminates the five-year maximum, thus allowing property owners to benefit from a reduced assessment until their foundation is repaired or replaced. The property's assessment must be updated with each revaluation and reflect any diminished value.

§ 2 — CFSIC BOARD OF DIRECTORS

The act requires the governor to appoint two members to CFSIC's volunteer board of directors, one of whom must be a nonvoting, ex-officio member. (PA 21-2, June Special Session (JSS), § 58, repeals the requirement that one appointee be an ex-officio member and replaces it with a provision specifying that the non-voting appointee is considered an ex-officio member under CFSIC's adopted bylaws.)

By law, CFSIC's board of directors includes four legislatively appointed non-voting ex-officio members, as well as several members with experience related to various aspects of crumbling concrete foundations, including a real estate broker or agent; a municipal chief executive; insurance and banking industry representatives; and the executive directors of the Capitol Region and Northeastern Councils of Governments.

§§ 4 & 5 — STUDY OF NONRESIDENTIAL CRUMBLING CONCRETE DAMAGE

By January 1, 2023, the act requires CFSIC to submit a report to the Insurance and Real Estate and Planning and Development committees analyzing the extent of pyrrhotite-related concrete foundation damage in nonresidential buildings.

The act also requires the Department of Housing to remit up to \$175,000 from surcharge remittances transferred to the Healthy Homes Fund during the 2021 calendar year to CFSIC for research, development, and administrative expenses related to the report described above. (The Healthy Homes Fund includes revenue from an annual \$12 surcharge that existing law imposes on the named insured under certain homeowners insurance policies.)

However, the act specifies that this amount must not be used in calculating the total funds allocated or made available to CFSIC for administrative or operational expenses. (By law, CFSIC may not spend more than 10% of its annual allocations on administrative or operational costs (CGS § 38a-91v(c)).)

§ 6 — DISCLOSURE UNDER FOIA

Existing law exempts from disclosure under FOIA (1) documents executive branch agencies have on claims of faulty or failing concrete foundations in residential buildings by the buildings' owners and (2) associated agency-prepared documents. Under prior law, the disclosure protection lasted until the later of May 25, 2023, or seven years after the agency received the documents. The act makes the disclosure exemption permanent.

The act also makes minor changes that specify which records are covered. Under the act, the executive branch agency protection applies to (1) any records the agencies maintain or keep on file related to claims of, or testing for, faulty or failing residential concrete foundations, rather than only those related to owners' claims, and (2) both documents and materials the agencies prepare related to the records.

Lastly, the act extends disclosure protection to records public higher education institutions maintain or keep on file, or documents or materials the institutions prepare, concerning claims of and testing for faulty or failing concrete foundations.

§ 7 — CONFIDENTIALITY OF INFORMATION

Prior law generally required executive branch agencies to keep documentation they receive or obtain related to owners' claims of faulty or failing residential concrete foundations and related agency-prepared materials confidential for at least seven years from the date of receipt. The act instead requires this information to be kept confidential permanently.

§ 8 — GSR AND OPERATIONS PLAN REQUIREMENT

Geological Source Report (GSR)

By January 1, 2022, the act requires the operator of each quarry established on or before July 1, 2021, that produces concrete aggregate to prepare a GSR and submit it to the state geologist and DEEP commissioner. Similarly, before using or selling concrete aggregate, the operator of a new quarry must prepare and submit a GSR.

Under the act, each concrete aggregate quarry must update and submit its GSR quadrennially.

GSR Requirements

The GSR must be prepared as the commissioner requires and must include:

1. a description of the (a) operator's mining, processing, storage, and quality control methods; (b) products the quarry will produce; and (c) characteristics of the aggregate to be excavated, prepared by a qualified geologist;
2. the results of an inspection of face material and geologic log analysis, completed by a qualified geologist; and
3. core sample analyses completed by a qualified geologist, unless the quarry is active and the commissioner determines the quarry's performance history is satisfactory (PA 21-2, JSS, § 59, requires these analyses to be representative core sample analyses evaluated through petrography).

A "qualified geologist" is a geologist certified by the American Institute of Professional Geologists, licensed by the National Association of State Boards of Geology, or certified or licensed by another organization deemed suitable by the state geologist.

Operations Plan

By January 1, 2022, and annually thereafter, the act requires concrete aggregate quarry operators to provide the quarry's operations plan to the state geologist and DEEP commissioner.

§ 9 — ANNUAL AGGREGATE TESTING

Beginning July 1, 2022, and at least annually thereafter, the operator of each quarry that sells or provides aggregate intended for use in concrete must give the DEEP commissioner and the state geologist a written report containing the results of a third-party test of the aggregate's sulfur content ("total S") and further testing for pyrrhotite, if applicable. The act exempts quarry operators from the annual requirement if tests show their aggregate has a low total S. (Generally, aggregate with a high total S is not suitable for structural concrete. Total S is a conservative estimate of the maximum pyrrhotite concentration, since minerals other than pyrrhotite also contain sulfur.)

Under the act, the test must be conducted by a third-party certified or accredited to conduct testing in accordance with American Society for Testing Materials standard C33/C33M, Standard Specification for Concrete Aggregates. (PA 21-2, JSS, § 60, changes the required testing standard to the society's standard E1621, Standard Guide for Elemental Analysis by Wavelength Dispersive X-ray Fluorescence Spectrometry.) The certification or accreditation must be provided by the International Organization for Standardization, United States Army Corps of Engineers, American Association of State Highway and Transportation Officials, International Accreditation Service, or a similar organization.

The act authorizes the DEEP commissioner to adopt regulations to implement the act's aggregate testing provisions. If adopted, the regulations must define the following terms: "rapid total sulfur test," "x-ray fluorescence analysis," "purge and trap gas chromatography analysis," "analysis by combustion furnace," "x-ray diffraction," "magnetic susceptibility analysis," "petrographic analysis," and "mortar bar expansion test." (PA 21-2, JSS, § 60, eliminates the requirement that any adopted regulations define "mortar bar expansion test.")

Total S Test

Each test must include performing a rapid total S test on a 10-pound aggregate sample using:

1. x-ray fluorescence analysis,
2. purge and trap gas chromatography analysis,
3. analysis by combustion furnace, or
4. other technology deemed at least as accurate by the state geologist.

The act specifies that representative samples must be (1) collected and managed in accordance with American Society for Testing and Materials standard D75/D75M, Standard Practice for Sampling Aggregates, and (2) reduced to a size appropriate for laboratory testing and pulverized for analysis.

Results. If testing shows the sample's total S by mass is at least 1%, the operator cannot sell or otherwise provide the aggregate for use in concrete.

If testing shows the sample's total S by mass is less than 0.1%, a quarry operator (1) may sell or provide the aggregate for use in concrete for four years, beginning on the date of receipt of the test results; and (2) does not need to submit test results to the DEEP commissioner and state geologist during that period.

If testing shows the sample's total S falls in between these thresholds, then further testing is required, as described below.

Further Testing for Pyrrhotite

Required Testing. If the total S of the sample is 0.1% or more, but less than 1% (by mass), then the sample must be further tested for the presence and relative abundance (concentration) of pyrrhotite using x-ray diffraction, magnetic susceptibility, or another type of petrographic analysis.

If that testing does not reveal the presence of pyrrhotite, then the aggregate may be used in concrete for one year, beginning on the date the results are received.

If the sample contains pyrrhotite, a petrographic analysis must be conducted to determine whether and how the aggregate can be used. The analysis must be based on American Society for Testing and Materials standards C295 (Standard Guide for Petrographic Examination of Aggregates for Concrete) and C294 (Standard Descriptive Nomenclature for Constituents of Concrete Aggregates).

Additional Testing and Restrictions. If testing shows that pyrrhotite is present and the total S by mass is 0.1% or more but less than 1%, then DEEP's commissioner, in consultation with the state geologist, may do the following:

1. require the quarry operator to conduct additional testing, including a mortar bar expansion test pursuant to American Society for Testing and Materials standards C1293 (Standard Test Method for Determination of Length Change of Concrete Due to Alkali-Silica Reaction) or C227 (Standard Test Method for Potential Alkali Reactivity of Cement-Aggregate Combinations); and
2. impose restrictions on selling or using the aggregate for concrete.

(PA 21-2, JSS, § 60, eliminates the provision in the act specifying the tests the commissioner may require and instead generally authorizes the commissioner to require additional petrographic and materials testing.)

PA 21-163—sHB 6541

Planning and Development Committee

AN ACT CONCERNING AN EXTENSION OF TIME FOR THE EXPIRATION OF CERTAIN LAND USE APPROVALS

SUMMARY: This act gives developers more time to complete certain ongoing projects without seeking reapproval from local land use boards, commissions, or agencies. It applies only to approvals and permits that were (1) approved before July 1, 2011, and (2) unexpired on July 12, 2021.

Specifically, the act extends the initial and extended statutory deadlines for completing projects that require certain subdivision, wetlands, or site plan approval. Generally, under the act, these approvals are valid for at least 14 years and up to 19 years.

The act's 14- and 19-year completion timeframes also apply to site plan and subdivision approvals and other permits (other than special permits or exceptions) granted by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals, or inland wetlands agency exercising land use powers under a special act.

The act gives developers a minimum amount of time, 19 years, to complete work related to a special permit or special exception, regardless of a locally set deadline. This 19-year minimum applies to approvals granted by municipalities exercising land use powers under the statutes or a special act.

EFFECTIVE DATE: Upon passage, and applicable to approvals made before July 1, 2011.

SPECIAL PERMIT OR EXCEPTION PROJECT COMPLETION DEADLINES

The act establishes a minimum validity period for unexpired special permit or exception approvals that (1) were granted before July 1, 2011, and (2) specified a deadline by which all work in connection with the approval must be completed. Under the act, these approvals are valid for at least 19 years after the approval is granted. Prior law did not impose any minimum validity periods for these approvals (see **BACKGROUND**).

The act specifies that (1) the applicable land use board, commission, or agency may extend these approvals beyond 19 years and (2) this minimum 19-year validity period applies to special permits or exceptions approved by a municipality exercising land use powers under the statutes or a special act.

OTHER PROJECT COMPLETION DEADLINES

Municipalities Exercising Authority Under the Statutes

The act extends the initial and extended deadlines for completing projects approved before July 1, 2011, that require certain subdivision, wetlands, or site plan approvals. (These deadlines were previously extended by legislation in 2009 and 2011.)

The act extends, from 14 to 19 years, the duration of subdivision approvals for projects with at least 400 dwelling units.

The act also extends by five years the minimum initial approval period for the following approvals:

1. site plan approvals (except for projects containing at least 400 dwelling units or having an area of 400,000 square feet or more);
2. subdivision approvals for projects with fewer than 400 dwelling units; and
3. wetlands permits.

Under the act, these initial approvals must be valid for at least 14 years, rather than at least nine years, as under prior law. The act correspondingly extends the extended deadlines for these approvals from 14 to 19 years.

Municipalities Exercising Authority Under a Special Act

The act sets a minimum approval duration of 14 years for site plan and subdivision approvals and other permits (except special permits or exceptions, see above) granted by a zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals, or inland wetlands agency exercising land use powers under a special act.

The act specifies that local boards or agencies may approve extensions, but it caps the total duration of an approval, including extensions, at 19 years (except for special permits or exceptions; see above). The 14- and 19-year timeframes are calculated based on the initial approval date and apply regardless of conflicting special acts or approval conditions.

BACKGROUND

Related Act

PA 21-34 gives developers more time to complete an ongoing project that was approved on or after July 1, 2011.

PA 21-180—sHB 6106

Planning and Development Committee

AN ACT CONCERNING THE PROPERTY TAX EXEMPTION FOR CERTAIN RENEWABLE ENERGY SOURCES AND HYDROPOWER FACILITIES

SUMMARY: Existing law exempts from property tax Class I renewable energy sources (e.g., wind and solar) installed on or after October 1, 2007, for private residential or farm use. This act generally expands eligibility for the exemption by prohibiting these sources from being disqualified for the exemption because they (1) participate in net metering, tariff policies, or other state programs or (2) are owned by a party other than the owner of the property where the source is installed (e.g., leased solar panels). But the act also imposes size restrictions by limiting eligibility to sources whose estimated annual production does not exceed the estimated annual load where the source is located.

The act also makes several changes to the application form taxpayers must file to claim this exemption and other exemptions for renewable energy sources (e.g., solar water or space heating systems or geothermal energy resources, including those used for commercial or industrial purposes). The changes include requiring (1) owners of residential facilities to include the source's estimated annual production and location's estimated annual load and (2) the Office of Policy and Management (OPM), rather than municipalities, to prepare the application form.

EFFECTIVE DATE: October 1, 2021, and applicable to assessment years on or after that date.

EXEMPTION APPLICATION REQUIREMENTS

To claim the property tax exemptions for the renewable energy sources described above, existing law requires taxpayers to file an application with the assessor or board of assessors. Under prior law, assessors provided the application form. The

act instead requires the OPM secretary, in consultation with the Connecticut Association of Assessing Officers and Connecticut Green Bank, to prepare the form and make it publicly available on its website.

The act requires applications for residential- or farm-use sources to include a statement of the source's estimated annual load and production as of its installation date. The act also allows someone owning multiple sources in the same municipality to file a single application identifying each one.

PA 21-6—sHB 6423

Public Health Committee

Appropriations Committee

AN ACT CONCERNING IMMUNIZATIONS

SUMMARY: This act eliminates the religious exemption from immunization requirements for individuals attending (1) public and private schools, including higher education institutions, and (2) child care centers and group and family day care homes. Prior law allowed individuals to opt out of vaccination if they presented a statement that immunization would be contrary to their religious beliefs or, for minors, those of their parent or guardian.

The act grandfathers into the exemption individuals enrolled in grades kindergarten or higher who submitted a religious exemption prior to April 28, 2021. It continues to grandfather these students if they transfer to another public or private school in the state (i.e., a primary or secondary school).

Under the act, individuals with prior religious exemptions who are enrolled in pre-kindergarten or other preschool programs generally must comply with immunization requirements by September 1, 2022, or within 14 days after transferring to a different public or private program, whichever is later.

However, the act allows these children to extend the timeframe within which they must comply with the immunization requirements if they present a written declaration from the child's physician, physician assistant (PA), or advanced practice registered nurse (APRN) that an alternative immunization schedule is recommended.

The act also retains existing law's medical exemption from these immunization requirements for individuals who can document that the immunization is medically contraindicated.

Additionally, the act:

1. requires the Department of Public Health (DPH), by October 1, 2021, to develop and post on its website a medical exemption certificate for use by physicians, PAs, and APRNs (§ 7);
2. requires DPH to release annual immunization rates for each public and private K-12 school in the state, provided the data does not include individually-identifiable information (§§ 1 & 2);
3. establishes an 11-member DPH Advisory Committee on Medically Contraindicated Vaccinations to advise the commissioner on issues concerning medical exemptions from state or federal immunization requirements (§ 8);
4. requires the advisory committee to meet at least biannually, and annually report on its activities and findings to the Public Health Committee, starting by January 1, 2022 (§ 8);
5. requires DPH, in collaboration with the Department of Education and the Office of Early Childhood, to evaluate data these agencies collect on exemptions from immunization requirements, and all three to jointly report annually to the Public Health and Education committees on the evaluation, starting by January 1, 2022 (§ 9); and
6. requires certain health insurance policies that cover prescription drugs to cover at least a 20-minute immunization consultation between a patient and provider for vaccines recommended by the federal Centers for Disease Control and Prevention (CDC) (§§ 10 & 11).

Lastly, the act makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except for the insurance coverage provisions, which are effective January 1, 2022.

§ 7 — MEDICAL EXEMPTION CERTIFICATES

The act requires the DPH commissioner, by October 1, 2021, to develop and post on the department's website a certificate for use by physicians, PAs, and APRNs ("providers") that states that the provider believes that a required vaccination is medically contraindicated for an individual based on his or her physical condition.

The medical exemption certificate must include:

1. definitions of "contraindication" and "precaution";
2. a list of contraindications and precautions recognized by the CDC for each statutorily-required immunization from which the provider may select on behalf of an individual;
3. a section where the provider may record a contraindication or precaution not recognized by the CDC, but that in the provider's discretion results in the vaccination being medically contraindicated, including (a) an autoimmune disorder or family history of one, (b) family history of a reaction to a vaccine, (c) genetic predisposition to a vaccine reaction determined by genetic testing, and (d) a previous documented reaction correlated to a vaccine;
4. a section where the provider may include a written explanation for the medical exemption;
5. a section requiring the provider's signature;
6. a requirement that the provider attach the individual's most current immunization record; and
7. a synopsis of the grounds for any order of quarantine or isolation related to the exemption.

§ 8 — DPH ADVISORY COMMITTEE

Duties

The act establishes an 11-member Advisory Committee on Medically Contraindicated Vaccinations within DPH to advise the commissioner on issues concerning medical exemptions from state or federal immunization requirements. The committee is not responsible for confirming or denying any provider determination that a vaccine is medically contraindicated for an individual.

Under the act, the advisory committee must:

1. have access to the department's childhood immunization registry;
2. evaluate the process DPH uses to collect medical exemption data and whether the department should have oversight of those exemptions;
3. examine whether enrolling an unvaccinated student in a school, higher education institution, or child care facility should be conditioned upon the individual meeting certain criteria;
4. calculate the ratio of school nurses to students in each public and private school in the state and any associated funding issues;
5. assess whether school immunizations should be required more frequently than prior to enrolling in public or private school and prior to entering 7th grade; and
6. determine whether (a) there are any discrepancies in issuing medical exemptions and (b) to recommend continuing education for providers in vaccine contraindications and precautions.

The act specifies that information the advisory committee obtains from the childhood immunization registry is confidential. By law, medical information, records, and other data obtained by DPH generally (1) are confidential and not subject to disclosure, (2) are not admissible as evidence in any court or agency proceeding, and (3) must be used solely for medical or scientific research or disease control and prevention purposes.

Membership

Under the act, the advisory committee members include:

1. one pediatrician and one member of the public, each appointed by the House speaker;
2. one physician with expertise in vaccine efficacy and one member of the public, each appointed by the Senate president pro tempore;
3. one school nurse, appointed by the House majority leader;
4. one PA with experience in administering vaccines, appointed by the Senate majority leader;
5. one APRN with experience in administering vaccines, appointed by the House minority leader;
6. one representative of the Connecticut Chapter of the American Academy of Pediatrics, appointed by the Senate minority leader; and
7. the education, early childhood, and public health commissioners, or their designees.

Meetings and Reports

The act requires the advisory committee to elect a chairperson from among its members. The chairperson must schedule the first meeting, which must be held by October 1, 2021, and the committee must meet at least biannually thereafter. The committee must also report on its activities and findings to the Public Health Committee annually, starting by January 1, 2022.

§§ 10 & 11 — INSURANCE COVERAGE FOR IMMUNIZATION CONSULTATIONS

The act requires certain health insurance policies that cover prescription drugs to cover at least a 20-minute immunization consultation between a patient and a provider authorized to administer them (e.g., a physician or APRN). Coverage is only for consultations on immunizations recommended for the patient by the CDC's Advisory Committee on Immunization Practices (ACIP) (see BACKGROUND).

The act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

BACKGROUND

Childhood Immunization Requirements

For school children, Connecticut law requires immunization against the following diseases (the specific immunization schedule varies by disease):

1. measles, mumps, and rubella;
2. polio;
3. diphtheria, tetanus, pertussis;
4. haemophilus influenza B (only if under age 5);
5. hepatitis A and B;
6. varicella (chicken pox);
7. influenza (only for preschool);
8. pneumonia (only if under age 5); and
9. meningitis (7th grade) (CGS § 10-204a and Conn. Agencies Regs. § 10-204a-1 et seq.).

The same requirements apply to children at child care settings, including day care centers and group and family day care homes (Conn. Agencies Regs., §§ 19a-79-6a & 19a-87b-10(k)).

Higher Education Immunization Requirements

Connecticut law generally requires full-time students attending in-state post-secondary institutions to provide proof of adequate immunization against measles, mumps, and rubella and chicken pox (CGS § 10a-155). The law also requires each student who lives in on-campus housing to be vaccinated against meningitis (CGS § 10a-155b).

Insurance Coverage for Immunizations

Existing law requires health insurance policies that cover prescription drugs to also cover certain immunizations for children, adolescents, and adults. Specifically, they must cover immunizations (1) recommended by the American Academy of Pediatrics, American Academy of Family Physicians, and the American College of Obstetricians and Gynecologists and (2) that have, in effect, a recommendation from the CDC's ACIP with respect to the individual involved. These include, among others, immunizations for influenza, meningitis, tetanus, HPV, hepatitis A and B, measles, mumps, rubella, and varicella.

PA 21-9—HB 5596

Public Health Committee

AN ACT CONCERNING TELEHEALTH

SUMMARY: This act modifies requirements for the delivery of telehealth services and insurance coverage of these services until June 30, 2023.

Among other things, it:

1. expands the types of health providers authorized to provide telehealth services;
2. allows certain telehealth providers to provide telehealth services using audio-only telephone;
3. allows certain telehealth providers to use additional information and communication technologies in accordance with federal requirements (e.g., certain third-party video communication applications, such as Apple FaceTime);
4. authorizes the Department of Public Health (DPH) commissioner to temporarily modify, waive, or suspend certain regulatory requirements to reduce the spread of COVID-19 and protect the public health;
5. establishes requirements for telehealth providers seeking payment from uninsured or underinsured patients;
6. requires insurance coverage for telehealth services and prohibits providers reimbursed for services from seeking payment from an insured patient beyond cost sharing; and
7. prohibits (a) insurance policies from excluding coverage for a telehealth platform selected by an in-network provider and (b) carriers from reducing reimbursement to a provider because services are provided through telehealth instead of in-person.

Additionally, the act permits physicians and advanced practice registered nurses (APRNs) to certify a qualifying patient's use of medical marijuana and provide follow-up care using telehealth if they comply with other statutory certification and recordkeeping requirements. They may do so notwithstanding existing laws, regulations, policies, or procedures on medical marijuana certifications (§ 7).

Lastly, the act makes a conforming change to a law requiring telehealth providers who are prescribing practitioners to issue prescriptions electronically (§ 2).

EFFECTIVE DATE: Upon passage

§§ 1, 2 & 6 — TELEHEALTH

The act modifies requirements for health care providers who provide health services through telehealth. These changes are effective from the act's passage through June 30, 2023.

Telehealth Providers

The act applies only to telehealth providers who are (1) in-network providers for fully-insured health plans or (2) Connecticut Medical Assistance Program ("CMAP," i.e., Medicaid and HUSKY B) providers, including:

1. telehealth providers authorized under existing law (see BACKGROUND);
2. certified, licensed, or registered art therapists, athletic trainers, behavior analysts, dentists, genetic counselors, music therapists, nurse mid-wives, and occupational or physical therapist assistants; and
3. any of the above listed providers who (a) are appropriately licensed, certified, or registered in another U.S. state or territory, or the District of Columbia; (b) are authorized to practice telehealth under any relevant order issued by the DPH commissioner; and (c) have professional liability insurance or other indemnity against professional malpractice liability in an amount at least equal to that required for Connecticut health providers.

Until June 30, 2023, the act also requires any Connecticut entity, institution, or provider who contracts with an out-of-state telehealth provider to:

1. verify the provider's credentials to ensure the provider is certified, licensed, or registered and in good standing in his or her home jurisdiction and
2. confirm that the telehealth provider has professional liability insurance or other indemnity against professional malpractice liability in an amount at least equal to that required for Connecticut health providers.

Audio-Only Telephone

Unlike prior law, the act allows in-network and CMAP telehealth providers to provide telehealth services via audio-only telephone. Under the act and existing law, "telehealth" excludes fax, texting, and email. It includes:

1. interaction between a patient at an originating site and the telehealth provider at a distant site and
2. synchronous (real-time) interactions, asynchronous store and forward transfers (transmitting medical information from the patient to the telehealth provider for review at a later time), or remote patient monitoring.

Expanded CMAP Coverage

The act authorizes the Department of Social Services (DSS) commissioner, to the extent allowed under federal law, to enable CMAP to cover applicable services provided through audio-only telehealth services. (PA 21-133 requires the DSS commissioner to cover audio-only telehealth services under certain circumstances when doing so is clinically appropriate.)

Service Delivery

Under existing law, a telehealth provider can provide telehealth services to a patient only when the provider has met certain requirements, such as (1) having access to, or knowledge of, the patient's medical history and health record and (2) conforming to his or her professional standard of care expected for in-person care appropriate for the patient's age and presenting condition.

The act requires that the provider also determine whether the (1) patient has health coverage that is fully insured, not fully insured, or provided through CMAP and (2) coverage includes telehealth services.

Additionally, the act allows telehealth providers to provide telehealth services from any location. (Under PA 21-133, this provision applies regardless of any state licensing standards and is subject to compliance with applicable federal requirements.)

Initial Telehealth Interactions

Existing law requires a provider, at the first telehealth interaction with a patient, to document in the patient's medical record that he or she obtained the patient's consent after giving information about telehealth methods and limitations. Under the act, this must include information on the limited duration of the act's provisions. A patient's revocation of consent must also be documented in the patient's medical record.

Use of Additional Communication Technologies

The act modifies the requirement that telehealth services and health records comply with the Health Insurance Portability and Accountability Act (HIPAA) by allowing telehealth providers to use additional information and communication technologies in accordance with HIPAA requirements for remote communication as directed by the federal Department of Health and Human Services' Office of Civil Rights (e.g., certain third-party video communication applications, such as Apple FaceTime, Skype, or Facebook Messenger).

Payment for Uninsured and Underinsured Patients

The act requires a telehealth provider to determine whether the patient has health coverage for any such services provided. Under the act, the provider must accept the following as payment in full for telehealth services:

1. for patients who do not have health insurance coverage for telehealth services, an amount equal to the Medicare reimbursement rate for telehealth services or
2. for patients with health insurance coverage, the amount the carrier reimburses for telehealth services and any cost sharing (e.g., copay, coinsurance, deductible) or other out-of-pocket expense imposed by the health plan.

Under the act, a telehealth provider who determines that a patient is unable to pay for telehealth services must offer the patient financial assistance to the extent required under federal or state law.

DPH Regulatory Requirements

Notwithstanding existing law, the act authorizes the DPH commissioner to waive, modify, or suspend regulatory requirements adopted by DPH or state licensing boards and commissions regarding health care professions, health care facilities, emergency medical services, and other specified topics. Until June 30, 2023, she may do this as she deems necessary to reduce the spread of COVID-19 and protect the public health.

§§ 3-5 — INSURANCE COVERAGE FOR TELEHEALTH SERVICES

Coverage Required

Existing law generally establishes requirements and restrictions for health insurance coverage of services provided through telehealth. The act temporarily replaces these requirements with similar but more expansive requirements for telehealth coverage from the act's passage until June 30, 2023.

As with existing law, the act requires certain commercial health insurance policies to cover medical advice, diagnosis, care, or treatment provided through telehealth to the extent that they cover those services when provided in person. It generally subjects telehealth coverage to the same terms and conditions that apply to other benefits under a health policy. Under the act and existing law, insurers, HMOs, and related entities may conduct utilization review for telehealth services in the same manner they do for in-person services, including using the same clinical review criteria.

Prohibitions

Under the act and existing law, health insurance policies cannot exclude coverage solely because a service is provided through telehealth, as long as telehealth is appropriate.

The act further prohibits policies from excluding coverage for a telehealth platform that a telehealth provider selects.

The act also prohibits a telehealth provider who receives reimbursement for providing a telehealth service from seeking any payment from the insured patient except for cost sharing (e.g., copay, coinsurance, deductible). The provider must accept the amount as payment in full.

Lastly, the act prohibits health carriers (e.g., insurers and HMOs), until June 30, 2023, from reducing the amount of reimbursement they pay to telehealth providers for covered services appropriately provided through telehealth instead of in

person.

Applicability

The act applies to individual and group health insurance policies in effect any time from the act's passage until June 30, 2023, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. (Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.)

BACKGROUND

Authorized Telehealth Providers

Existing law allows the following licensed health care providers to provide health care services using telehealth: APRNs, alcohol and drug counselors, audiologists, certified dietician-nutritionists, chiropractors, clinical and master social workers, marital and family therapists, naturopaths, occupational or physical therapists, optometrists, paramedics, pharmacists, physicians, physician assistants, podiatrists, professional counselors, psychologists, registered nurses, respiratory care practitioners, and speech and language pathologists.

By law, authorized telehealth providers must provide telehealth services within their profession's scope of practice and standard of care.

PA 21-17—SB 835

Public Health Committee

AN ACT CONCERNING DECEPTIVE ADVERTISING PRACTICES OF LIMITED SERVICES PREGNANCY CENTERS

SUMMARY: This act prohibits deceptive advertising by limited services pregnancy centers, which it defines as pregnancy services centers (see below) that do not directly provide, or provide referrals for, abortions or emergency contraception. Specifically, it prohibits these centers intending to perform a pregnancy-related service from publicly making or disseminating a deceptive statement about the provision of these services, or the services themselves, that the center knows or reasonably should know is deceptive.

This prohibition includes public statements made in advertisements, print publications, online, or any other manner. It also applies regardless of whether the (1) centers make these statements themselves or cause others to do so and (2) statement itself is deceptive or is deceptive by omission.

The act allows the attorney general to bring a court action for injunctive relief against a center for a violation, so long as he notifies the center in advance and allows 10 days for it to comply before doing so. Among other things, the court can order the center to pay for and disseminate appropriate corrective advertising. If the court finds that the center violated the above prohibition, the state is entitled to civil penalties (\$50 to \$500) and reasonable attorney's fees.

The act specifies that it does not prohibit the state or municipalities from seeking any administrative, legal, or equitable relief permitted by law, including relief allowed under the unfair trade practices act (see BACKGROUND).

EFFECTIVE DATE: July 1, 2021

DEFINITIONS

Under the act, a "limited services pregnancy center" is a pregnancy services center that does not directly provide, or provide referrals for, abortions or emergency contraception. A "pregnancy services center" is a facility, including a mobile facility, that primarily serves clients who are pregnant or believe they may be pregnant, and that either (1) offers obstetric ultrasounds or sonograms, pregnancy testing or diagnosis, or prenatal care or (2) appears to be a medical facility by having at least two of the following five factors present:

1. staff or volunteers who wear medical attire and uniforms;
2. one or more examination tables;
3. a private or semiprivate room or area with medical supplies or instruments;
4. staff or volunteers who collect health information from clients; or

5. the facility (a) is on the same premises as a licensed health care facility or provider or (b) shares facility space with a licensed provider.

The act applies to statements about a “pregnancy-related service,” which is any medical or health counseling service related to pregnancy or pregnancy prevention, including contraception and contraceptive counseling; pregnancy testing or diagnosis; pregnancy options counseling; obstetric ultrasound or sonogram; and prenatal care.

ATTORNEY GENERAL ENFORCEMENT AND COURT AUTHORITY

Under the act, before the attorney general may apply to court for injunctive relief in response to such deceptive advertising, he must notify the limited services pregnancy center in writing of the violation. If the center does not respond or refuses to correct the advertising within 10 days, the attorney general may apply to court for injunctive relief to compel compliance and correct the advertising’s effects.

The court may order the center to:

1. pay for and disseminate appropriate corrective advertising in the same form and using the same advertising device as the deceptive advertising,
2. post a remedial notice that corrects the deceptive advertising’s effects, or
3. provide other narrowly-tailored relief as the court deems necessary to remedy the deceptive advertising’s adverse effects on any clients seeking pregnancy-related services.

If the court finds that a center violated the act’s prohibition, the state is entitled to recover from the center (1) civil penalties of \$50 to \$500 per violation and (2) reasonable attorney’s fees and costs.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney’s fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for a violation of a restraining order.

PA 21-26—SB 1083

Public Health Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

SUMMARY: This act makes various unrelated changes in the statutes pertaining to public health. Principally, it:

1. requires the chief medical examiner, starting January 1, 2022, to complete at least one contact hour of training or education in sudden unexpected death in epilepsy as part of his required continuing medical education (CME) (§ 1);
2. requires licensed health clubs, starting October 1, 2022, to provide and maintain at least one automatic external defibrillator (AED, see BACKGROUND) and, among other things, ensure that at least one employee trained in its use is on the premises during staffed business hours (§§ 2 & 3);
3. requires hospital personnel to ask patients, upon admission, whether the patient wants the hospital to notify a family member, caregiver, or support person of the admission (§ 4);
4. allows a 16-year-old, with parental or guardian written consent, to donate blood, or any of its components, and consent to blood withdrawal at a voluntary blood donation program (§ 5);
5. extends the time period that an art therapist licensure applicant’s temporary permit is valid from 365 days to two years after the applicant receives his or her graduate degree (§ 6);
6. requires the public health commissioner, by January 1, 2022, to revise marriage license applications and certificates to (a) replace references to “bride” and “groom” with “spouse one” and “spouse two” and (b) remove references to a spouse’s race or ethnicity or designation of such race or ethnicity (§ 7);
7. extends the dates by which the (a) Department of Public Health (DPH) commissioner must report to the Public

Health Committee on the process she develops for itinerant food vendor licensure by reciprocity to December 1, 2021, and (b) commissioner and each local health director must implement it to January 1, 2022 (§ 8);

8. requires the Department of Mental Health and Addiction Services (DMHAS) to convene a working group to study the health benefits of psilocybin and requires the working group to submit its findings and recommendations to the Public Health Committee by January 1, 2022 (§ 9); and
9. allows hospitals to provide written discharge planning materials required under existing law to patients electronically, if patients agree (§ 10).

EFFECTIVE DATE: October 1, 2021, except that provisions on (1) blood donation by minors, art therapist temporary permits, marriage licenses, and hospital discharge plans take effect July 1, 2021, and (2) itinerant food vendor licensure reciprocity and the psilocybin working group take effect upon passage.

§ 1 — CHIEF MEDICAL EXAMINER CME

Starting January 1, 2022, the act requires the chief medical examiner to earn at least one contact hour (i.e., 50 minutes) of training or education in sudden unexpected death in epilepsy as part of the CME he must complete under existing law. Under the act, “sudden unexpected death in epilepsy” is the death of someone with epilepsy that is not caused by injury, drowning, or other known causes unrelated to epilepsy.

By law, physicians must generally complete at least 50 hours of CME during every two years.

§§ 2 & 3 — AEDS IN HEALTH CLUBS

Starting October 1, 2022, the act requires applicants for a health club license or license renewal to do the following:

1. provide and maintain at least one AED in a readily accessible location;
2. inform employees about the AED’s location;
3. ensure that during staffed business hours at least one employee is on the premises who is trained in cardiopulmonary resuscitation and using an AED in accordance with the American Red Cross or American Heart Association standards;
4. maintain and test the AED in accordance with the manufacturer’s guidelines; and
5. promptly notify a local emergency medical services provider after each AED use.

The Department of Consumer Protection can revoke, suspend, or refuse to renew a health club’s license if it fails to comply with these requirements.

Existing law provides civil immunity for acts arising out of a person’s or entity’s ordinary negligence in providing or maintaining an AED at a licensed health club. Starting October 1, 2022, the act extends this to include immunity for its nonuse. As under existing law, this immunity does not apply to gross, willful, or wanton negligence.

§ 4 — HOSPITAL PATIENTS AND FAMILY CAREGIVERS

The act requires hospital personnel, when admitting a patient, to promptly ask the patient if he or she wants the hospital to notify a family member, caregiver, or support person of the admission. If the patient chooses the notification, hospital personnel must make reasonable efforts to contact the family member, caregiver, or support person as soon as practicable, but within 24 hours after the request. Existing law already requires hospitals to do this for the patient’s physician, upon the patient’s request.

§ 5 — DONATION OF BLOOD BY MINORS

The act allows a 16-year-old, with his or her parent’s or guardian’s written authorization, to (1) donate blood or any of its components and (2) consent to blood withdrawal at a voluntary blood donation program. Existing law, unchanged by the act, allows a person age 17 or older to do so without parental or guardian consent.

§ 6 — ART THERAPIST TEMPORARY PERMITS

By law, DPH may issue nonrenewable, temporary permits to art therapist licensure applicants with a graduate degree in art therapy or a related field. The permit allows the holder to practice under a licensee’s general supervision.

The act extends, from 365 days to two years after the applicant receives his or her degree, the maximum time period the permit is valid.

Existing law, unchanged by the act, prohibits DPH from issuing a temporary permit to someone with a pending

professional disciplinary action or who is the subject of an unresolved complaint in any state. The commissioner may revoke a temporary permit for good cause, as she determines.

§ 7 — MARRIAGE LICENSES

The act requires the DPH commissioner, by January 1, 2022, to revise marriage license applications and certificates to (1) replace references to “bride” and “groom” with “spouse one” and “spouse two” and (2) remove references to a spouse’s race or ethnicity and any designation of a spouse’s race or ethnicity.

§ 8 — ITINERANT FOOD VENDOR LICENSURE RECIPROCITY

By law, the DPH commissioner must collaborate with local health directors to develop a process to allow reciprocal licensing of itinerant food vending establishments that (1) have a valid license or permit from a local health director and (2) seek to operate in a different municipality.

The act extends the date by which the (1) commissioner must report to the Public Health Committee on the process she develops to December 1, 2021, and (2) commissioner and each local health director must implement the licensure by reciprocity to January 1, 2022.

§ 9 — PSILOCYBIN WORKING GROUP

The act requires DMHAS to convene a working group to study the health benefits of psilocybin, which is the chemical compound obtained from certain types of hallucinogenic mushrooms that grow naturally in regions of Europe, South America, Mexico, and the United States.

The department must convene the working group within available appropriations and include members of the Public Health Committee.

Under the act, the study must examine whether using psilocybin under the direction of a health care provider may benefit a person’s physical or mental well-being.

The act requires the working group, by January 1, 2022, to report its findings and recommendations to the Public Health Committee. The working group terminates on the date it submits the report or January 1, 2022, whichever is later.

§ 10 — HOSPITAL DISCHARGE PLANS

By law, DPH sets minimum standards for hospital discharge planning services that include, among other things, requiring hospitals to prepare a written discharge plan for each patient and provide a copy of the plan to the patient prior to his or her discharge from the hospital.

Under the act, if a patient agrees, a hospital may provide the written discharge materials and document acknowledgement of them (presumably, by the patient) solely through electronic means.

BACKGROUND

Automatic External Defibrillators

An AED is a portable device used to restore normal heart rhythm to people having heart attacks. It consists of a small computer (microprocessor), electrodes, and electrical circuitry. If the heart is in ventricular fibrillation (i.e., beating abnormally), the microprocessor recommends a defibrillating shock to restore a regular rhythm. The shock is delivered through adhesive electrode pads.

Related Act

PA 21-173 removes race from the list of demographic information applicants must provide on marriage licenses.

PA 21-35—sSB 1

Public Health Committee
Appropriations Committee

AN ACT EQUALIZING COMPREHENSIVE ACCESS TO MENTAL, BEHAVIORAL AND PHYSICAL HEALTH CARE IN RESPONSE TO THE PANDEMIC**TABLE OF CONTENTS:****[§ 1 — RACISM AS A PUBLIC HEALTH CRISIS](#)**

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[§ 9 — GUN VIOLENCE INTERVENTION AND PREVENTION ADVISORY COMMITTEE](#)

Establishes a committee to advise the Public Health and Human Services committees on establishing a Commission on Gun Violence Intervention and Prevention to coordinate the funding and implementation of programs and strategies to reduce gun violence

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Requires DPH to study and report on the state's COVID-19 response

[§ 11 — DEMOGRAPHIC DATA COLLECTION](#)

Sets requirements for state agencies or state entities that, directly or by contract, collect demographic data related to health care or public health; requires certain health care providers to include self-reported patient demographic data in their electronic health record systems; requires OHS to (1) create a plan to implement these provisions and (2) review demographic changes and health data and periodically reevaluate the standard race and ethnicity categories

§ 12 — MATERNAL MORTALITY REVIEW COMMITTEE

Requires DPH's Maternal Mortality Review Committee to annually report disaggregated data on its investigations to the Public Health Committee and allows the reports to include recommendations to reduce or eliminate racial inequities and other public health concerns related to its charge

§ 13 — IMPLICIT BIAS TRAINING AT HOSPITALS

Requires hospitals to include implicit bias training in their regular training to staff members who care for women who are pregnant or postpartum

§ 14 — BREAST HEALTH AND BREAST CANCER AWARENESS WORKING GROUP

Requires the Public Health Committee chairpersons to convene a working group to advance breast health and breast cancer awareness and promote greater understanding of the importance of early breast cancer detection

§ 15 — DOULA SCOPE OF PRACTICE REVIEW

Requires DPH to (1) establish a scope of practice review committee to determine whether DPH should establish a doula certification process and (2) report to the Public Health Committee on its findings and recommendations

§ 16 — SCHOOL-BASED HEALTH CENTER WORKING GROUP

Establishes a working group to develop recommendations for the strategic expansion of school-based health center services

§ 17 — MOBILE CRISIS SERVICES

Requires DMHAS to (1) make mobile crisis services available on nights and weekends, within available appropriations, and (2) develop and report on a plan to make these services available 24 hours a day, seven days a week

§ 18 — PEER SUPPORT SERVICES TASK FORCE

Establishes a task force to study peer support services and encourage health care providers to use these services when providing patient care

§ 19 — DMHAS MENTAL HEALTH TOOLKIT FOR EMPLOYERS

Requires DMHAS to develop and post online a mental health toolkit to help employers address their employees' mental health needs that arise due to COVID-19

§ 20 — MUNICIPAL HEALTH DEPARTMENTS

Makes various changes affecting municipal health departments, such as (1) requiring DPH approval for municipal health director appointments; (2) increasing the minimum vacancy, from 30 to 60 days, before DPH may appoint someone to fill a director vacancy; and (3) requiring municipalities, with DPH approval, to designate an acting director if the existing director is unable to act during a declared public health emergency

§ 21 — LOAN REPAYMENT PROGRAM FOR PRIMARY CARE PROVIDERS

Requires DPH, in FY 22 and within available appropriations, to implement the existing loan repayment program for community-based providers in primary care settings

BACKGROUND

SUMMARY: This act contains various provisions related to racial disparities in public health, health care services, pandemic preparedness, and other related topics. For example, it:

1. declares racism as a public health crisis and creates a Commission on Racial Equity in Public Health to (a) make recommendations to decrease racism's effect on public health and (b) create a strategic plan to eliminate health disparities and inequities across several sectors;
2. requires the Department of Public Health (DPH) to study (a) the state's COVID-19 response and (b) developing a program to recruit and retain health care workers of color in the state;
3. establishes a committee to advise the Public Health and Human Services committees on establishing a Commission on Gun Violence Intervention and Prevention;
4. sets certain requirements related to demographic data collection in health care; and
5. establishes working groups or task forces on other matters, including breast health and breast cancer awareness, school-based health center service expansion, and peer support services.

The act also makes minor and technical changes.

A section-by-section summary follows.

EFFECTIVE DATE: Upon passage, except that the provisions on local health directors (§ 20) are effective July 1, 2021.

§ 1 — RACISM AS A PUBLIC HEALTH CRISIS

Declares racism to be a public health crisis in the state

The act declares racism as a public health crisis in Connecticut. It provides that racism will continue to be such a crisis until the state meets the goal of reducing, by at least 70%, racial disparities in specified indicators in four areas (i.e., education, health care utilization and outcomes, criminal justice, and economic matters (see § 3 below)).

§§ 2-4 — COMMISSION ON RACIAL EQUITY IN PUBLIC HEALTH

Establishes a 28-member Commission on Racial Equity in Public Health; outlines the commission's responsibilities, including developing a strategic plan to eliminate health disparities and inequities in various areas; establishes a goal of reducing racial disparities in certain areas by at least 70%; requires the commission to determine best practices for state agencies to evaluate structural racism within their operations and implement a plan to eliminate that racism

The act establishes, within the Legislative Department, a 28-member Commission on Racial Equity in Public Health to document and make recommendations to decrease racism's effect on public health.

Commission Membership and Administration (§ 2(b)-(g))

Under the act, the commission's membership includes the following officials or their designees:

1. the commissioners of public health, children and families, early childhood, social services, economic and community development, education, housing, energy and environmental protection, and correction;
2. the Connecticut Health Insurance Exchange chief executive officer;
3. the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) executive director;
4. the Office of Health Strategy (OHS) executive director; and
5. the Office of Policy and Management (OPM) secretary.

In addition, the commission includes the Public Health Committee chairpersons and 13 appointed members as shown in the following table.

Commission on Racial Equity in Public Health, Appointed Members

Appointing Authority	Appointee Qualifications
House speaker (2)	• Representative of a nonprofit organization that focuses on racial equity • Health Equity Solutions representative
Senate president pro tempore (2)	• Representative of a violence intervention program using a health-based approach to examine individuals post-incarceration and policies for integration

Appointing Authority	Appointee Qualifications
	Connecticut Health Foundation representative
House majority leader (1)	Representative of the Katal Center for Equity, Health, and Justice
Senate majority leader (1)	Representative of the Connecticut Children's Office for Community Child Health
House minority leader (2)	- UConn-associated physician educator with experience and expertise in infant and maternal care and who has worked on diversity and inclusion policy - Partnership for Strong Communities representative
Senate minority leader (2)	- Medical professional with expertise in mental health - Open Communities Alliance representative
Black and Puerto Rican Caucus chairperson (2)	Two members of the Black and Puerto Rican Caucus
Governor (1)	Representative of the Connecticut Bar Association's Diversity, Equity, and Inclusion Committee

Under the act, any legislative appointees may be legislators. Initial appointments to the commission must be made by August 13, 2021. Appointed members (1) serve terms that coincide with the terms of their appointing authority and (2) may serve for multiple terms.

The OPM secretary, or her designee, and the Health Equity Solutions representative (appointed by the House speaker) serve as the commission's chairpersons. They must schedule the first meeting, to be held by August 13, 2021. If any appointments are not made by that date, the chairpersons may designate individuals with the required qualifications to serve on the commission until appointments are made as required.

Under the act, members continue to serve until their successors are appointed, and appointing authorities must fill any vacancies for the balance of the unexpired term.

A majority of the commission's membership constitutes a quorum for transacting business and decisions are made by a majority vote of those present at a meeting, except the commission may establish committees, subcommittees, or other entities as it deems necessary for the commission's purposes.

The act allows the commission to adopt rules of procedures. Commission members are not paid for their service, but must be reimbursed for their necessary expenses within the limits of available funds.

Executive Director (§ 2(h))

The act requires the commission, by majority vote, to hire an executive director to serve as its administrative staff. The executive director serves at the pleasure of the commission. The act allows the commission to request the Joint Committee on Legislative Management's assistance in hiring the executive director. It allows the executive director to hire up to two executive assistants to help in carrying out the commission's duties.

Commission's General Powers and Duties (§ 2(i))

Under the act, the commission has the following powers and duties:

1. bringing together partners from different sectors to recognize the links between health and other issues and policy areas and build new partnerships to promote health and equity and increase government efficiency;
2. creating a comprehensive strategic plan to eliminate health disparities and inequities across sectors (see § 3 below);
3. studying the impact that the racism public health crisis has on vulnerable populations within diverse groups of the state, including based on race, ethnicity, sexual orientation, gender identity, and disability, and specifically including Black American descendants of slavery;
4. obtaining from any legislative or executive entity of the state, or any organization or other entity, available assistance as needed to carry out the act's purposes;
5. accepting gifts, donations, or bequests to perform the commission's duties;
6. establishing bylaws to govern commission procedures; and

7. performing other acts as may be necessary and appropriate to carry out its duties, including creating subcommittees.

Community Engagement and Related Recommendations (§ 2(j))

The act requires the commission to engage with a diverse range of community members who experience health inequities to make ongoing recommendations to relevant state agencies or other entities on specified matters. This must include people of color who identify as members of diverse groups of the state population, including based on race, ethnicity, sexual orientation, gender identity, and disability.

These recommendations must address structural racism in the state's laws and regulations impacting public health. The act defines "structural racism" as a system that structures opportunity and assigns value in a way that disproportionately and negatively impacts Black, Indigenous, Latino, or Asian people or other people of color.

The recommendations also must address racial disparities in several areas, including:

1. the state's criminal justice system and these disparities' impact on the health and well-being of individuals and families, including overall health outcomes and rates of depression, suicide, substance use disorder, and chronic disease;
2. access to resources needed for healthy living, including adequate fresh food and physical activity, public safety, and decreased community pollution;
3. health outcomes; and
4. state hiring and contracting processes.

Additionally, the recommendations must address the impact of zoning restrictions on the creation of housing disparities and these disparities' impact on public health.

Finally, the recommendations must include any suggestions to reduce the impact of the racism public health crisis on the vulnerable populations studied under the act.

Semiannual Reporting Requirement (§ 2(k))

The act requires the commission to report, by January 1, 2022, and every six months thereafter, to the OPM secretary and the Public Health and Appropriations committees. Each report must address:

1. the commission's activities during the prior six-month period;
2. any progress towards the goal of reducing certain racial disparities by at least 70% (see below);
3. any recommended changes to that goal based on the commission's research, any disparity study performed by a state agency or entity, or any community input;
4. the status of the commission's comprehensive strategic plan (see below); and
5. any recommended policy or legislative changes.

Comprehensive Strategic Plan and Racial Disparity Reduction Goal (§ 3)

The act requires the commission to develop and periodically update a comprehensive strategic plan to eliminate health disparities and inequities across sectors. The plan must consider air and water quality, natural resources and agricultural land, affordable housing, infrastructure systems, public health, access to quality health care, social services, sustainable communities, and the impact of climate change.

The plan must address incorporating health and equity into specific policies, programs, and government decision-making processes. This must at least include disparities in (1) laws and regulations impacting public health; (2) the criminal justice system; and (3) access to quality health care and resources such as healthy food, safe housing, public safety, and environments free of excess pollution.

The act requires the commission, upon completing or updating the plan, to submit it to (1) the Public Health Committee and (2) any other legislative committee the commission determines has oversight over matters relevant to the plan.

Racial Disparity Indicators and Reduction Goal. The act requires the commission, as part of the strategic plan, to determine the percentages of racial disparity in the state in four areas. The commission must do so by January 1, 2022, and by using available scientifically based measurements. The act declares it as the state's goal to attain at least a 70% reduction in racial disparities in these areas.

Specifically, these areas are:

1. education indicators, including kindergarten readiness, third grade reading proficiency, mastery examination scores, school-based discipline rates, high school graduation rates, and retention rates after the first year of study for in-state higher education institutions;

2. health care utilization and outcome indicators, including insurance coverage rates, pregnancy and infant health outcomes, emergency room visits, and deaths related to conditions associated with exposure to environmental pollutants including respiratory ailments, quality of life, life expectancy, lead poisoning, and access to adequate healthy nutrition and self-reported well-being surveys;
3. criminal justice indicators, including rates of involvement with the justice system; and
4. economic indicators, including rates of poverty, income, and housing insecurity.

Eliminating Structural Racism Within State Agencies (§ 4)

The act requires the commission to determine best practices for state agencies to (1) evaluate structural racism within their policies, practices, and operations and (2) create and implement a plan to eventually eliminate any such structural racism within the agency. The plan must include benchmarks for improvement.

The act requires the commission, by January 1, 2023, to report to the Government Administration and Elections Committee on (1) these best practices and (2) any recommended legislation to implement these practices within state agencies.

For purposes of these provisions, state agencies include the executive, legislative, and judicial branches; constituent units of the state system of higher education; and technical education and career schools.

§ 5 — DPH STUDY ON RECRUITMENT AND RETENTION PROGRAM FOR HEALTH CARE WORKERS OF COLOR

Requires DPH to study and report on developing a program to recruit and retain health care workers of color in the state

The act requires the DPH commissioner to study the development and implementation of a program to recruit and retain health care workers in the state who are people of color. She must report on the study's results to the Public Health Committee by February 1, 2022.

The report must include any legislative recommendations to improve the recruitment and retention of these individuals in the health care sector, including recommendations for implementing such a program.

§ 6 — DEEP ASSESSMENT OF RACIAL EQUITY WITHIN ENVIRONMENTAL HEALTH QUALITY PROGRAMS

Requires DEEP to assess and report on racial equity within the department's environmental health quality programs

The act requires the Department of Energy and Environmental Protection (DEEP) to assess racial equity within its environmental health quality programs. By January 1, 2022, DEEP must report to the Environment Committee on the assessment's results and any legislative recommendations to improve racial equity within these programs.

§ 7 — HEALTH CARE PREPARATION PROGRAMS

Requires OHE to evaluate and report on the recruitment and retention of people of color in health care preparation programs and the inclusion of cultural humility education in these programs

The act requires the Office of Higher Education (OHE), in collaboration with the Board of Regents for Higher Education and UConn's Board of Trustees, to evaluate the (1) recruitment and retention of people of color in health care preparation programs offered by the constituent units of the state system of higher education and (2) the inclusion of cultural humility education in these programs.

The act requires OHE, by January 1, 2022, to report to the Higher Education and Employment Advancement Committee on (1) the evaluation's results and (2) any legislative recommendations to improve the recruitment and retention of people of color, and include additional cultural humility education, in these programs.

Under the act, "cultural humility" is a continuing commitment to (1) self-evaluation and critique of one's own worldview as to differences in cultural traditions and belief systems and (2) awareness and active mitigation of power imbalances between cultures.

§ 8 — REPORTING ON RACIAL AND ETHNIC IMPACT STATEMENT RULE CHANGES

Requires the CWCSEO executive director to report on the status of amendments to the legislative Joint Rules on preparing racial and ethnic impact statements

By law, the CWCSEO executive director must annually submit to the Appropriations Committee a status report on the commission's efforts to promote specified quality of life results for the populations within the commission's purview. On and after January 1, 2022, the act requires these reports to also include the status of amendments to the legislative Joint Rules on the preparation of racial and ethnic impact statements.

By law, the Government Administration and Elections Committee may make recommendations for a provision in the legislature's Joint Rules on the procedure for preparing racial and ethnic impact statements, their content, and the types of bills and amendments for which they should be prepared (CGS § 2-24b).

§ 9 — GUN VIOLENCE INTERVENTION AND PREVENTION ADVISORY COMMITTEE

Establishes a committee to advise the Public Health and Human Services committees on establishing a Commission on Gun Violence Intervention and Prevention to coordinate the funding and implementation of programs and strategies to reduce gun violence

The act establishes a Gun Violence Intervention and Prevention Advisory Committee. The committee's purpose is to advise the Public Health and Human Services committees on establishing a Commission on Gun Violence Intervention and Prevention to coordinate the funding and implementation of evidence-based, community-centered programs and strategies to reduce street-level gun violence in the state.

Committee Membership and Administration

The committee includes 15 members, as shown in the following table.

Gun Violence Intervention and Prevention Advisory Committee Membership

<i>Appointing Authority</i>	<i>Appointee Qualifications (Individuals Representing the Following Entities)</i>
House speaker (2)	- Connecticut Hospital Association - Compass Youth Collaborative
Senate president pro tempore (2)	- Connecticut Violence Intervention Program - Regional Youth Adult Social Action Partnership
House majority leader (2)	- Hartford Communities That Care, Inc. - CT Against Gun Violence
Senate majority leader (2)	- Project Longevity - Saint Francis Hospital and Medical Center
House minority leader (1)	Yale New Haven Hospital
Senate minority leader (1)	Hartford Hospital
Public Health Committee's House chairperson (1)	You Are Not Alone (YANA)
Public Health Committee's Senate chairperson (1)	Mothers United Against Violence
CWCSEO executive director (1)	Health Alliance for Violence Intervention
DPH commissioner (2)	DPH's Injury and Violence Surveillance Unit (two individuals representing this unit)

Under the act, initial appointments must be made by July 14, 2021, and appointing authorities fill any vacancy. The Senate president pro tempore must select the committee's chairperson from among its members. The chairperson

must schedule the first committee meeting, to be held by August 13, 2021. The committee must meet at least bimonthly. CWCSEO's administrative staff must serve in that capacity for the committee.

Committee Charge

The act requires the committee to:

1. consult with community outreach organizations, victim service providers, community violence and gun violence victims and researchers, and public safety and law enforcement representatives on strategies to reduce these types of violence;
2. identify effective, evidence-based community violence and gun violence reduction strategies;
3. identify strategies to align state agency resources to reduce this violence;
4. identify state, federal, and private funding opportunities for community violence and gun violence reduction initiatives; and
5. develop a public health and community engagement strategy for the Commission on Gun Violence Intervention and Prevention.

The act requires the committee to report on its findings and recommendations to the Public Health and Human Services committees by January 1, 2022. The committee terminates when it submits the report or on January 1, 2022, whichever is later.

§ 10 — DPH STUDY ON STATE'S COVID-19 RESPONSE

Requires DPH to study and report on the state's COVID-19 response

The act requires DPH to study the state's COVID-19 response. The commissioner must submit a preliminary report of the study's findings to the Public Health Committee by February 1, 2022.

Under the act, the report may include recommendations for any policy and legislative changes needed to improve the state's response to future pandemics, including recommendations on laws or regulations that should automatically be waived in the event of (1) an occurrence or imminent threat of a communicable disease (except a sexually transmitted disease) or (2) a governor-declared public health emergency in response to an epidemic or pandemic.

The report may also include recommendations on how to improve administration of mass vaccinations, reporting and utilization of personal protective equipment supply during a public health emergency, cluster outbreak investigation, and health care facilities' patient care.

§ 11 — DEMOGRAPHIC DATA COLLECTION

Sets requirements for state agencies or state entities that, directly or by contract, collect demographic data related to health care or public health; requires certain health care providers to include self-reported patient demographic data in their electronic health record systems; requires OHS to (1) create a plan to implement these provisions and (2) review demographic changes and health data and periodically reevaluate the standard race and ethnicity categories

State Entities

Starting January 1, 2022, the act establishes various requirements for state agencies, boards, or commissions ("state entities") that, directly or by contract, collect demographic data on state residents' ancestry or ethnic origin, ethnicity, race, or primary language in the context of health care, the provision or receipt of health care services, or for any public health purpose.

Under the act, they must:

1. collect this data in a manner that allows for its aggregation and disaggregation;
2. expand race and ethnicity categories to include subgroup identities as specified by OHS's Community and Clinical Integration Program and follow the hierarchical mapping to align with U.S. Office of Management and Budget standards;
3. allow people to select one or more ethnic or racial designations, and include an "other" designation with the ability to write in identities not represented by other codes;
4. allow people to refuse to identify with any ethnic or racial designations; and
5. collect primary language data using language codes set by the International Organization for Standardization.

In cases where state entities report data on an individual's ethnic origin, ethnicity, or race to another state entity, they

must also ensure that it is tabulated and reported with the number and percentage of people who identify with (1) each ethnic or racial designation as their sole designation; (2) each ethnic or racial designation, whether as their sole designation or in combination with others; (3) multiple designations; and (4) no designation or who refuse to identify.

Health Care Providers

The act requires certain health care providers to collect and include in their electronic health record (EHR) systems self-reported patient demographic data, including race, ethnicity, primary language, insurance status, and disability status. They must do so based upon OHS's implementation plan (see below) and using standard categories for race and ethnicity data as set forth above. These provisions apply to health care providers with an EHR system capable of connecting to and participating in the Statewide Health Information Exchange.

OHS

The act requires OHS, by August 1, 2021, to consult with consumer advocates, health equity experts, state agencies, and health care providers to create a plan to implement these provisions on demographic data collection.

The act also requires OHS to:

1. review (a) demographic changes in race and ethnicity, as determined by the U.S. Census Bureau, and (b) health data the state collects and
2. reevaluate the standard race and ethnicity categories from time to time, in consultation with health care providers, consumers, and the Public Health Committee.

§ 12 — MATERNAL MORTALITY REVIEW COMMITTEE

Requires DPH's Maternal Mortality Review Committee to annually report disaggregated data on its investigations to the Public Health Committee and allows the reports to include recommendations to reduce or eliminate racial inequities and other public health concerns related to its charge

By law, a Maternal Mortality Review Committee within DPH conducts multidisciplinary reviews of maternal deaths to identify associated factors and make recommendations to reduce these deaths.

The act requires the committee, starting by January 1, 2022, to annually report to the Public Health Committee. The reports must include confidential, disaggregated data on the information and findings obtained through its investigation process. These reports may also include recommendations to reduce or eliminate racial inequities and other public health concerns regarding maternal mortality and severe maternal morbidity in the state.

§ 13 — IMPLICIT BIAS TRAINING AT HOSPITALS

Requires hospitals to include implicit bias training in their regular training to staff members who care for women who are pregnant or postpartum

Starting October 1, 2021, the act requires hospitals to include implicit bias training as part of their regular training to staff members who provide direct care to women who are pregnant or in the postpartum period.

Under the act, "implicit bias" means an attitude or internalized stereotype that affects perceptions, actions, and decisions in an unconscious manner and often contributes to unequal treatment based on someone's race, ethnicity, gender identity, sexual orientation, age, disability, or other characteristics.

§ 14 — BREAST HEALTH AND BREAST CANCER AWARENESS WORKING GROUP

Requires the Public Health Committee chairpersons to convene a working group to advance breast health and breast cancer awareness and promote greater understanding of the importance of early breast cancer detection

The act requires the Public Health Committee chairpersons to convene a working group to advance breast health and breast cancer awareness and promote greater understanding of the importance of early breast cancer detection in the state.

The group must (1) identify organizations that provide outreach, including to young women of color and high school students, on the importance of breast health and early breast cancer detection and (2) examine payment options for early detection services available to these individuals.

Under the act, by February 1, 2022, the working group must submit recommendations to the Public Health Committee on appropriations or legislative proposals to improve breast cancer awareness and early detection.

§ 15 — DOULA SCOPE OF PRACTICE REVIEW

Requires DPH to (1) establish a scope of practice review committee to determine whether DPH should establish a doula certification process and (2) report to the Public Health Committee on its findings and recommendations

The act requires the DPH commissioner to conduct a scope of practice review, under the existing process for scope of practice review committees, to determine whether DPH should establish a state certification process for doulas. By February 1, 2022, the commissioner must report the committee's findings and recommendations to the Public Health Committee.

The act defines a "doula" as a trained, nonmedical professional who provides physical, emotional, and informational support, virtually or in person, to a pregnant person before, during, and after birth.

Existing law establishes a process to review requests from health care professions seeking to establish or revise a scope of practice prior to consideration by the legislature. Within available appropriations, DPH appoints members to scope of practice review committees. The committees consist of (1) the DPH commissioner or her designee (who serves as the committee chairperson and in a non-voting capacity); (2) two members representing the profession making the request; and (3) two members recommended by each person or entity that submitted a written impact statement to represent the professions directly impacted by the request. DPH may also appoint additional members representing health care professions with a close relationship to the underlying scope of practice request (CGS § 19a-16e).

§ 16 — SCHOOL-BASED HEALTH CENTER WORKING GROUP

Establishes a working group to develop recommendations for the strategic expansion of school-based health center services

The act establishes a working group to develop recommendations for the strategic expansion of school-based health center (SBHC) services in the state. The working group must consider at least the following:

1. specific regions in the state where additional SBHCs may be needed;
2. options to expand or add services at existing SBHCs;
3. methods to provide additional support for SBHCs to expand telehealth services;
4. options for expanding SBHC insurance reimbursement; and
5. options to expand access to SBHCs or expand SBHC sites, which may include establishing school-based mental health clinics.

Under the act, a "school-based mental health clinic" is a clinic that:

1. is located in or on the grounds of a school facility of a school district, school board, Indian tribe, or tribal organization;
2. is organized through school, community, and health provider relationships;
3. is administered by a sponsoring facility; and
4. provides on-site mental, emotional, or behavioral health services to children and adolescents according to state and local law.

The act does not define "sponsoring facility," but under an existing law on SBHCs, sponsoring facilities include several entities, such as hospitals, community health centers, schools, and tribal organizations (CGS § 19a-6r).

Membership and Administration

Under the act, the working group includes the following members:

1. the DPH, social services, children and families, education, and insurance commissioners, or their designees;
2. the chairpersons and ranking members of the Public Health and Appropriations committees, or their designees;
3. two individuals designated by the Connecticut Association of School Based Health Centers;
4. one individual designated by the Community Health Center Association of Connecticut;
5. one individual designated by the Connecticut Association of Healthcare Plans;
6. one individual designated by Connecticut Health Center, Inc.; and
7. one children's mental health service provider, appointed by the children and families commissioner.

Under the act, the group's co-chairpersons are (1) the DPH commissioner or her designee and (2) a second member elected by the group's members, chosen from among the legislative members or their designees. The chairpersons must

schedule the first meeting, to be held by August 13, 2021.

Reporting Requirement

The act requires the working group, by February 1, 2022, to report its findings and any recommendations for the strategic expansion of SBHC services to the Public Health and Appropriations committees. The group terminates when it submits the report or on February 1, 2022, whichever is later.

§ 17 — MOBILE CRISIS SERVICES

Requires DMHAS to (1) make mobile crisis services available on nights and weekends, within available appropriations, and (2) develop and report on a plan to make these services available 24 hours a day, seven days a week

The act requires the Department of Mental Health and Addiction Services (DMHAS), within available appropriations, to increase access to mobile crisis services throughout the state in FYs 22 and 23. DMHAS must do so by expanding these services' hours of operation to include nights and weekends.

The act also requires DMHAS to develop a plan to increase access to these services throughout the state by making them available 24 hours a day, seven days a week. By January 1, 2022, the DMHAS commissioner must report on the plan to the Public Health and Appropriations committees. The report must include any legislative recommendations needed to implement the plan.

§ 18 — PEER SUPPORT SERVICES TASK FORCE

Establishes a task force to study peer support services and encourage health care providers to use these services when providing patient care

The act establishes a task force to study peer support services and encourage health care providers to use these services when providing patient care. Under the act, "peer support services" are nonmedical mental health care and substance use services provided by peer support specialists.

The task force study must at least examine available methods for delivering, certifying, and paying for these services.

Membership and Administration

Under the act, the task force includes the DMHAS commissioner or her designee and 10 appointed members as follows:

1. two each appointed by the House speaker, Senate president pro tempore, and governor and
2. one each appointed by the House and Senate majority and minority leaders.

At least five of the appointed members must have personal experience with psychiatric or substance use disorders. This includes (1) one each of the House speaker's, Senate president's, and governor's appointees and (2) each of the minority leaders' appointees.

Under the act, legislative appointees may be legislators. Initial appointments must be made by July 14, 2021. Appointing authorities fill any vacancy.

The House speaker and Senate president pro tempore select the task force chairpersons from among its members. The chairpersons must schedule the first meeting, to be held by August 13, 2021.

The Public Health Committee's administrative staff serves in that capacity for the task force.

Reporting Requirement

The act requires the task force to report its findings and recommendations to the Public Health Committee by January 1, 2022. The task force terminates when it submits the report or on January 1, 2022, whichever is later.

§ 19 — DMHAS MENTAL HEALTH TOOLKIT FOR EMPLOYERS

Requires DMHAS to develop and post online a mental health toolkit to help employers address their employees' mental health needs that arise due to COVID-19

The act requires DMHAS to develop a mental health toolkit to help employers address employee mental health needs

that arise due to COVID-19. The toolkit must (1) identify common issues and their symptoms and (2) provide information and other resources on actions that employers may take to help employees address these issues.

The act requires DMHAS to post the toolkit on its website by October 1, 2021.

§ 20 — MUNICIPAL HEALTH DEPARTMENTS

Makes various changes affecting municipal health departments, such as (1) requiring DPH approval for municipal health director appointments; (2) increasing the minimum vacancy, from 30 to 60 days, before DPH may appoint someone to fill a director vacancy; and (3) requiring municipalities, with DPH approval, to designate an acting director if the existing director is unable to act during a declared public health emergency

Health Directors

The act requires DPH approval for people nominated for municipal health director appointments. Existing law already requires this approval for district health directors (CGS § 19a-242).

In municipalities with a population of at least 40,000 for five consecutive years, prior law prohibited municipal health directors from having a financial interest in or engaging in a job, transaction, or professional activity that substantially conflicted with the director's duties. The act extends this prohibition to all municipal health directors, regardless of the town's size. Existing law already prohibits this for district health directors (CGS § 19a-244).

The act requires municipalities to submit to DPH their written agreement with the health director. They must do so upon the director's appointment or reappointment.

Additionally, the act increases, from 30 to 60 days, the minimum vacancy of a municipal health director position before DPH may appoint someone to fill the vacancy. The act specifies that this person, when sworn, (1) is considered to be a municipal employee and (2) has all the powers and duties of municipal health directors.

Acting Health Director During Public Health Emergency

Existing law allows municipalities, with the DPH commissioner's approval, to designate in writing a suitable acting health director if the existing director is absent or unable to act. The act requires municipalities to do so if this occurs during a declared public health emergency.

Under the act, during such an emergency, if the municipality fails to appoint someone or fails to notify DPH of the appointment within 30 days, DPH must appoint someone who meets the law's qualifications for municipal health directors (i.e., the person must (1) be a licensed physician and have a degree in public health or (2) have a graduate degree in public health).

The act specifies that someone designated as an acting health director during such an emergency, when sworn, (1) is considered to be a municipal employee and (2) has all the powers and duties of municipal health directors.

§ 21 — LOAN REPAYMENT PROGRAM FOR PRIMARY CARE PROVIDERS

Requires DPH, in FY 22 and within available appropriations, to implement the existing loan repayment program for community-based providers in primary care settings

The act requires DPH, in FY 22 and within available appropriations, to implement the state loan repayment program for community-based providers in primary care settings.

By law, this program provides three-year grants to community-based primary care providers to expand access to care for the uninsured. The grants may be used for, among other things, loan repayment to primary care clinicians (e.g., family practice physicians, pediatricians, advanced practice registered nurses, and physician assistants) and registered nurses who meet program requirements (see BACKGROUND).

BACKGROUND

Related Acts

PA 21-121, § 23, contains some similar provisions on local health directors (e.g., increasing, from 30 to 60 days, the minimum vacancy of a municipality's health director position before DPH may appoint someone to fill the vacancy).

PA 21-2, June Special Session, § 28, requires, rather than allows, DPH to establish a program providing grants to

community-based primary care providers, and requires DPH to do so within available resources.

PA 21-36—HB 5677

Public Health Committee

AN ACT CONCERNING THE AVAILABILITY OF COMMUNITY VIOLENCE PREVENTION SERVICES UNDER MEDICAID

SUMMARY: This act requires the Department of Social Services (DSS) commissioner to amend the state Medicaid plan to provide coverage for community violence prevention services for beneficiaries who meet both of the following criteria. First, they have received medical treatment for an injury sustained from an act of community violence (i.e., an intentional act of interpersonal violence committed in public by someone who is not the victim’s family member or intimate partner). Second, they have also been referred by a certified or licensed health care provider or social services provider to receive these services from a “certified violence prevention professional” after the provider determined the beneficiary is at a higher risk of retaliation or a violent injury from another act of community violence.

Under the act, the DSS commissioner must do this by July 1, 2022, so long as (1) federal law permits it; (2) federal financial participation is available; and (3) any needed federal approval is obtained, including Medicaid waivers or state plan amendments.

Additionally, the act establishes training requirements for individuals seeking certification as a “certified violence prevention professional” and requires the Department of Public Health (DPH), by January 1, 2022, to approve at least one accredited training and certification program for these professionals. It also establishes documentation and compliance requirements for entities that employ or contract with these professionals to provide community violence prevention services.

EFFECTIVE DATE: October 1, 2021

COMMUNITY VIOLENCE PREVENTION SERVICES

The act defines “community violence prevention services” as evidenced-based, trauma-informed, supportive, and non-psychotherapeutic services provided by a certified violence prevention professional to:

1. promote improved health outcomes and positive behavioral change,
2. prevent injury recidivism, and
3. reduce the likelihood that victims of community violence will commit or promote violence themselves.

Under the act, these services may be provided within or outside of a clinical setting and may include the provision of the following services to community violence victims: peer support or counseling, mentorship, conflict mediation, crisis intervention, targeted case management, referrals to certified or licensed health care or social services providers, patient education, or screening services.

CERTIFIED VIOLENCE PREVENTION PROFESSIONALS

Training Requirements

Under the act, a prevention professional (see BACKGROUND) seeking certification as a certified violence prevention professional must complete a DPH-approved, accredited training and certification program and maintain the certification.

Training and Certification Program

The act requires DPH, by January 1, 2022, to approve at least one accredited training and certification program for certified violence prevention professionals. The program must include at least 35 hours of initial training and address:

1. the profound effects of trauma and violence and the basics of trauma-informed care;
2. community violence prevention strategies, including conflict mediation and retaliation prevention;
3. case management and advocacy practices; and
4. HIPAA’s patient privacy requirements.

Under the act, the program must also include six hours of continuing education every two years.

Documentation and Compliance

The act requires any entity that employs or contracts with a certified violence prevention professional to provide community violence prevention services to:

1. maintain documentation that the professional has met the qualifications listed above and
2. ensure that the professional complies with any applicable state or federal laws, regulations, rules, or standards of care.

The act also specifies that it does not alter any health care professional's scope of practice.

Title Protection

The act prohibits anyone who is not certified as a violence prevention professional under the act's requirements from using the title "certified violence prevention professional" or any title, words, letters, abbreviations, or insignia indicating or implying that he or she is a certified violence prevention professional.

BACKGROUND*Prevention Professionals*

Prevention professionals work in programs that address specific patient needs, such as suicide prevention, violence prevention, alcohol and drug avoidance, and tobacco prevention. They generally complete training specific to the patient population they work with and work in a variety of settings providing various services such as case management, provider referral, and mentorship.

PA 21-75—HB 6398*Public Health Committee***AN ACT CONCERNING VARIOUS REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES**

SUMMARY: This act makes three unrelated changes to statutes concerning the Department of Mental Health and Addiction Services (DMHAS).

Prior law prohibited Whiting Forensic Hospital patients in the hospital's maximum-security service from being present during a search of their personal belongings. The act limits this prohibition to only when police officers conduct the search and have probable cause that contraband or hazardous items are hidden in the patient's living area.

The act also allows DMHAS to establish and use a single electronic health record (EHR) system for authorized personnel to access patient health records from any of DMHAS's divisions and facilities for purposes of diagnosing and treating patients and improving operations. Under the act, all DMHAS divisions and facilities must provide their patient records to the EHR system. Any disclosure of the system's patient information made outside of DMHAS must be done in accordance with state and federal law.

Additionally, the act increases, from nine to 11, the membership of the Whiting Forensic Hospital advisory board. It does this by adding two members with psychiatric disabilities, at least one of whom must have received inpatient psychiatric hospital services. The advisory board develops policies and sets standards related to the hospital's patients.

Lastly, the act makes several technical changes.

EFFECTIVE DATE: October 1, 2021, except the provision establishing a single EHR system takes effect upon passage.

PA 21-87—HB 6492

Public Health Committee

Appropriations Committee

AN ACT CONCERNING EDUCATION AND TRAINING IN EXERTIONAL HEAT ILLNESS FOR COACHES, PARENTS, GUARDIANS AND STUDENTS

SUMMARY: This act requires any person with a State Board of Education (SBE) coaching permit who coaches intramural or interscholastic athletics to complete an exertional heat illness awareness education program. They must do this before beginning their coaching assignment for the season and then review the program annually before the start of each coaching season. It authorizes SBE to revoke the permits of coaches who do not comply with the requirement, which begins in the 2022-23 school year.

The education program must be developed or approved by January 1, 2022, by the intramural and interscholastic athletics governing authority, which is the Connecticut Interscholastic Athletic Conference (CIAC), in consultation with specified organizations. SBE must then publish the plan on its website.

In addition to the program, CIAC must also develop for school board use:

1. review materials on current and relevant exertional heat illness information annually, starting by October 1, 2022, and
2. a model exertional heat illness awareness plan, by January 1, 2022.

The act also requires school boards to implement the model plan using written materials, videos, or online or in-person training. Starting with the 2022-23 school year, the act requires school boards to prohibit a student athlete from participating in intramural or interscholastic athletics unless the student and his or her parent or guardian reads or views the training materials or attends an in-person training. The parent or guardian must sign an athletic participation informed consent form issued by the school board that acknowledges compliance with the requirement.

Under the act, an “exertional heat illness” means an illness resulting from engaging in physical activity in the heat, including heat cramps, heat syncope (i.e., sudden dizziness, feeling faint, and fainting), heat exhaustion, and heat stroke (i.e., neuropsychiatric impairment and a high body temperature, typically 105.8 degrees or higher).

EFFECTIVE DATE: July 1, 2021

EXERTIONAL HEAT ILLNESS AWARENESS EDUCATION PROGRAM AND MODEL PLAN

Program Development and Content

Under the act, CIAC must develop or approve the exertional heat awareness education program by January 1, 2022, in consultation with specified organizations, one each of which must represent: (1) licensed athletic trainers, (2) sports medicine doctors, (3) researchers of best practices in managing heat illness, and (4) county medical associations.

The program content must include:

1. recognizing the symptoms of an exertional heat illness;
2. how to obtain proper medical treatment for a person suspected of having the illness;
3. the nature and risk of exertional heat illness, including the danger of continuing athletic activity after sustaining this illness; and
4. the proper method of allowing a student athlete who has sustained the illness to return to athletic activity.

Model Plan Content

The act also requires these entities to develop a model exertional heat illness awareness plan by January 1, 2022. The model plan must include the same components as the program above, as well as best practices in preventing and treating exertional heat illness.

PA 21-113—HB 5597
Public Health Committee

AN ACT CONCERNING OPIOIDS

SUMMARY: This act requires the Department of Mental Health and Addiction Services (DMHAS) to establish a pilot program in up to five urban, suburban, and rural communities to serve individuals with opioid use disorder. The department must do this by January 1, 2022, and within available appropriations.

Under the act, each participating community must form a team of at least two peer navigators who must, among other things, (1) travel throughout the community to address the health care and social needs of individuals with opioid use disorder and (2) complete regularly updated training on non-coercive and non-stigmatizing methods for engaging these individuals, as determined by the DMHAS commissioner.

The act also requires the DMHAS commissioner to report by January 1, 2023, to the Public Health Committee on the pilot program, including its success and any recommendations for its continuation or expansion.

Additionally, the act requires the Department of Public Health commissioner, by January 1, 2022, to (1) establish guidelines for the use of evidence-based, nonpharmaceutical therapies to treat chronic pain, including chiropractic treatment and physical therapy, and (2) conduct educational and outreach activities to raise awareness about these guidelines.

EFFECTIVE DATE: July 1, 2021

PEER NAVIGATORS

The act requires each community participating in the pilot program to form a team of at least two peer navigators to work to:

1. increase engagement between individuals with opioid use disorder and treatment, healthcare, and social services providers;
2. improve these individuals' retention in opioid use disorder treatment by addressing their social determinants of health and emerging local conditions that affect these determinants; and
3. increase the community's capacity to support these individuals by identifying and addressing systemic barriers to treatment, health care, and social services and social support.

The act requires the team of peer navigators to (1) travel throughout the community to address in-person the health care and social needs of individuals with opioid use disorder and (2) be accessible to these individuals through a phone number with texting capabilities and social media.

Under the act, a "peer navigator" is a person with experience working with individuals with substance use disorder who (1) provides nonmedical mental health care and substance use services and (2) has a collaborative relationship with health care professionals authorized to prescribe medications to treat opioid use disorder.

PA 21-121—sHB 6666
Public Health Committee
Appropriations Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

TABLE OF CONTENTS:

[§§ 1 & 2 — REPLACEMENT PUBLIC WELLS](#)

Allows (1) DPH to approve the location of replacement public wells if certain conditions are met and (2) local or district health directors to issue permits for these wells

[§§ 3 & 4 — NOTIFICATION OF CERTAIN PROJECTS IN WATERSHEDS OR AQUIFER PROTECTION AREAS](#)

Broadens the circumstances under which applicants must notify water companies and DPH about certain projects in watersheds and aquifer protection areas, and requires the applicants to notify DPH by email

§ 5 — ELECTRONIC REPORTING OF HOME LEAD INSPECTIONS

Requires local health departments and districts to use a DPH-prescribed electronic system to report home lead inspection findings and resulting actions

§ 6 — PRIVATE WELLS AND SEMIPUBLIC WELLS

Clarifies that “private wells” supply water to residential populations only and requires owners of property with semipublic wells, not just residential wells, to notify buyers or renters of certain information on DPH’s website

§ 7 — RESIDENTIAL AND COMMERCIAL PROPERTY WATER SUPPLY TESTING

Requires property owners to notify tenants and lessees whenever a property’s water supply is tested and exceeds any maximum contaminant level in state regulation or DPH’s state drinking water action level list

§ 8 — NURSING HOME OR RESIDENTIAL CARE HOME CITATIONS

Allows DPH to electronically submit citation notices to nursing homes and residential care homes

§ 9 — LONG-TERM CARE FACILITY BACKGROUND CHECKS

Exempts long-term care facilities from complying with background check requirements in the event of an emergency or significant disruption

§§ 10 & 11 — AUTHORITY TO WAIVE EMS REGULATIONS

Under specified conditions, allows DPH to waive regulations that apply to EMS organizations or personnel

§§ 12-17 — APPRENTICE EMBALMERS AND FUNERAL DIRECTORS

Updates terminology regarding apprentice embalmers and funeral directors and allows mortuary science students to embalm up to 10 bodies under certain conditions

§ 18 — PROFESSIONAL COUNSELOR AND PROFESSIONAL COUNSELOR ASSOCIATE LICENSURE

Exempts certain professional counselor and professional counselor associate licensure applicants from specified requirements

§ 19 — MARITAL AND FAMILY THERAPY LICENSURE

Removes the specific statutory requirement that marital and family therapy licensure applicants’ supervised practicum or internship include 500 clinical hours

§§ 20 & 21 — VETERINARIAN INVESTIGATIONS

Gives the complainant access to the investigation file when a complaint regarding a veterinarian is closed with no finding; specifically extends existing procedures for complaints against other providers to complaints against veterinarians

§ 22 — ELECTRONIC DEATH REGISTRY SYSTEM

Requires funeral directors, embalmers, and health care practitioners certifying deaths to use the electronic death registry system if it is available

§§ 23-25 — LOCAL AND DISTRICT HEALTH DEPARTMENTS

Makes various changes affecting municipal and district health departments, including making certain requirements consistent for both types of departments

§§ 26-29 — BEHAVIOR ANALYST ELIGIBILITY FOR THE PROFESSIONAL ASSISTANCE PROGRAM AND REPORTING OF IMPAIRED HEALTH PROFESSIONALS

Adds licensed behavior analysts to the list of providers eligible for the professional assistance program for health professionals and correspondingly increases their licensure renewal fee by \$5; adds these providers to the list of health professionals who must notify DPH if they are aware that another professional may be unable to safely practice

§§ 30-32 — BEHAVIOR ANALYSTS AS MANDATORY REPORTERS OF ELDER ABUSE

Makes behavior analysts mandated reporters of abuse of the elderly or long-term care facility residents

§ 33 — PALLIATIVE CARE ADVISORY COUNCIL

Requires the DPH commissioner to make an appointment to the Palliative Care Advisory Council if there is a spot that is vacant for at least one year; decreases the council's reporting frequency from annually to biennially

§ 34 — CHRONIC DISEASE REPORTING

Eliminates the requirement for DPH to biennially report on chronic disease and the implementation of the department's chronic disease plan, and instead requires her to post the plan on the department's website

§ 35 — FACILITY OWNERSHIP CHANGES

Makes a minor change in the law on health care facility ownership changes

§ 36 — TUBERCULOSIS SCREENING

Requires health care facilities to maintain tuberculosis screening policies for their health care personnel that reflect the CDC's recommendations

§ 37 — PUBLIC NUISANCES

Specifies that violations of the state Fire Prevention Code are included within the public nuisance law

§ 38 — PUBLIC HEALTH PREPAREDNESS ADVISORY COMMITTEE

Allows specified state agency and legislative members of the Public Health Preparedness Advisory Committee to appoint designees to serve in their place

§ 39 — CLINICAL LABORATORIES

Requires clinical laboratories to give DPH a list of the blood collection facilities they own and operate

§ 40 — TECHNICAL CHANGES

Makes technical changes in a sanitarian statute

§ 41 — SOCIAL WORKER CONTINUING EDUCATION

Increases the maximum hours of continuing education that social workers may complete online or through home study

§ 42 — MANAGEMENT OF SPAS AND SALONS

Allows massage therapists to manage spas and salons

§ 43 — OUT OF STATE PRACTITIONERS ALLOWED IN EMERGENCY

Expands the types of out-of-state health care providers authorized to temporarily practice in Connecticut during a declared public health emergency

§ 44 — NURSING HOME ADMINISTRATOR LICENSURE

Eliminates the requirement that DPH administer the required examination for nursing home administrator licensure applicants

§§ 45-51 & 53 — HOSPICE AGENCIES

Adds "hospice agencies" to the statutory definition of a "health care institution" and makes related technical changes; removes "substance abuse treatment facilities" from the statutory definition of a health care institution

§§ 45, 56, 91 & 92 — ASSISTED LIVING SERVICES AGENCIES

Requires managed residential communities (MRCs) that provide assisted living services to become licensed as an assisted living services agency (ALSA), requires an MRC that intends to contract with an ALSA for services to apply to DPH prior to doing so, and requires an ALSA to obtain DPH approval before providing services as a dementia special care unit or program

[§ 52 — HOME HEALTH ORDERS](#)

Allows physician assistants and advanced practice registered nurses to issue orders for home health care agency services, hospice agency services, and home health aide agency services

[§ 54 — NURSING HOME EXPANDED BED CAPACITY DURING EMERGENCY](#)

Allows DPH to suspend nursing home licensure requirements to allow homes to temporarily increase their bed capacity to provide services to patients during a declared public health emergency

[§ 55 — IV CARE IN NURSING HOMES](#)

Allows registered nurses employed by nursing homes to administer medications intravenously or draw blood from a central line for laboratory purposes under certain conditions

[§ 57 — BED POSITIONS IN LONG-TERM CARE FACILITIES](#)

Requires chronic disease hospitals, nursing homes, and residential care homes to position beds in a manner that promotes resident care and meets certain requirements

[§ 58 — REGULATIONS ON AMBULANCE STAFFING](#)

Makes a technical change by updating terminology in the statute requiring DPH to adopt regulations on ambulance staffing

[§§ 59 & 95 — CONTINUING EDUCATION FOR EMS PERSONNEL](#)

Requires EMS personnel to document their required continuing education hours in a manner the DPH commissioner prescribes, instead of using a DPH-approved online database

[§ 60 — EMS ADVISORY BOARD](#)

Requires the DPH commissioner to appoint a member to the Connecticut EMS Advisory Board if the appointment is vacant for more than one year and notify the appointing authority of the appointment at least 30 days in advance

[§§ 61-63 — MODEL FOOD CODE](#)

Extends by three years, from January 1, 2020, to January 1, 2023, the date by which DPH must implement the FDA's Model Food Code and makes related conforming changes to these laws

[§ 64 — ASBESTOS](#)

Modifies the definition of "asbestos-containing material" to include material that contains asbestos in amounts equal to or greater than 1% by weight

[§ 65 — HAIRDRESSING AND COSMETOLOGY](#)

Expands the statutory definition of "hairdressing and cosmetology" to include removing facial or neck hair using manual or mechanical means

[§§ 66, 73 & 74 — ESTHETICIAN, NAIL TECHNICIAN, AND EYELASH TECHNICIAN LICENSURE](#)

Limits the time period in which certain applicants for DPH licensure as an esthetician, nail technician, or eyelash technician may be grandfathered in to those applicants who apply for licensure before January 1, 2022

[§ 67 — HEALTH ASSESSMENTS FOR STUDENTS WITH ASTHMA](#)

Requires school boards to report to DPH and local health departments on the number of students diagnosed with asthma in grades 9 or 10, instead of grades 10 or 11, to align the reporting schedule with the schedule for conducting required student health assessments

[§ 68 — CERTIFIED STROKE CENTERS](#)

Adds thrombectomy-capable stroke centers to the types of stroke-designated hospitals DPH must include on its annual list of certified stroke centers

[§ 69 — EMS ADDRESS CHANGES](#)

Allows an EMS organization to change its address within its primary service area without having to complete the certificate of need process

[§§ 70-72 — CERTIFIED HOMELESS YOUTH](#)

Modifies the definition of “certified homeless youth,” establishes a definition for “certified homeless young adult,” and permits the fees to be waived when issuing these individuals certified copies of birth certificates or state identity cards

[§ 75 — NEWBORN SCREENING](#)

Extends newborn screening requirements for health care institutions to licensed nurse-midwives and midwives; requires newborn screenings to be performed using bloodspot specimens; specifies timeframes for specimen collection and notification; eliminates a requirement that OPM approve certain conditions that are added to the program’s screening list; requires OPM to approve the fees DPH charges providers to cover the program’s costs

[§§ 76 & 77 — AMENDMENTS TO MARRIAGE OR BIRTH CERTIFICATES TO REFLECT GENDER CHANGE](#)

Allows individuals who submit certain documentation to change the gender designation and name on their marriage certificate and adds PAs to the list of providers who may submit an affidavit of gender transition treatment for purposes of a birth certificate amendment

[§§ 78-81 — DPH ACCESS TO ELECTRONIC HOSPITAL RECORDS](#)

Requires hospitals, by October 1, 2022, to provide DPH access, including remote access, to certain complete electronic medical records related to (1) reportable diseases and emergency illnesses and health conditions; (2) the Connecticut Tumor Registry; (3) the Maternal Mortality Review Program; and (4) births, fetal deaths, and death occurrences

[§ 82 — ALTERNATIVE DRINKING WATER SOURCES](#)

Requires water companies and small community water systems to update their emergency contingency plans and emergency response plans, respectively, to include information on providing temporary alternative drinking water sources during a water supply emergency

[§ 83 — WATER COMPANY TIER 1 NOTICES](#)

Requires water companies to provide Tier 1 written communications to customers in the languages predominantly spoken in their service area and update their emergency response plans to include information on providing these multilingual communications

[§ 84 — COMMUNITY WATER SYSTEMS AND DECLARED EMERGENCIES](#)

Requires community water systems to report their operational status to WebEOC within eight hours after a declared public health or civil preparedness emergency and any time after that the system’s status significantly changes

[§ 85 — SMALL COMMUNITY WATER SYSTEMS](#)

Requires small community water systems, by January 1, 2025, to prepare a capacity implementation plan regarding the system owner’s managerial, technical, and financial capacity to own and operate the system

[§§ 86 & 87 — BOTTLED WATER TESTING](#)

Requires water bottlers, by January 1, 2022, to annually collect water samples before any water treatment from each DPH-approved source and test them for perfluoroalkyl substances and other unregulated contaminants; establishes related reporting requirements

§ 88 — PUBLIC WATER SYSTEM TESTING

Requires an environmental laboratory that tests a public water system sample to notify DPH and the test requestor within 24 hours after obtaining a test result that violates EPA national primary drinking water standards

§ 89 — HEALTH CARE INSTITUTIONS AND WATER SUPPLY SHORTAGES

Requires health care institutions to obtain potable water from a licensed bulk water hauler or water bottler as a temporary measure to alleviate a water supply shortage

§ 90 — TECHNICAL CHANGES

Makes technical changes in an EMS statute

§§ 93 & 94 — MINOR AND TECHNICAL CHANGES

Makes minor and technical changes in PA licensure and continuing education requirements

§ 95 — EMS MENTAL HEALTH TRAINING

Extends certain mental health training requirements to advanced EMTs and makes a clarifying change regarding EMS instructors

§§ 96-98 — TECHNICAL CHANGES

Makes technical and conforming changes in EMS-related statutes

§ 99 — DPH LIST OF FUNERAL DIRECTORS AND EMBALMERS

Eliminates the requirement that DPH annually provide town clerks and registrars of vital statistics printed lists of all licensed funeral directors, embalmers, student funeral directors, and student embalmers

§§ 1 & 2 — REPLACEMENT PUBLIC WELLS

Allows (1) DPH to approve the location of replacement public wells if certain conditions are met and (2) local or district health directors to issue permits for these wells

PA 19-117, §§ 73 & 74, allowed the Department of Public Health (DPH), under certain conditions, to approve the location of a replacement public well in Ledyard that did not meet the state's sanitary radius and minimum setback requirements for these water sources. This act extends these provisions to the entire state, under the same conditions.

As under PA 19-117, the act allows DPH to approve the replacement well's location if the well is:

1. needed by the water company to maintain and provide safe and adequate water to customers;
2. located in an aquifer of adequate water quality, as determined by historical water quality data from the supply source it is replacing; and
3. in a more protected location than the supply source it is replacing, as determined by DPH.

Under PA 19-117, if DPH approved the well's location, the local health director for Ledyard could issue a permit for the replacement well, but by no later than March 1, 2020. The act instead allows all local or district health directors, upon DPH's approval, to issue these permits in their respective jurisdictions, without a deadline.

EFFECTIVE DATE: October 1, 2021

§§ 3 & 4 — NOTIFICATION OF CERTAIN PROJECTS IN WATERSHEDS OR AQUIFER PROTECTION AREAS

Broadens the circumstances under which applicants must notify water companies and DPH about certain projects in watersheds and aquifer protection areas, and requires the applicants to notify DPH by email

The act broadens the circumstances under which applicants must notify water companies and DPH about certain projects (see below) in watersheds and aquifer protection areas.

The act eliminates the prior condition requiring this notice only in cases where certain maps had been filed. Instead, it generally requires applicants to (1) notify the water company and DPH and (2) determine if the project is within a water company's watershed by consulting the maps on DPH's website. It requires them to email the notice to DPH at the address DPH designates on its website.

As under existing law, (1) notice to the water company must still be sent by certified mail, return receipt requested; (2) the notices must be sent within seven days after the application; and (3) the company and DPH have the right to be heard at any hearing on the application.

Applicability

These provisions generally apply to anyone filing an application, petition, or plan with the local zoning commission or appeals board for projects on a site within a water company's watershed or aquifer protection area. They also apply to regulated activities on inland wetlands or watercourses within a water company's watershed.

The act retains existing's law exemption from these notice requirements for the first type of application above (those to a local zoning commission or appeals board). Specifically, an applicant is exempt if (1) the town allows zoning agents to approve applications concerning sites within aquifer protection areas or watersheds and (2) the agent determines that the proposed activity will not adversely affect the public water supply.

EFFECTIVE DATE: October 1, 2021

§ 5 — ELECTRONIC REPORTING OF HOME LEAD INSPECTIONS

Requires local health departments and districts to use a DPH-prescribed electronic system to report home lead inspection findings and resulting actions

By law, if a local health director receives a report that a child's blood lead level exceeds a certain threshold, the director must conduct an epidemiological investigation of the lead source. The director must report to DPH on the investigation's results and the actions taken to prevent further lead poisoning from that source.

The act specifically requires local health directors to report using a DPH-prescribed web-based surveillance system. In practice, DPH uses the MAVEN surveillance system for this purpose.

EFFECTIVE DATE: October 1, 2021

§ 6 — PRIVATE WELLS AND SEMIPUBLIC WELLS

Clarifies that "private wells" supply water to residential populations only and requires owners of property with semipublic wells, not just residential wells, to notify buyers or renters of certain information on DPH's website

The act makes minor and technical changes to clarify that "private wells" serve residential populations. As defined under existing law and the act, for provisions related to water quality testing, permitting, and sale or transfer, among other things, private wells supply water to a population of less than 25 people per day.

Existing law requires owners of residential property, before a property transaction (e.g., sale or rental), to notify the buyer or tenant that DPH's website contains educational material on private well testing. The act extends this requirement to owners of land with semi-public wells (e.g., wells supplying small businesses with under 25 employees). As under existing law, failure to provide the notice does not invalidate the transaction.

EFFECTIVE DATE: October 1, 2021

§ 7 — RESIDENTIAL AND COMMERCIAL PROPERTY WATER SUPPLY TESTING

Requires property owners to notify tenants and lessees whenever a property's water supply is tested and exceeds any maximum contaminant level in state regulation or DPH's state drinking water action level list

The act requires commercial and residential property owners to notify each tenant and the lessee of any rented property whenever the property's water supply is tested and exceeds any maximum contaminant level in state regulation or DPH's state drinking water action level list.

Under the act, the property owner must forward a copy of the test result notification to each tenant and lessee as soon

as practicable, but not later than 48 hours after receiving it. The act also requires the local health director to take all reasonable steps to verify that the property owner does so.

By law, DPH sets drinking water quality standards (i.e., “action levels”) to protect residents from health risks. In most cases, these standards mirror the federal Environmental Protection Agency’s maximum contaminant levels for public system drinking water.

EFFECTIVE DATE: October 1, 2021

§ 8 — NURSING HOME OR RESIDENTIAL CARE HOME CITATIONS

Allows DPH to electronically submit citation notices to nursing homes and residential care homes

Under prior law, DPH could only use certified mail to notify a nursing home or residential care home about a citation for noncompliance with specified laws and regulations. The act additionally allows DPH to send these notices and citations electronically, in a form and manner the commissioner sets.

EFFECTIVE DATE: October 1, 2021

§ 9 — LONG-TERM CARE FACILITY BACKGROUND CHECKS

Exempts long-term care facilities from complying with background check requirements in the event of an emergency or significant disruption

By law, long-term care facilities generally must require background checks for prospective employees or volunteers who will have direct access to patients or residents. The act suspends this requirement if the DPH commissioner determines it is necessary to do so temporarily because of an emergency or significant disruption. In that case, the commissioner must inform the facility when (1) suspending the requirement and (2) lifting the suspension.

Under DPH’s current policies and procedures for this background search program, the department may suspend the background search requirement for a facility for up to 60 days in an emergency or a significant disruption to (1) internet capabilities, (2) the functionality of the background search system, or (3) the state or long-term care facility workforce.

EFFECTIVE DATE: July 1, 2021

§§ 10 & 11 — AUTHORITY TO WAIVE EMS REGULATIONS

Under specified conditions, allows DPH to waive regulations that apply to EMS organizations or personnel

The act allows the DPH commissioner to waive any regulations that apply to emergency medical services (“EMS”) organizations or personnel if she determines that (1) doing so would not endanger the health, safety, or welfare of any patient or resident and (2) the waiver does not affect maximum allowable rates for each EMS organization or primary service area assignments.

Under the act, if the commissioner waives EMS regulations, she may:

1. impose waiver conditions assuring patients’ or residents’ health, safety, and welfare;
2. terminate the waiver if she finds that health, safety, or welfare has been jeopardized; and
3. adopt regulations establishing a waiver application procedure.

Existing law grants the commissioner generally similar waiver authority regarding DPH-licensed health care institutions (CGS § 19a-495).

The act also makes technical changes to another EMS statute (§ 10).

EFFECTIVE DATE: July 1, 2021, except for the technical changes, which are effective October 1, 2021.

§§ 12-17 — APPRENTICE EMBALMERS AND FUNERAL DIRECTORS

Updates terminology regarding apprentice embalmers and funeral directors and allows mortuary science students to embalm up to 10 bodies under certain conditions

The act (1) updates statutory terminology by replacing the terms “student embalmer” and “student funeral director” with “registered apprentice embalmer” and “registered apprentice funeral director” respectively and (2) makes related minor and technical changes. Existing law already requires these individuals to register as apprentices with DPH.

Additionally, the act specifies that (1) students enrolled in approved mortuary science education programs, with the

DPH commissioner's consent, may embalm up to 10 human bodies as part of that program under a licensed embalmer's supervision and (2) this embalming counts toward the 50-body embalming requirement for licensure.
EFFECTIVE DATE: October 1, 2021

§ 18 — PROFESSIONAL COUNSELOR AND PROFESSIONAL COUNSELOR ASSOCIATE LICENSURE

Exempts certain professional counselor and professional counselor associate licensure applicants from specified requirements

Professional Counselor Applicants

The act exempts certain applicants for professional counselor licensure from specified requirements. In doing so, it generally reinserts a provision removed in 2019 that would grandfather in certain applicants who were already in school when licensure requirements changed in 2017.

The act applies to applicants who, by July 1, 2017, were matriculating students in good standing in a qualifying graduate program offered by a regionally accredited institution. Specifically, the act exempts these applicants from the requirements to have completed (1) a 100-hour counseling practicum; (2) a 600-hour clinical mental health counseling internship; and (3) graduate coursework in addiction and substance abuse counseling, trauma and crisis counseling, and diagnosing and treating mental and emotional disorders.

Professional Counselor Associate Applicants

Existing law provides alternate paths for professional counselor associate licensure. On one path, an applicant qualifies by earning a graduate degree in clinical mental health counseling through a program accredited by the Council for Accreditation of Counseling and Related Educational Programs.

Alternatively, an applicant qualifies by earning a graduate degree in counseling or a related mental health field from a regionally accredited institution and meeting additional requirements, including completing (1) at least 60 graduate semester hours in counseling or a related mental health field, (2) a 100-hour counseling practicum, and (3) a 600-hour clinical mental health counseling internship.

Under the act, these additional requirements do not apply to applicants on the second path above who, by July 1, 2022, earned such a graduate degree, if they accumulated at least 3,000 hours of experience under professional supervision.
EFFECTIVE DATE: Upon passage

§ 19 — MARITAL AND FAMILY THERAPY LICENSURE

Removes the specific statutory requirement that marital and family therapy licensure applicants' supervised practicum or internship include 500 clinical hours

Existing law for marriage and family therapist licensure requires, among other things, an applicant to have completed a supervised practicum or internship meeting certain standards.

The act removes the prior statutory requirement that the practicum or internship include at least 500 direct clinical hours, including 100 hours of clinical supervision. In practice, the Commission on Accreditation for Marriage and Family Therapy Education currently requires this same minimum number of hours.

EFFECTIVE DATE: Upon passage

§§ 20 & 21 — VETERINARIAN INVESTIGATIONS

Gives the complainant access to the investigation file when a complaint regarding a veterinarian is closed with no finding; specifically extends existing procedures for complaints against other providers to complaints against veterinarians

The act requires DPH to provide information to a person who filed a complaint against a veterinarian when the case is closed with no finding. This applies to cases where DPH made a finding of no probable cause or failed to make a finding within the required 12-month investigation period.

The act also specifically extends to veterinarian investigations certain existing procedures that apply to investigations of several other DPH-licensed health professionals. For example, among these procedures:

1. the complainant must be given an opportunity to review, at DPH, certain records related to the complaint;
2. before resolving the complaint with a consent order, DPH must give the complainant at least 10 business days to submit an objection; and
3. if a hearing is held after a probable cause finding, DPH must give the complainant a copy of the hearing notice with information on the opportunity to present oral or written statements.

EFFECTIVE DATE: October 1, 2021

§ 22 — ELECTRONIC DEATH REGISTRY SYSTEM

Requires funeral directors, embalmers, and health care practitioners certifying deaths to use the electronic death registry system if it is available

The act requires funeral directors or embalmers, when completing death certificates, to use the state's electronic death registry system unless that system is unavailable, in which case they must use DPH-provided forms. Prior law required them to use the DPH forms.

Existing law authorizes certain health care practitioners to complete the medical certification portion of a death certificate. The act requires them, when certifying the facts of a decedent's death, to use the electronic system or, if it is unavailable, DPH-provided forms.

EFFECTIVE DATE: January 1, 2022

§§ 23-25 — LOCAL AND DISTRICT HEALTH DEPARTMENTS

Makes various changes affecting municipal and district health departments, including making certain requirements consistent for both types of departments

The act requires DPH approval for persons nominated for municipal health director appointments. Existing law already requires this approval for district health directors (CGS § 19a-242).

In municipalities with a population of at least 40,000 for five consecutive years, prior law prohibited municipal health directors from having a financial interest in or engaging in a job, transaction, or professional activity that substantially conflicted with the director's duties. The act extends this prohibition to all municipal health directors, regardless of the town's size. Existing law already prohibits this for district health directors (CGS § 19a-244).

The act increases, from 30 to 60 days, the minimum vacancy of a municipal health director position before DPH may appoint someone to fill the vacancy. The act specifies that this person, when sworn, (1) is considered to be a municipal employee and (2) has all the powers and duties of municipal health directors.

For municipalities with part-time health departments, the act removes the requirements for (1) them to submit their public health program plans and budgets to DPH, (2) DPH to approve these plans and budgets, and (3) DPH to adopt related regulations.

For both local and district health departments, the act requires the municipality or district board, as applicable, to submit to DPH its written agreement with the director. They must do so upon the director's appointment or reappointment.

Additionally, the act requires district health directors, at the end of each fiscal year, to report to DPH on their activities during the prior year. This requirement already applies to municipal departments (§ 23).

The act also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2021

Background — Related Act

PA 21-35, § 20, contains certain similar provisions as this act on local health directors.

§§ 26-29 — BEHAVIOR ANALYST ELIGIBILITY FOR THE PROFESSIONAL ASSISTANCE PROGRAM AND REPORTING OF IMPAIRED HEALTH PROFESSIONALS

Adds licensed behavior analysts to the list of providers eligible for the professional assistance program for health professionals and correspondingly increases their licensure renewal fee by \$5; adds these providers to the list of health professionals who must notify DPH if they are aware that another professional may be unable to safely practice

The act adds licensed behavior analysts to the list of providers eligible for the professional assistance program for

health professionals (currently, the Health Assistance InterVention Education Network (HAVEN); see *Background*).

The act increases, from \$175 to \$180, the annual license renewal fee for behavior analysts. The increase applies to applications to renew licenses that expire on or after October 1, 2021. The DPH commissioner must (1) quarterly certify the amount of revenue received as a result of the fee increase and (2) transfer it to the professional assistance program account. (In 2015, license renewal fees were similarly increased for professions already eligible for the program.)

The act also adds behavior analysts to the list of licensed health care professionals who must notify DPH if they are aware that another health professional may be unable to practice with skill and safety for various reasons (e.g., loss of motor skill, drug abuse, or negligence in professional practice). In some cases, this law also requires licensed health care professionals to report themselves to the department (e.g., following drug possession arrests).

Under this law, among other things:

1. the reporting professional must file a petition with DPH within 30 days after obtaining information to support the petition;
2. DPH must investigate all petitions it receives to determine if there is probable cause to issue charges and institute proceedings against the reported professional;
3. DPH may not restrict, suspend, or revoke a license until it gives the person notice and the opportunity for a hearing (except in an emergency requiring summary suspension); and
4. a health care professional that refers an impaired professional to the assistance program for intervention satisfies the law's reporting requirement in some cases.

EFFECTIVE DATE: July 1, 2021, except for the fee increase provision, which is effective upon passage, and the provisions on reporting practitioners unable to safely practice, which are effective October 1, 2021.

Background — Health Professional Assistance Program

By law, this program is an alternative, voluntary, and confidential rehabilitation program that provides various services to health professionals with a chemical dependency, emotional or behavioral disorder, or physical or mental illness.

By law, before a health professional may enter the program, a medical review committee must (1) determine if he or she is an appropriate candidate for rehabilitation and participation and (2) establish terms and conditions for participation. The program must include mandatory, periodic evaluations of each participant's ability to practice with skill and safety and without posing a threat to the health and safety of any person or patient (CGS § 19a-12a).

§§ 30-32 — BEHAVIOR ANALYSTS AS MANDATORY REPORTERS OF ELDER ABUSE

Makes behavior analysts mandated reporters of abuse of the elderly or long-term care facility residents

The act adds licensed behavior analysts to the list of professionals who must report (1) suspected abuse, neglect, abandonment, or exploitation of the elderly or long-term care facility residents or (2) if they suspect an elderly person needs protective services. They must report to the Department of Social Services (DSS) within 72 hours.

By law, a mandated reporter who fails to report to DSS within the deadline is subject to a \$500 fine. If the failure to report is intentional, the reporter can be charged with a class C misdemeanor for the first offense and a class A misdemeanor for any subsequent offense (see [Table on Penalties](#)).

EFFECTIVE DATE: October 1, 2021

§ 33 — PALLIATIVE CARE ADVISORY COUNCIL

Requires the DPH commissioner to make an appointment to the Palliative Care Advisory Council if there is a spot that is vacant for at least one year; decreases the council's reporting frequency from annually to biennially

Under existing law, the Palliative Care Advisory Council includes 13 members: two appointed by the governor, four by the legislative leaders, and seven by the DPH commissioner.

The act requires the DPH commissioner to make an appointment to the council if a spot is vacant for at least one year. If this occurs, she must notify the appointing authority about her selection at least 30 days before making the appointment.

By law, the council must report to the Public Health Committee. The act decreases the required reporting frequency from annually to every other year. As under prior law, the next report is due January 1, 2022.

EFFECTIVE DATE: July 1, 2021

§ 34 — CHRONIC DISEASE REPORTING

Eliminates the requirement for DPH to biennially report on chronic disease and the implementation of the department's chronic disease plan, and instead requires her to post the plan on the department's website

By law, DPH must consult with the Office of Health Strategy and local health departments to develop, within available resources, a statewide chronic disease plan that is consistent with specified state and federal initiatives. DPH must implement the plan to meet certain objectives (e.g., reducing the incidence and effects of chronic diseases and improving care coordination).

The act eliminates the requirement for DPH to report biennially to the Public Health Committee on chronic disease and the plan's implementation. Instead, it requires the commissioner to post the plan on the department's website.

EFFECTIVE DATE: Upon passage

§ 35 — FACILITY OWNERSHIP CHANGES

Makes a minor change in the law on health care facility ownership changes

By law, licensed health care institution ownership changes generally need prior DPH approval. Transfers to relatives are generally not subject to this requirement. But one existing exception to this is a transfer of 10% or more of the stock of a corporation, partnership, or association that owns or operates multiple facilities. The act specifies that this exception also applies to transfers involving limited liability companies meeting these same conditions.

EFFECTIVE DATE: July 1, 2021

§ 36 — TUBERCULOSIS SCREENING

Requires health care facilities to maintain tuberculosis screening policies for their health care personnel that reflect the CDC's recommendations

The act requires licensed health care facilities to have policies and procedures reflecting the National Centers for Disease Control and Prevention's (CDC) recommendations for tuberculosis (TB) screening, testing, treatment, and education for health care personnel.

Under the act, these facilities' direct patient care employees must receive TB screening and testing in compliance with these policies and procedures. This applies despite any contrary state law or regulation.

Among other things, the CDC generally recommends that health care personnel:

1. be screened for TB upon being hired and if there is a known exposure,
2. not receive annual TB testing unless there is known exposure or ongoing transmission at the facility, and
3. receive annual education in TB.

Current state regulations require annual tuberculin (skin) testing for employees of certain types of licensed facilities, such as assisted living services agencies (Conn. Agencies Reg., § 19-13-D105).

EFFECTIVE DATE: July 1, 2021

§ 37 — PUBLIC NUISANCES

Specifies that violations of the state Fire Prevention Code are included within the public nuisance law

By law, the state can bring an action to abate a public nuisance on any real property on which, within the previous year, there have been three or more (1) arrests for certain crimes, (2) arrest warrants issued for certain crimes indicating a pattern of criminal activity, or (3) municipal citations issued for certain violations. Among various other crimes, this applies to fire safety violations under specified laws. The act specifies that this includes violations under the state's Fire Prevention Code. (In doing so, it appears that the act reinserts statutory references that were inadvertently removed in 2017.)

EFFECTIVE DATE: October 1, 2021

§ 38 — PUBLIC HEALTH PREPAREDNESS ADVISORY COMMITTEE

Allows specified state agency and legislative members of the Public Health Preparedness Advisory Committee to appoint designees to serve in their place

By law, the DPH commissioner must establish a Public Health Preparedness Advisory Committee to advise DPH on responses to public health emergencies.

The act allows several committee members to designate someone to serve in their place. This applies to the DPH and Department of Emergency Services and Public Protection commissioners; the six legislative leaders; and the chairs and ranking members of the Public Health, Public Safety and Security, and Judiciary committees.

By law, the committee also includes (1) representatives of municipal and district health directors appointed by the DPH commissioner and (2) any other organizations or individuals the commissioner deems relevant to the effort.

EFFECTIVE DATE: Upon passage

§ 39 — CLINICAL LABORATORIES

Requires clinical laboratories to give DPH a list of the blood collection facilities they own and operate

The act requires licensed clinical laboratories to report to DPH the name and address of each blood collection facility they own and operate. They must report this information, in a form and manner DPH prescribes, (1) before obtaining or renewing their license and (2) whenever opening or closing a blood collection facility.

EFFECTIVE DATE: July 1, 2021

§ 40 — TECHNICAL CHANGES

Makes technical changes in a sanitarian statute

The act makes technical changes in a sanitarian statute.

EFFECTIVE DATE: July 1, 2021

§ 41 — SOCIAL WORKER CONTINUING EDUCATION

Increases the maximum hours of continuing education that social workers may complete online or through home study

The act increases, from six to 10, the maximum hours of continuing education that social workers may complete online or through home study during each one-year registration period. By law, social workers generally must complete 15 hours of continuing education each registration period, starting with their second license renewal.

EFFECTIVE DATE: Upon passage

§ 42 — MANAGEMENT OF SPAS AND SALONS

Allows massage therapists to manage spas and salons

Under prior law, starting on July 1, 2021, each spa or salon that employed hairdressers, cosmeticians, estheticians, or eyelash or nail technicians had to be managed by someone with a DPH credential for one of those professions. The act (1) extends this requirement to spas or salons that employ massage therapists and (2) allows licensed massage therapists to manage a spa or salon employing any of these individuals.

EFFECTIVE DATE: Upon passage

§ 43 — OUT OF STATE PRACTITIONERS ALLOWED IN EMERGENCY

Expands the types of out-of-state health care providers authorized to temporarily practice in Connecticut during a declared public health emergency

By law, DPH may temporarily suspend, for up to 60 days, licensing, certification, and registration requirements to allow various health care practitioners credentialed in another state, territory, or the District of Columbia to practice in Connecticut during a declared public health emergency (see *Background*).

The act expands the types of out-of-state practitioners allowed to practice in Connecticut under these circumstances to include: alcohol and drug counselors; art and music therapists; behavior analysts; certified dietician-nutritionists; dentists and dental hygienists; genetic counselors; occupational therapists; radiographers, radiologic technologists, radiologist assistants, and nuclear medicine technologists; and speech and language pathologists. (In doing so, it codifies certain

provisions in the governor's 2020 executive orders 7O, 7DD, and 7HHH).

As under existing law, the act permits these practitioners to work only within their scope of practice as permitted by Connecticut law.

EFFECTIVE DATE: Upon passage

Background — Out-of-State Practitioners Allowed During Emergency

Existing law allows the following health care practitioners to temporarily practice in Connecticut during a declared public health emergency, upon the issuance of a DPH order: emergency medical personnel, physicians and physician assistants, physical therapists, nurses and nurses' aides, respiratory care practitioners, psychologists, marital and family therapists, clinical social workers, professional counselors, paramedics, embalmers and funeral directors, sanitarians, asbestos contractors and consultants, and pharmacists.

§ 44 — NURSING HOME ADMINISTRATOR LICENSURE

Eliminates the requirement that DPH administer the required examination for nursing home administrator licensure applicants

By law, an applicant for a nursing home administrator license must meet specified education and training requirements and pass a DPH-prescribed examination. The act eliminates the requirement that DPH also administer the examination. (In practice, these examinations are administered by national organizations.)

EFFECTIVE DATE: July 1, 2021

§§ 45-51 & 53 — HOSPICE AGENCIES

Adds "hospice agencies" to the statutory definition of a "health care institution" and makes related technical changes; removes "substance abuse treatment facilities" from the statutory definition of a health care institution

Definitions

The act adds to the statutory definition of a "health care institution" a "hospice agency," which it defines as a public or private organization that provides home care and hospice services to terminally ill patients.

In doing so, it extends to these agencies statutory requirements for health care institutions regarding, among other things, licensure and inspections, access to patient records, and disclosure of HIV-related information. Previously, a hospice agency had to be licensed as a home health care agency.

The act also makes related technical and conforming changes to long-term care statutes on, among other things, the state's long-term care facility background check program and the administration of medication by certified unlicensed personnel.

Additionally, the act removes "substance abuse treatment facilities" from the definition of "health care institution" to conform to current practice. (DPH currently licenses these facilities as "behavioral health facilities.")

Licensure Fees

The act extends to hospice agencies and home health aide agencies the licensure and inspection fee of \$100 per satellite office that existing law requires for home health care agencies. (It does not set a corresponding agency licensure and inspection fee.) As under existing law, the fee must be paid biennially to DPH, except for Medicare- and Medicaid-certified agencies, which are licensed and inspected every three years.

EFFECTIVE DATE: July 1, 2021

§§ 45, 56, 91 & 92 — ASSISTED LIVING SERVICES AGENCIES

Requires managed residential communities (MRCs) that provide assisted living services to become licensed as an assisted living services agency (ALSA), requires an MRC that intends to contract with an ALSA for services to apply to DPH prior to doing so, and requires an ALSA to obtain DPH approval before providing services as a dementia special care unit or program

Licensure

Under existing law, the state does not license assisted living facilities. Instead, it licenses and regulates assisted living service agencies (ALSAs) that provide assisted living services. ALSAs can only provide these services at a managed residential community (MRC). MRCs are not licensed by the state but must provide certain core services and meet regulatory requirements.

The act requires an MRC that wishes to provide assisted living services to obtain a DPH license as an ALSA, or arrange for the services with a licensed ALSA. For the latter, the MRC must apply to DPH in a manner the commissioner prescribes, as under current regulation (Conn. Agencies Reg., § 19-13-D105).

Dementia Special Care Units and Programs

The act prohibits an ALSA from providing services as a dementia special care unit or program unless they obtain DPH approval.

An ALSA that provides services as a dementia special care unit or program must (1) ensure they have adequate staff to meet residents' needs and (2) submit to DPH a list of dementia special care units or locations and their staffing plans when applying for an initial or renewal license or upon DPH request.

The act also requires an ALSA to ensure all services provided individually to clients are fully understood by the client or the client's representative, and that the client or representative is made aware of their cost.

Additionally, the act makes technical changes, renaming "Alzheimer's special care units or programs" "dementia special care units or programs" in various public health statutes.

By law, a dementia special care unit or program is one that locks, secures, or segregates residents with a diagnosis of probable Alzheimer's disease, dementia, or other similar disorder. The unit or program must be one that prevents or limits access by a resident outside the designated or separated area and advertises or markets itself as providing specialized care or services for those with Alzheimer's disease or dementia.

Regulations

The act permits the DPH commissioner to adopt regulations to implement the act's provisions.
EFFECTIVE DATE: July 1, 2021, except upon passage for certain technical changes.

§ 52 — HOME HEALTH ORDERS

Allows physician assistants and advanced practice registered nurses to issue orders for home health care agency services, hospice agency services, and home health aide agency services

The act allows physician assistants (PAs) and advanced practice registered nurses (APRNs) licensed in Connecticut to issue orders for home health care agency services, hospice agency services, and home health aide agency services. It also allows PAs and APRNs licensed in bordering states to order home health care agency services.

Under prior law, only a physician could issue these orders.
EFFECTIVE DATE: July 1, 2021

Background — Related Act

PA 21-133, § 2, allows APRNs and PAs licensed in Connecticut and bordering states to order home health care agency, hospice home health care agency, and home health aide agency services.

§ 54 — NURSING HOME EXPANDED BED CAPACITY DURING EMERGENCY

Allows DPH to suspend nursing home licensure requirements to allow homes to temporarily increase their bed capacity to provide services to patients during a declared public health emergency

The act allows the DPH commissioner to suspend licensure requirements for chronic and convalescent nursing homes to allow them to temporarily provide services to patients with a reportable disease, emergency illness, or health condition during a declared public health emergency.

Under the act, nursing homes may provide these services under their existing license if they (1) provide services to

patients in a building that is not physically connected to its licensed facility or (2) expand their bed capacity in a part of a facility that is separate from the licensed facility.

A nursing home that intends to provide services in this manner must first apply to DPH in a form and manner the commissioner prescribes. The application must include:

1. information on the facility's ability to sufficiently address residents' and staff's health, safety, or welfare;
2. the facility's address;
3. an attestation that all equipment located at the facility is maintained according to the manufacturer's specifications and can meet residents' needs;
4. information on the facility's maximum bed capacity; and
5. information indicating that the facility is compliant with state laws and regulations for its operation.

The act requires the department, upon receiving the application, to conduct a scheduled inspection and investigation of the applicant's facilities to ensure that they comply with state licensing laws and regulations. After doing so, the department must notify the applicant of its decision to approve or deny the application.

EFFECTIVE DATE: July 1, 2021

§ 55 — IV CARE IN NURSING HOMES

Allows registered nurses employed by nursing homes to administer medications intravenously or draw blood from a central line for laboratory purposes under certain conditions

The act allows chronic and convalescent nursing homes to allow a licensed registered nurse (RN) they employ to:

1. draw blood from a central line for laboratory purposes, provided the facility has an agreement with a laboratory to process the specimens or
2. administer IV therapy or a medication dose by intravenous injection, if the medication is on a list approved by the facility's governing body, pharmacist, and medical director for intravenous injection by an RN.

Under the act, an RN may perform these services only if he or she has been properly trained to do so by the home's nursing director or an intravenous infusion company. It requires the home's administrator to ensure that the RN is appropriately trained and competent and provide related documentation to DPH upon request.

The act also requires the nursing home to notify the DPH commissioner if it employs RNs who provide these services.

EFFECTIVE DATE: July 1, 2021

§ 57 — BED POSITIONS IN LONG-TERM CARE FACILITIES

Requires chronic disease hospitals, nursing homes, and residential care homes to position beds in a manner that promotes resident care and meets certain requirements

The act requires chronic disease hospitals, nursing homes, and residential care homes to position beds in a manner that promotes resident care. Specifically, the bed position:

1. cannot act as a restraint to the resident;
2. cannot create a hazardous situation, including the possibility of entrapment, an obstacle to evacuation, or blocking or being close to a heat source;
3. must allow for infection control; and
4. must provide at least a three-foot clearance at the sides and foot of each bed, as under existing law.

EFFECTIVE DATE: July 1, 2021

§ 58 — REGULATIONS ON AMBULANCE STAFFING

Makes a technical change by updating terminology in the statute requiring DPH to adopt regulations on ambulance staffing

The act makes a technical change to the statute requiring the DPH commissioner to adopt regulations requiring ambulances to be staffed with at least one certified emergency medical technician (EMT) and one certified emergency medical responder (EMR). It updates terminology by replacing the terms "emergency medical response services" with "ambulance" and "medical response technician" with "emergency medical responder."

EFFECTIVE DATE: October 1, 2021

§§ 59 & 95 — CONTINUING EDUCATION FOR EMS PERSONNEL

Requires EMS personnel to document their required continuing education hours in a manner the DPH commissioner prescribes, instead of using a DPH-approved online database

The act requires EMS personnel to enter, track, and reconcile their required continuing education hours in a form and manner the DPH commissioner prescribes, instead of using a DPH-approved online database. It also makes a related conforming change.

By law, EMS personnel include EMRs, EMTs, advanced EMTs, and EMS instructors.

EFFECTIVE DATE: July 1, 2021, except a conforming change is effective upon passage.

§ 60 — EMS ADVISORY BOARD

Requires the DPH commissioner to appoint a member to the Connecticut EMS Advisory Board if the appointment is vacant for more than one year and notify the appointing authority of the appointment at least 30 days in advance

The act requires the DPH commissioner to appoint a member to the Connecticut EMS Advisory Board if the appointment is vacant for more than one year. The commissioner must notify the appointing authority of her appointee's identity at least 30 days before making the appointment.

By law, the EMS Advisory Board reviews and comments on all DPH regulations, medical guidelines, and EMS-related policies before they are implemented. It also assists and advises state agencies in coordinating the EMS system. The board must annually report to the DPH commissioner and make recommendations to the governor and legislature on legislation it believes will improve EMS delivery.

EFFECTIVE DATE: Upon passage

§§ 61-63 — MODEL FOOD CODE

Extends by three years, from January 1, 2020, to January 1, 2023, the date by which DPH must implement the FDA's Model Food Code and makes related conforming changes to these laws

The act extends by three years, from January 1, 2020, to January 1, 2023, the date by which DPH must adopt the federal Food and Drug Administration's (FDA) Model Food Code as the state's food code for regulating food establishments.

The act also makes related conforming changes to statutes regarding certified food inspectors and restaurant requests to use the sous vide cooking technique or the acidification of sushi rice.

EFFECTIVE DATE: Upon passage

§ 64 — ASBESTOS

Modifies the definition of "asbestos-containing material" to include material that contains asbestos in amounts equal to or greater than 1% by weight

The act expands the definition of "asbestos-containing material" in the statutes pertaining to asbestos abatement. It specifies that such material qualifies as such if it contains asbestos in amounts equal to or greater than 1.0% by weight, instead of only amounts greater than 1.0% by weight, as under prior law.

EFFECTIVE DATE: October 1, 2021

§ 65 — HAIRDRESSING AND COSMETOLOGY

Expands the statutory definition of "hairstyling and cosmetology" to include removing facial or neck hair using manual or mechanical means

The act expands the statutory definition of "hairstyling and cosmetology" for purposes of licensure to include removing facial or neck hair using manual or mechanical means.

Under existing law, hairstyling and cosmetology also includes (1) dressing, arranging, curling, waving, weaving, cutting, singeing, bleaching, or coloring hair; (2) scalp treatments; and (3) massaging, stimulating, cleansing, manipulating, exercising or beautifying with the use of the hands, appliances, cosmetic preparations, antiseptics, tonics, lotions, creams,

powders, oils, or clays and doing similar work on the face, neck, and arms.

EFFECTIVE DATE: Upon passage

§§ 66, 73 & 74 — ESTHETICIAN, NAIL TECHNICIAN, AND EYELASH TECHNICIAN LICENSURE

Limits the time period in which certain applicants for DPH licensure as an esthetician, nail technician, or eyelash technician may be grandfathered in to those applicants who apply for licensure before January 1, 2022

By law, individuals seeking an initial DPH license as an esthetician, nail technician, or eyelash technician must provide evidence that he or she (1) completed the minimum hours of required study in an approved school, or an out-of-state school with equivalent requirements, and (2) received a certification of completion from the school.

Prior law grandfathered in an applicant who provided evidence that he or she:

1. practiced as one of these professionals continuously in the state for at least two years before (a) July 1, 2020, for estheticians and eyelash technicians and (b) January 1, 2021, for nail technicians and
2. attested to compliance with specified infection prevention and control guidelines.

The act limits this grandfathering in to those who apply before January 1, 2022.

EFFECTIVE DATE: July 1, 2021

§ 67 — HEALTH ASSESSMENTS FOR STUDENTS WITH ASTHMA

Requires school boards to report to DPH and local health departments on the number of students diagnosed with asthma in grades 9 or 10, instead of grades 10 or 11, to align the reporting schedule with the schedule for conducting required student health assessments

By law, local or regional boards of education (“school boards”) must report to DPH and local health departments triennially on the number of students in each school and school district who are diagnosed with asthma at specified timeframes.

The act requires school boards to report on students who are diagnosed with asthma in grades 9 or 10, instead of grades 10 or 11, as under prior law. In doing so, it aligns the reporting schedule with the schedule school boards must follow for conducting student health assessments required under existing law.

Under existing law, and unchanged by the act, school boards must also report on students diagnosed with asthma at the time they enroll in school and in grades six or seven.

EFFECTIVE DATE: July 1, 2021

§ 68 — CERTIFIED STROKE CENTERS

Adds thrombectomy-capable stroke centers to the types of stroke-designated hospitals DPH must include on its annual list of certified stroke centers

By law, a hospital may apply to DPH to be designated as a stroke center, and the department must annually send a list of these stroke-designated hospitals to the medical director of each EMS provider in the state and post the list on the DPH website.

The act adds thrombectomy-capable stroke centers to the types of stroke-designated hospitals DPH must include on its annually posted list. Under existing law, DPH already includes hospitals designated as comprehensive stroke centers, primary stroke centers, or acute stroke-ready hospitals.

As under existing law, a hospital may apply to DPH for designation as a thrombectomy-capable stroke center if it is certified as such by (1) the American Hospital Association, (2) the Joint Commission (an independent, nonprofit organization that accredits and certifies hospitals and other health care organizations and programs), or (3) another DPH-approved, nationally recognized certifying organization.

Under the act, DPH must report to the national certifying organization any complaint it receives related to a thrombectomy-capable stroke center’s certification, as it must already do for other types of stroke centers.

EFFECTIVE DATE: October 1, 2021

§ 69 — EMS ADDRESS CHANGES

Allows an EMS organization to change its address within its primary service area without having to complete the certificate of need process

The act allows an EMS organization, instead of only an ambulance service, to apply to DPH to change its address or add a branch location within its primary service area. Prior law required an EMS organization to complete the certificate of need process in order to make this change.

EFFECTIVE DATE: Upon passage

§§ 70-72 — CERTIFIED HOMELESS YOUTH

Modifies the definition of “certified homeless youth,” establishes a definition for “certified homeless young adult,” and permits the fees to be waived when issuing these individuals certified copies of birth certificates or state identity cards

Definitions

The act expands the statutory definition of “certified homeless youth” to include youth certified as homeless by the director of a municipal or nonprofit program that contracts with the Department of Housing’s homeless youth program. Existing law also includes youth certified as homeless by one of the following:

1. a school district homeless liaison;
2. the director of an emergency shelter program funded by the U.S. Department of Housing and Urban Development, or the director’s designee; or
3. the director of a runaway or homeless youth basic center or transitional living program funded by the U.S. Department of Health and Human Services, or the director’s designee.

By law, a certified homeless youth is a 15- to 17-year-old person, not in the physical custody of a parent or legal guardian, who is a homeless child or youth as defined in specified federal law.

The act also establishes a definition for a “certified homeless young adult,” which is an 18- to 25-year-old person certified as homeless by the same individuals as for certified homeless youth listed above.

Records Access

The act authorizes DPH and local registrars of vital records to waive the fee for issuing a certified copy of a birth certificate to a certified homeless youth or certified homeless young adult. It similarly allows the Department of Motor Vehicles to waive the fee for issuing a state identity card to these individuals.

EFFECTIVE DATE: July 1, 2021

§ 75 — NEWBORN SCREENING

Extends newborn screening requirements for health care institutions to licensed nurse-midwives and midwives; requires newborn screenings to be performed using bloodspot specimens; specifies timeframes for specimen collection and notification; eliminates a requirement that OPM approve certain conditions that are added to the program’s screening list; requires OPM to approve the fees DPH charges providers to cover the program’s costs

The act extends newborn screening requirements for health care institutions to licensed nurse-midwives and midwives. It requires health care institutions, nurse-midwives, and midwives (hereinafter “providers”) to generally perform newborn screenings using bloodspot specimens and establishes related specimen collection and notification requirements.

Testing Timeframes

The act requires providers to collect the blood spot specimen between 24 and 48 hours after the infant’s birth, unless the provider determines a situation exists that warrants its early collection or that it is medically contraindicated.

Under the act, conditions that warrant early collection of the specimen include:

1. imminent transfusion of blood products,
2. dialysis,
3. the infant’s early discharge from a health care institution or transfer from one institution to another; or

4. imminent death.

Under the act, if a newborn dies before a blood spot specimen is obtained, it must be collected as soon as practicable after death.

Notification Requirements

The act requires providers to notify DPH when a specimen is not collected within the required 48 hours after birth for any reason, including (1) medical fragility, (2) the parent's refusal of the screening due to religious conflict, or (3) a newborn receiving comfort measures only.

Under the act, providers must document the reason in the state's newborn screening system or send written notification to DPH within 72 hours after the newborn's birth.

Specimen Processing

The act requires providers to send the blood spot specimen to the state's public health laboratory within 24 hours after collecting it. DPH may request an additional blood spot specimen if the specimen (1) was collected early or after a blood transfusion, (2) is unsatisfactory for testing, or (3) yields an abnormal result, as determined by the department.

The act requires the laboratory to maintain a record of the date and time it received each specimen and make the record available for inspection, within 48 hours after the provider who sent the specimen requests it.

Office of Policy and Management (OPM) Approval

The act eliminates the requirement that OPM approve a disorder included on the federal Recommended Uniform Screening Panel (RUSP) (see *Background*) before DPH adds it to the list of conditions for which the program screens. It instead allows the department to add any RUSP disorder the commissioner prescribes.

It also requires OPM to approve the fees DPH charges providers to cover the program's costs, including testing, tracking, and treatment. By law, the fee must be at least \$98.

Non-Program Screenings for Other Conditions

Separate from the Newborn Screening Program, existing law requires health care institutions to test newborns for other specified conditions. The act eliminates the requirement that institutions test newborns for spinal muscular atrophy and instead requires this testing as part of the Newborn Screening Program. It continues to require that health care institutions test for critical congenital heart disease; cystic fibrosis; and when a newborn fails a hearing test, cytomegalovirus. It also eliminates the requirement that testing for cytomegalovirus be performed within available appropriations.

Additionally, the act requires clinical laboratories that complete the newborn screening test for cystic fibrosis to annually report to DPH the number and results of the screenings into the newborn screening system. Existing law already requires health care institutions to enter these test results into the state's newborn screening system.

By law, health care institutions must report confirmed cases of cytomegalovirus cases to DPH. The act specifies that they must do so by entering the information in the state's newborn screening system, and regardless of the patient's insurance status or payment source, including self-payment.

EFFECTIVE DATE: Upon passage

Background — Recommended Uniform Screening Panel (RUSP)

RUSP is a list of health conditions that the federal Department of Health and Human Services recommends states screen for as part of their newborn screening programs. Conditions are included on the list based on evidence of the potential benefit of screening, states' ability to screen, and the availability of effective treatments (42 U.S.C. § 300b-10).

§§ 76 & 77 — AMENDMENTS TO MARRIAGE OR BIRTH CERTIFICATES TO REFLECT GENDER CHANGE

Allows individuals who submit certain documentation to change the gender designation and name on their marriage certificate and adds PAs to the list of providers who may submit an affidavit of gender transition treatment for purposes of a birth certificate amendment

The act allows people who submit certain documentation to change the gender designation and name on their marriage certificate.

Specifically, the act requires the DPH commissioner to issue a new marriage certificate to a person who:

1. requests in writing, signed under penalty of law, a replacement marriage certificate that reflects a gender different from the sex designated on their original certificate, along with an affirmation that the couple is still married;
2. provides a notarized statement from the person's spouse, consenting to the amendment;
3. provides a (a) U.S. passport, amended birth certificate, or court order reflecting the applicant's gender or (b) notarized affidavit from a physician, PA, APRN, or psychologist (whether licensed in Connecticut or another state) stating that the applicant has undergone surgical, hormonal, or other clinically appropriate treatment for gender transition; and
4. provides, if applicable, proof of a legal name change.

The act generally extends to these amended marriage certificates existing procedures for amended birth certificates reflecting gender change (e.g., allowing only the DPH commissioner, and not local registrars, to amend the certificate, and providing that the replacement certificate is not marked "amended").

Under existing law, individuals seeking to change the gender designation on their birth certificates must submit a notarized affidavit from an eligible health care provider stating that the applicant underwent clinically appropriate gender transition treatment. The act adds PAs to the list of providers who may submit this affidavit. Under existing law, the list also includes physicians, APRNs, and psychologists.

EFFECTIVE DATE: October 1, 2021

§§ 78-81 — DPH ACCESS TO ELECTRONIC HOSPITAL RECORDS

Requires hospitals, by October 1, 2022, to provide DPH access, including remote access, to certain complete electronic medical records related to (1) reportable diseases and emergency illnesses and health conditions; (2) the Connecticut Tumor Registry; (3) the Maternal Mortality Review Program; and (4) births, fetal deaths, and death occurrences

The act requires hospitals to provide DPH access, including remote access, to complete electronic medical records on reportable diseases and emergency illnesses and health conditions, in a manner the commissioner approves (see *Background*).

It also requires hospitals to grant DPH access, including remote access, to complete patient medical records related to the:

1. Connecticut Tumor Registry, if the department deems it necessary to perform case findings or other quality improvement audits (see *Background*);
2. Maternal Mortality Review Program, if DPH deems it necessary to review case information related to a death under review by the program (see *Background*); and
3. births, fetal deaths, and death occurrences, if the department deems it necessary to perform quality improvement audits and ensure completeness of reporting and data accuracy.

(Existing law already grants DPH access to health care provider records for Connecticut Tumor Registry and Maternal Mortality Review Program purposes.)

The act requires hospitals to grant DPH access to the above records by October 1, 2022, if technically feasible.

Under the act, as under existing law, these records generally (1) are confidential and not subject to disclosure, (2) are not admissible as evidence in any court or agency proceeding, and (3) must be used solely for medical or scientific research or disease control and prevention purposes.

EFFECTIVE DATE: October 1, 2021

Background — DPH Reportable Disease List

By law, DPH maintains an annual list of reportable diseases and emergency illnesses and conditions and reportable lab findings. Health care providers and clinical laboratories must report cases of the listed conditions within certain timeframes to the department and the local health director where the case occurs.

Background — Connecticut Tumor Registry

By law, the Connecticut Tumor Registry includes reports of all tumors and conditions that are diagnosed or treated in the state for which DPH requires reports. Hospitals, various health care providers, and clinical laboratories must provide these reports to DPH for inclusion in the registry.

Background — Maternity Mortality Review Program

DPH's Maternity Mortality Review Program identifies maternal deaths in Connecticut, and reviews related medical records and other relevant data, including death and birth records, the Office of the Chief Medical Examiner's files, and physician office and hospital records. The program's review committee conducts comprehensive, multidisciplinary reviews of maternal deaths to identify associated factors and make recommendations to reduce these deaths.

§ 82 — ALTERNATIVE DRINKING WATER SOURCES

Requires water companies and small community water systems to update their emergency contingency plans and emergency response plans, respectively, to include information on providing temporary alternative drinking water sources during a water supply emergency

The act requires water companies and small community water systems (i.e., those regularly serving between 25 and 1,000 year-round residents) to update their emergency contingency plans and emergency response plans, respectively, to include information on providing their consumers an alternative drinking water source as a temporary measure when there is a water supply emergency. (They must submit these plans to DPH under existing law and regulation.)

Under the act, a "water supply emergency" is an event lasting longer than 12 hours that causes a company's water supply to become non-compliant with DPH regulations on drinking water quality or quantity. The act specifies that this section does not prevent a water company or small community water system from providing an alternative source of potable water for an event lasting less than 12 hours that may adversely impact the quality or quantity of potable water supplies.

The act requires these emergency plans to identify alternative drinking water sources for possible use at various stages of an emergency, including:

1. bulk water provided by licensed bulk water haulers,
2. bottled water,
3. a fill station,
4. interconnection or agreement with a nearby public water system for supplemental water supplies during an emergency, and
5. other approved public water supply sources or mechanisms for providing water identified in the plan or approved by the DPH commissioner.

The act also requires the DPH commissioner, in consultation with water companies and small community water systems, to prepare materials and provide guidance to these companies and systems to implement the act's provisions.

Under the act, as under existing law, "water company" means any individual, municipality, or entity that owns, maintains, operates, manages, controls, or employs any pond, lake, reservoir, well, stream, or distributing plant or system that supplies water to two or more consumers or to 25 or more people on a regular basis.

EFFECTIVE DATE: October 1, 2021

§ 83 — WATER COMPANY TIER 1 NOTICES

Requires water companies to provide Tier 1 written communications to customers in the languages predominantly spoken in their service area and update their emergency response plans to include information on providing these multilingual communications

The act requires water companies to provide "tier 1" written communications to customers in the languages predominantly spoken in their service area and update their emergency response plans that they submit to DPH under existing law and regulation to include information on the provision of these multilingual communications.

State regulations require water companies to send a "tier 1" notice to customers to communicate certain water quality or quantity issues or concerns with customers, such as when a water source exceeds the state's maximum contaminant levels (Conn. Agencies Reg., § 19-13-B102).

EFFECTIVE DATE: October 1, 2021

§ 84 — COMMUNITY WATER SYSTEMS AND DECLARED EMERGENCIES

Requires community water systems to report their operational status to WebEOC within eight hours after a declared public health or civil preparedness emergency and any time after that the system's status significantly changes

The act requires community water systems that serve at least 25 residents to promptly report their operational status to WebEOC after the governor declares a civil preparedness or public health emergency. They must do so within eight hours after WebEOC reporting is available on the declared emergency, and any time after that the community water system's status significantly changes.

Under the act, "WebEOC" is the state's online emergency management information system used to document routine and emergency events or incidents. It provides a real-time operating picture and resource request management tool for local and state emergency managers during exercises; drills; or local, regional, or statewide emergencies.

EFFECTIVE DATE: October 1, 2021

§ 85 — SMALL COMMUNITY WATER SYSTEMS

Requires small community water systems, by January 1, 2025, to prepare a capacity implementation plan regarding the system owner's managerial, technical, and financial capacity to own and operate the system

Starting by January 1, 2025, the act requires each owner of a small community water system (i.e., those regularly serving between 25 and 1,000 year-round residents) to complete and implement a "capacity implementation plan" that demonstrates that the owner has the managerial, technical, and financial capacity to continue to own and operate the system. The plan must be updated annually and made available to DPH upon request.

Under the act, the plan must include:

1. a description of the small community water system, including the number of consumers and persons it serves, and its drinking water sources;
2. ownership and management information, including the system's type of ownership structure and the current contact information for the owners, certified operators, and emergency contact persons;
3. service area maps and facilities maps, including the location of and specific information on sources, storage and treatment facilities, pressure zones, booster pumps, hydrants, distribution lines, valves, and sampling points;
4. a description of the system's cross-connection control program and source water protection program;
5. a copy of the system's emergency response plan required under existing DPH regulations;
6. a capital improvement program, including the schedule that identifies all capital improvements scheduled for a five-year planning period and capital improvements or major projects scheduled for a 20-year planning period;
7. water production and consumption information; and
8. information on nearby public water systems, including their type and distance, based on the coordinated water system plan approved by DPH for the water utility coordinating committee where the small community water system is located.

The act also requires the plan to include financial capacity information, including:

1. an evaluation of the small community water system's fiscal plan required under existing law;
2. a summary of the system's income and expenses for the five years preceding the date the plan is submitted;
3. a five-year balanced operation budget;
4. the system's water rate structure and fees charged, including information on how the rates and fees are updated and whether they are sufficient to maintain cash flow stability and fund the capital improvement plan and any emergency improvements; and
5. an evaluation that has considered the affordability of water rates.

The act requires each small community water system, starting by July 1, 2025, to annually summarize its capacity plan in its consumer confidence report required under existing DPH regulations.

Exceptions

The plan requirement does not apply to a small community water system that is (1) regulated by the Public Utilities Regulatory Authority (i.e., investor-owned water companies), (2) required to submit a water supply plan to DPH (e.g., generally, those serving 1,000 or more people or 250 or more customers), or (3) a state agency.

The act deems the plan requirement to relate to the purity and adequacy of water supplies for the purpose of imposing a penalty for violating statutory or regulatory requirements on public water supply purity, adequacy, or testing described further below.

Regulations

The act authorizes DPH to adopt regulations to implement the act's requirements for small community water systems.

EFFECTIVE DATE: October 1, 2021

§§ 86 & 87 — BOTTLED WATER TESTING

Requires water bottlers, by January 1, 2022, to annually collect water samples before any water treatment from each DPH-approved source and test them for perfluoroalkyl substances and other unregulated contaminants; establishes related reporting requirements

The act requires water bottlers, by January 1, 2022, to annually collect water samples before any water treatment from each DPH-approved source and test them for perfluoroalkyl substances (PFAS) and other unregulated contaminants. A DPH-registered environmental laboratory that has EPA-approved certification must test the samples.

Under the act, water bottlers must report the test results to DPH and the Department of Consumer Protection (DCP) within nine calendar days after receiving them. If the results exceed DPH standards for PFAS and other unregulated contaminants, the department may require the water bottler to stop using the approved source until it no longer poses an unacceptable health or safety risk to consumers. The act requires DPH to notify DCP when it takes this action.

The act defines an “unregulated contaminant” as a contaminant for which DPH has set a level at which it creates, or can be reasonably expected to create, an unacceptable risk of injury to the consumer’s health or safety.

Existing law requires water bottlers, among other things, to collect samples from each approved source at least once a year to test for regulated contaminants and at least once every three years for unregulated contaminants for which allowable levels have not been established.

EFFECTIVE DATE: October 1, 2021

§ 88 — PUBLIC WATER SYSTEM TESTING

Requires an environmental laboratory that tests a public water system sample to notify DPH and the test requestor within 24 hours after obtaining a test result that violates EPA national primary drinking water standards

The act requires an environmental laboratory that tests a public water system sample to notify the test requestor, or the requestor’s designee, within 24 hours after obtaining a test result that shows a contaminant at a level that violates EPA national primary drinking water standards. The requestor or designee must notify DPH within 24 hours of being notified. Under the act, a contaminant means E. Coli, lead, nitrate, and nitrite.

The act’s notification requirement applies only to public water systems that do not submit a water supply plan to DPH (e.g., generally, those serving 1,000 or more people or 250 or more customers).

Under existing law, if a public water system violates EPA national primary drinking water standards, DPH must notify the chief elected official in the municipality where the water system is located and any municipality the water system serves. The act allows the commissioner’s designee, instead of only the commissioner, to make the notification. As under existing law, the commissioner’s designee must do this within five business days after receiving notice of the violation.

EFFECTIVE DATE: October 1, 2021

§ 89 — HEALTH CARE INSTITUTIONS AND WATER SUPPLY SHORTAGES

Requires health care institutions to obtain potable water from a licensed bulk water hauler or water bottler as a temporary measure to alleviate a water supply shortage

The act requires health care institutions to obtain potable water from a licensed bulk water hauler or water bottler if they are required to temporarily obtain potable water to alleviate a water supply shortage.

EFFECTIVE DATE: October 1, 2021

§ 90 — TECHNICAL CHANGES

Makes technical changes in an EMS statute

EFFECTIVE DATE: Upon passage

§§ 93 & 94 — MINOR AND TECHNICAL CHANGES

Makes minor and technical changes in PA licensure and continuing education requirements

The act makes technical changes in PA continuing education requirements in existing law and PA 21-46 (§ 2).

The act also decreases, from \$155 to \$150, the annual licensure renewal fee for PAs. (PA 21-2, June Special Session, § 199, restores the fee to \$155.)

EFFECTIVE DATE: July 1, 2021

§ 95 — EMS MENTAL HEALTH TRAINING

Extends certain mental health training requirements to advanced EMTs and makes a clarifying change regarding EMS instructors

PA 21-46, § 9, requires EMRs, EMTs, and emergency medical services instructors seeking certification renewal to complete specified mental health and suicide prevention training. The act extends this requirement to advanced EMTs.

Thus, the act requires advanced EMTs seeking certification renewal to present evidence that, within the prior six years, they have completed (1) the evidence-based youth suicide prevention training program established by PA 21-46 (see *Background*) or (2) at least two hours of DPH-approved training in screening for post-traumatic stress disorder, suicide risk, depression, and grief and suicide prevention. This requirement applies starting January 1, 2022.

The act also removes the separate requirement under PA 21-46 for EMS instructors to take this training; but under existing law, EMS instructors seeking renewal of their certification must also maintain EMT or advanced EMT certification or paramedic licensure.

EFFECTIVE DATE: July 1, 2021

Background — Related Act

PA 21-46, § 1, requires the Youth Suicide Advisory Board and the Office of the Child Advocate to jointly administer an evidence-based youth suicide prevention training program, with specified components, in each local and district health department and offer it at least once every three years, starting by July 1, 2022.

§§ 96-98 — TECHNICAL CHANGES

Makes technical and conforming changes in EMS-related statutes

The act makes technical and conforming changes in EMS-related statutes.

EFFECTIVE DATE: Upon passage

§ 99 — DPH LIST OF FUNERAL DIRECTORS AND EMBALMERS

Eliminates the requirement that DPH annually provide town clerks and registrars of vital statistics printed lists of all licensed funeral directors, embalmers, student funeral directors, and student embalmers

The act repeals a provision that required DPH to annually provide town clerks and registrars of vital statistics printed lists of all licensed funeral directors, embalmers, student funeral directors, and student embalmers. (In practice, these lists are available on the state's eLicense website.) The act also repeals a provision that required DPH to issue cards to those listed stating their license or registration status.

EFFECTIVE DATE: Upon passage

PA 21-129—sSB 683

*Public Health Committee
Appropriations Committee*

AN ACT CONCERNING HOSPITAL BILLING AND COLLECTION EFFORTS BY HOSPITALS AND COLLECTION AGENCIES

SUMMARY: This act extends certain hospital collection laws to cover entities that are owned by, or affiliated with, hospitals. By doing so, it prohibits these related entities, and not just hospitals, from (1) collecting from an uninsured patient more than the cost of providing health care services, (2) referring certain patients to collection agencies, and (3) continuing collection efforts in certain situations until they determine whether the patient is eligible for debt reduction or elimination.

It also limits or restricts when hospitals, these related entities, and collection agents may refer patients to credit rating agencies, foreclose a lien on a patient's primary residence, or garnish a patient's wages.

Additionally, the act makes several changes to laws on facility fees for outpatient services at hospital-based facilities. For example, it (1) expands the type of procedural codes for which hospitals, health systems, and hospital-based facilities may not charge facility fees in certain circumstances; (2) requires various patient notices to include information in 15 languages on free language assistance services; (3) expands certain existing reporting requirements; and (4) establishes new reporting requirements.

The act requires the Office of Health Strategy (OHS) to (1) within available appropriations, study certain matters regarding physician practices and oversight of practice mergers and acquisitions and (2) report to the Public Health Committee by February 1, 2023.

It also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2022, except the OHS reporting provisions take effect upon passage.

§§ 1-3 — HOSPITAL DEBT COLLECTION

Definitions

The act extends certain hospital debt collection laws to cover entities that are owned by, or affiliated with, hospitals. For these purposes, the act defines “owned by” as owned by a hospital or health system when billed under the hospital's tax identification number. It defines “affiliated with” as:

1. being employed by a hospital or health system,
2. being under a professional services agreement with a hospital or health system that allows the hospital or health system to bill on the entity's behalf, or
3. a clinical faculty member of a medical school who is affiliated with a hospital or health system in a manner that allows the hospital or health system to bill on the faculty member's behalf.

Collection Limits (§ 1)

Existing law prohibits hospitals from collecting from an uninsured patient more than the cost of providing the services. The act extends this prohibition to (1) all licensed hospitals, not just short-term general hospitals, and (2) entities owned by, or affiliated with, hospitals.

For these purposes, existing law generally defines an “uninsured patient” as someone with an income at or below 250% of the federal poverty level (FPL) (i.e., in 2021, \$32,200 for an individual) who (1) applied for Medicaid but did not qualify and (2) is not eligible for coverage under Medicare or another governmental or private insurance plan.

Initiation of Debt Collection and Other Activities (§ 2)

Existing law generally prohibits a hospital from referring a patient's unpaid bill to a collection agent or initiating an action against a patient or his or her estate, unless it determined that the individual is uninsured and not eligible for a bed fund. (Generally, a hospital bed fund refers to gifts of money, stock, or other property to a hospital to provide free patient care.) The act extends these provisions to entities owned by or affiliated with hospitals. It also specifies that these provisions apply to all DPH-licensed hospitals.

The act also prohibits hospitals, entities owned by or affiliated with them, and collection agents who receive their referrals from taking the following actions related to a health care debt for services provided on or after October 1, 2022:

1. reporting a patient to a credit rating agency until at least a year after the patient receives a bill;

2. bringing an action to foreclose a lien that was filed on the patient's primary residence (see *BACKGROUND, Related Act*); or
3. if the patient is eligible for the hospital bed fund, attempting to garnish his or her wages to collect payment.

Existing law specifies that the restriction on hospital collection activities does not affect a hospital's ability to bring an action against a patient or an estate in certain circumstances. The act extends these provisions to (1) entities owned by, or affiliated with, hospitals and (2) the provisions described above (e.g., the provisions on garnishing wages). As a result, hospitals and other entities may bring an action against a patient or an estate:

1. to collect coinsurance, deductibles, or fees that are eligible for reimbursement through awards, settlements, or judgments; or
2. when payment or reimbursement has been made, or likely will be made, directly to the patient.

Suspension of Debt Collection (§ 3)

Existing law requires hospitals and collection agents to discontinue collection efforts when they become aware that a hospital debtor received information that he or she is eligible for hospital bed funds, free or reduced-price hospital care, or any other program that would eliminate or reduce debt liability. They must refer the collection file for an eligibility determination, and collection cannot resume until the determination is made.

The act extends these provisions to entities owned by or affiliated with hospitals.

§ 4 — FACILITY FEES

The act makes several changes to facility fee laws. By law, a "facility fee" is any fee a hospital or health system charges or bills for outpatient hospital services provided in a hospital-based facility that is (1) intended to compensate the hospital or health system for its operational expenses and (2) separate from the provider's professional fee.

Facility Fee Limits (§ 4(l))

In some circumstances, existing law limits the facility fees that hospitals, health systems, and hospital-based facilities may charge for outpatient services provided off-site from a hospital campus. This includes a general prohibition on facility fees for outpatient services that use a current procedural terminology evaluation and management (CPT E/M) code. The act extends this prohibition to such services that use a current procedural terminology assessment and management (CPT A/M) code. As under existing law, these limits do not apply to (1) freestanding emergency departments or (2) Medicare or Medicaid patients or patients receiving services under a workers' compensation plan.

Under existing law and the act, a facility that violates these fee prohibitions has committed an unfair trade practice (see *BACKGROUND*).

Under prior law, if an insurance contract in effect on July 1, 2016, provided reimbursement for facility fees that were otherwise prohibited by law, the hospital or health system could continue to collect reimbursement from insurers for these fees until the contract expired. The act instead specifies that they may continue to collect this reimbursement until the earlier of the contract's expiration, renewal, or amendment.

Patient Notification Requirements (§ 4(b))

Under existing law, hospitals or health systems that charge facility fees must notify patients receiving outpatient services, in writing, about their potential financial liability. The notice must provide additional information when the hospital or health system (1) uses CPT E/M codes for these services and (2) expects to charge a separate fee for professional medical services. The act also applies the additional notice requirements if the hospital or health system uses CPT A/M codes in these situations.

Generally, the notice must include, among other things, (1) the amount of the patient's potential financial liability or (2) an estimate, based on the facility's typical or average charges, if the exact type and extent of services are unknown or the terms of the patient's insurance coverage are not known with reasonable certainty.

As under existing law, the above notice requirements do not apply to Medicare or Medicaid patients or those receiving services under a workers' compensation plan.

Initial Billing Statements (§ 4(d))

By law, initial billing statements that include a facility fee generally must meet certain requirements, such as clearly

identifying the facility fee as separate from the provider's professional fee, if any. These requirements do not apply to billing statements for Medicare or Medicaid patients or those receiving services under a workers' compensation plan.

Starting by October 15, 2022, the act requires each hospital, health system, and hospital-based facility to annually submit to OHS's Health Systems Planning Unit a sample of its billing statement with the required information. The sample must (1) represent the statement format that patients receive and (2) not contain patient identifying information.

Posted Notice (§ 4(h))

Under existing law, a hospital-based facility must prominently display a written notice in locations that are readily accessible and visible to patients, including patient waiting areas. The act specifically requires these facilities to post the notice in appointment check-in areas. It also requires each hospital-based facility, starting by October 1, 2022, to annually submit a copy of this notice to OHS's Health Systems Planning Unit.

By law, the notice must inform patients that (1) the facility is part of a hospital or health system (named on the notice) and (2) if the facility charges a facility fee, patients may incur a greater financial liability than if the facility was not hospital-based.

Tag Lines for Patient Notices, Billing Statements, and Posted Notices (§ 4(e), (h))

Starting October 1, 2022, the act requires the above notices (the facility fee notices, initial billing statement patient notices, and posted notices) to include tag lines in at least the top 15 languages spoken in the state, indicating that the notice is available in those languages. Under the act, a "tag line" is a short statement written in a non-English language, indicating the availability of free language assistance services.

In choosing which languages to include, the hospital or health system must use either:

1. the list published by the federal Department of Health and Human Services, in connection with specified non-discrimination provisions under the Patient Protection and Affordable Care Act, or
2. the top 15 languages spoken in the facility's geographic area, as determined by the hospital or health system.

Notice of Certain Transactions (§ 4(k))

Under existing law, if a transaction materially changes the business or corporate structure of a physician group practice and establishes a hospital-based facility at which facility fees could be billed, the hospital or health system purchasing the practice must notify each patient the practice served in the previous three years.

The act adds to the notice contents the (1) purchased facility's full legal and business name and (2) acquisition date.

Starting by July 1, 2023, the act requires each hospital-based facility that was subject to such a transaction (i.e., materially changing the structure of a group practice) during the prior calendar year to report on patient volume. Specifically, these facilities must annually report to the Health Systems Planning Unit on the number of patients they served in the prior three years.

Reporting (§ 4(m))

Existing law requires each hospital and health system to annually report to OHS on the facility fees it charged or billed the prior year at hospital-based facilities outside a hospital campus. Beginning with reports due July 1, 2023, the act (1) specifies that they must report on a form prescribed by the OHS executive director and (2) modifies the required information for these reports.

Prior law required the reports to include the number, total amount, and range of allowable facility fees paid at each facility by Medicare, Medicaid, and private insurance policies. The act instead requires this information to be disaggregated by payer mix, including not just the payment sources listed above but also other government-provided insurance and self-pay patients.

Existing law requires the reports to include the amount of the hospital's or health system's facility fee revenue from these facilities, per facility and in the aggregate. The act additionally requires the reports to include the amount of facility fees charged.

Under existing law, the reports must describe the 10 procedures or services that generated the most facility fee revenue. The act (1) specifies that this applies to gross revenue and (2) requires this information to be disaggregated by CPT code for each such procedure or service.

Existing law requires the reports to include the total revenue derived from these fees for each such procedure or service. The act requires this for both gross and net revenue, and additionally requires reporting on patient volume for these

procedures and services.

The act also requires the reports to include the (1) top 10 procedures or services, not just procedures, for which facility fees are charged, based on patient volume, and (2) gross and net revenue for them.

As under existing law, the OHS executive director must publish the reported information, or post a link to it, on OHS's website.

§ 5 — OHS STUDY ON PHYSICIAN PRACTICES

The act requires OHS to do the following, within available appropriations:

1. study ways to improve oversight and regulation of physician practice mergers and acquisitions to improve health care quality and choice in the state, including reviewing laws on (a) transaction notice and reporting and (b) certificate of need guidelines and definitions;
2. study ways to ensure the viability of physician practices; and
3. develop legislative recommendations to improve reporting and oversight of physician practice mergers and acquisitions, including whether any of the above referenced laws need to be amended.

By February 1, 2023, the OHS executive director must report to the Public Health Committee on the study's outcome and any legislative recommendations.

BACKGROUND

Related Act

Connecticut law exempts certain property from court judgment. With some exceptions, PA 21-161 increases the homestead exemption to \$250,000; under prior law, the exemption was \$125,000 for judgments arising from hospital services and \$75,000 for other judgments.

Connecticut Unfair Trade Practices Act (CUTPA)

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the consumer protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for a violation of a restraining order.

PA 21-134—sSB 102

Public Health Committee

AN ACT CONCERNING THE CERTIFICATION OF MENTAL HEALTH FIRST AID TRAINING PROGRAMS

SUMMARY: Prior law required applicants for paramedic licensure to have successfully completed mental health first aid training provided by a National Council for Behavioral Health-certified instructor. This act additionally allows applicants to have completed this training provided by other organizations with substantially similar certification requirements, as determined by the public health commissioner.

EFFECTIVE DATE: Upon passage

PA 21-135—sSB 416*Public Health Committee***AN ACT CONCERNING VARIOUS REVISIONS TO THE DEPARTMENT OF DEVELOPMENTAL SERVICES STATUTES**

SUMMARY: This act makes various changes to Department of Developmental Services (DDS)-related statutes, including:

1. making information in DDS's abuse and neglect registry available to the Department of Administrative Services (DAS) to determine whether an applicant for employment with DDS or certain other state agencies appears on the registry;
2. allowing DDS regional or training school directors to consent to emergency medical treatment for an individual under their custody or control, under the same conditions and procedures that already apply to emergency surgery;
3. expanding the circumstances under which perpetrators of abuse or neglect, or individuals who live with them, are denied access to certain information about DDS's investigation;
4. updating appointments to the Camp Harkness Advisory Committee to reflect name changes for certain entities and making related changes; and
5. requiring DDS to submit an individual's eligibility denial letter, rather than a reassessment, to the probate court during guardianship reviews for adults determined ineligible for DDS services.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — DAS ACCESS TO DDS ABUSE AND NEGLECT REGISTRY

By law, DDS maintains a registry of certain former employees fired from their jobs because of a substantiated abuse or neglect complaint against them. These are individuals who were employed by DDS, or an agency, organization, or person who DDS licenses or funds. The information is available only to certain agencies and employers for specified purposes.

The act makes information in the registry available to DAS for determining whether an applicant for employment with certain state agencies appears on the registry. Specifically, this applies to applicants at DDS or the departments of Children and Families, Mental Health and Addiction Services, and Social Services. Existing law already grants these other agencies access to the registry to determine whether applicants appear on it.

In practice, pursuant to the governor's Executive Order 2, DAS generally oversees human resources functions for executive branch agencies.

§ 2 — EMERGENCY MEDICAL TREATMENT

Under certain circumstances, existing law allows a DDS regional or training school director to consent to emergency surgery for an individual under their custody or control living in a residential facility. The act extends this authority to include other kinds of emergency medical treatment, under the same conditions and procedures that already apply to surgery.

Thus, this authority applies when (1) the individual's attending physician determines that the treatment is of an emergency nature and (2) there is insufficient time to get the written consent otherwise required (i.e., from the individual, a parent of a minor, or the legal representative if the individual is adjudicated unable to make informed decisions about medical care).

Additionally, as is already the case for emergency surgery, the attending physician must prepare a report describing the nature of the emergency that made the treatment necessary and file a copy in the patient's record.

§ 3 — ABUSE AND NEGLECT INVESTIGATIONS

By law, when DDS determines that reported abuse or neglect warrants an investigation the department must notify the victim's legal representative, unless the representative is the alleged perpetrator or resides with the alleged perpetrator. The act extends this exception to cases where the representative is, or resides with, the substantiated perpetrator.

The act creates an exception to the existing requirement for DDS, upon request, to provide the legal representative with further information if the commissioner determined that the representative was entitled to it. The act eliminates this requirement in cases where the representative is, or resides with, the alleged or substantiated perpetrator.

The act also prohibits DDS from providing the original abuse report or the investigator's evaluation report to a legal representative who is, or resides with, the alleged or substantiated perpetrator.

§ 4 — CAMP HARKNESS ADVISORY COMMITTEE

By law, a 12-member committee advises the DDS commissioner on issues concerning the health and safety of users of Camp Harkness facilities. As shown in the table below, the act updates the qualifications for four appointments to reflect a name change or closure of certain entities.

Updates to Camp Harkness Advisory Committee Appointments*

<i>Appointing Authority</i>	<i>Prior Law</i>	<i>The Act</i>
Governor	Representative of the Southeastern Connecticut Association for Developmental Disabilities	Representative of a mental health organization that uses the camp
Governor	Representative of The Arc of New London County	Representative of The Arc of Eastern Connecticut
House speaker	Member of DDS's Family Support Council who represents day camp users	Special education director
Senate minority leader	Representative of the United Cerebral Palsy Association	Representative of Sunrise Northeast Inc.

* Under existing law, there are eight additional committee members whose qualifications are unchanged by the act.

Camp Harkness, located in Waterford, is exclusively for use by individuals with disabilities and their accompanying family and friends.

§ 5 — GUARDIANSHIP REVIEWS

By law, the probate court must review an adult's guardianship at least every three years to determine whether to continue, modify, or terminate it. The act eliminates the requirement that the DDS professional or assessment team submit a written report or testimony to the court if DDS determined that the individual does not have an intellectual disability, and is therefore ineligible for DDS services. It instead (1) requires DDS to provide the court with a copy of the eligibility determination letter and (2) specifies that the team is not required to further evaluate the individual.

This change corresponds to existing law for the initial appointment of a guardian in cases where DDS determines that the individual does not have intellectual disability (CGS § 45a-674(b)).

PA 21-152—sHB 6449

Public Health Committee

AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENTS OF PUBLIC HEALTH AND CONSUMER PROTECTION AND REQUIRING A REPORT FROM CERTAIN EXECUTIVE BRANCH AGENCIES REGARDING BACKGROUND CHECKS AND THE FEASIBILITY OF ESTABLISHING PRECLEARANCE ASSESSMENTS OF CRIMINAL HISTORY

SUMMARY: This act generally makes it easier for health care professionals and various tradespeople and other professionals licensed in other states to obtain a Connecticut credential if they reside here. It does so by generally requiring the Department of Public Health (DPH) or Department of Consumer Protection (DCP) to issue the appropriate license or other credential to a state resident, or a spouse of an active duty service member permanently stationed here, if that person meets specified experience and background requirements (e.g., has no disciplinary history). It allows DPH or DCP, as applicable, to deny a credential if the commissioner finds it to be in the state's best interest.

The act specifies that, for certain professions, the DCP commissioner may deny a license, or issue one under a consent order with conditions that an applicant must meet, if the applicant reports that he or she has been found guilty or convicted of a felony under Connecticut or federal law at the time of the application, or of an offense under the laws of another jurisdiction that would be a felony under Connecticut law (see BACKGROUND). This authority applies to several categories of professions, including electricians; plumbers; solar, heating, piping, and cooling contractors; elevator or fire

protection sprinkler craftsmen; irrigation contractors; gas hearth installer contractors; residential stair lift technicians; sheet metal contractors; automotive glass and flat glass work contractors; and journeyman licenses for several such professions. The act also eliminates a requirement that applicants for these licenses demonstrate good moral character.

The act requires the DPH commissioner to (1) convene working groups to determine whether Connecticut should join any interstate licensure compacts and (2) report to the Public Health Committee on the groups' recommendations by January 15, 2022.

It also requires the DPH commissioner to report on whether it would be in the state's best interest to (1) replace any state exams for DPH-credentialed professionals with tests by national organizations that DPH deems acceptable and (2) reduce any experience and training requirements while increasing testing of applicants' knowledge or skills. She must report to the Public Health Committee by January 15, 2022, and develop the report in consultation with whatever boards or commissions she deems appropriate.

Lastly, the act requires various state agencies, by January 1, 2022, to report to the Office of Policy and Management (OPM) secretary on certain information related to background checks.

EFFECTIVE DATE: October 1, 2021, except that the DPH reporting and working group provisions are effective July 1, 2021.

§§ 1 & 4 — DPH AND DCP CREDENTIALING

Existing law provides for licensure by endorsement (also called licensure without examination) for several categories of health care professionals who are licensed in other states. Generally, this applies if DPH determines that the other state's licensure standards are substantially similar to, or higher than, those of this state. Similar provisions apply for certain DCP-credentialed professions.

The act generally requires DPH or DCP, as applicable (see below for affected professions), to issue an occupational or professional license, permit, certification, or registration (hereinafter, "credential") to a state resident, or an accompanying spouse of an active duty service member permanently stationed here, if that person:

1. holds a valid credential in the applicable profession in at least one other U.S. jurisdiction;
2. (a) for DPH, has practiced under that credential for at least four years, or (b) for DCP, has at least four years of experience, including practice under that credential, classroom education, and on-the-job training;
3. (a) is in good standing in all U.S. jurisdictions where credentialed and (b) has no disciplinary history (including credential revocation or other discipline; pending complaints, allegations, or investigations related to unprofessional conduct; or voluntary surrender of a credential during an investigation);
4. satisfies any background or character and fitness check required of other applicants;
5. for state residents, passes an examination, or part of one, required of other applicants (the applicable agency has the option to require this for military spouses); and
6. pays any credentialing fees required of other applicants.

Also, for state residents, the act requires the person to provide a current driver's license, utility bill, lease agreement, or property deed indicating proof of state residency.

The act creates an exception to the first two requirements (holding a credential and having at least four years of experience as described above) for certain DCP applicants relocating from states that do not require a credential to practice the occupation or profession. The act deems these applicants as satisfying these requirements if (1) at least 25 states do not require the credential and (2) the applicant establishes to DCP's satisfaction that he or she has four or more years of related work experience with a substantially similar scope of practice within the five years before the application date.

Under the act, the agency issuing the credential determines the practice level of the credential. The act specifies that anyone issued a credential under these provisions is subject to Connecticut law and DPH or DCP jurisdiction as applicable.

The act also allows DPH or DCP to deny an application if the commissioner finds it to be in the state's best interest.

Applicability

The act's DPH provisions apply to all DPH-credentialed professions (e.g., physicians, nurses, dentists, physical therapists, emergency medical services personnel, veterinarians, sanitarians, and many others).

For DCP, the act applies to the following professions: public accountants, architects, professional engineers and land surveyors, real estate brokers and salespersons, television and radio service dealers and electronics technicians, landscape architects, interior designers, new home construction contractors, swimming pool contractors, home improvement contractors, community association managers, home inspectors, real estate appraisers, public service gas technicians, pharmacists, pharmacy technicians, pharmacy interns, hypnotists, homemaker-companion agencies, and locksmiths.

§ 2 — INTERSTATE LICENSURE COMPACT WORKING GROUPS

The act requires the DPH commissioner to convene working groups to determine whether the state should join any interstate licensure compacts. The groups must convene by August 30, 2021.

The groups must include:

1. the DPH commissioner, the OPM secretary, the Office of Health Strategy executive director, and the chair of the appropriate examining or advisory board, or their designees;
2. a representative of the appropriate state professional association;
3. a representative of the professional assistance program for regulated health professions (i.e., HAVEN); and
4. anyone else the DPH commissioner deems appropriate.

By January 15, 2022, the commissioner must report to the Public Health Committee on the groups' recommendations. The working groups end when she submits her report.

§ 6 — AGENCY REPORTING ON BACKGROUND CHECKS

By January 1, 2022, the act requires the departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection, Labor, and Public Health, and the Office of Early Childhood, to report to the OPM secretary on certain information related to background checks. Their reports must include:

1. the number of employees who perform background checks related to the department's or office's licensing functions, their job classifications, and the background checks' type or level of clearance;
2. the average number of hours these employees spend weekly performing background checks; and
3. for any licenses requiring some pre-licensure education or training, the feasibility of assessing criminal history to preclear potential applicants before they begin the education or training.

The recommendations must also (1) assess the feasibility of centralizing and standardizing background checks state agencies perform and (2) address any related issues of these agencies delegating authority.

BACKGROUND

Felony Conviction and Credentials

With limited exceptions, the law prohibits the state from disqualifying a person from engaging in an occupation, trade, profession, or business that requires a state credential solely because of a prior criminal conviction (CGS § 46a-80).

State agencies may deny someone a credential to practice an occupation, trade, profession, or business after considering (1) the nature of the crime and its relationship to the job; (2) information pertaining to the degree of the person's rehabilitation; and (3) how much time has passed since the person's conviction or release.

PA 21-185—SB 1030

Public Health Committee

Appropriations Committee

AN ACT CONCERNING NURSING HOMES AND DEMENTIA SPECIAL CARE UNITS

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Requires a nursing home's and dementia special care unit's administrative head to provide its emergency operations plan to the municipality where it is located to help the municipality develop the local emergency operations plan required under the Interstate Mutual Aid Compact

§ 3 — PERSONAL PROTECTIVE EQUIPMENT

Requires nursing homes to maintain at least a two-month supply of personal protective equipment for their staff

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Requires a nursing home's administrative head to ensure there is at least one staff member or contracted professional available on-call during each shift who is licensed or certified to start an intravenous line

§ 5 — NURSING HOME INFECTION PREVENTION AND CONTROL COMMITTEES

Generally, requires a nursing home's infection prevention and control committee to meet at least monthly, and, during an infectious disease outbreak, daily

§ 6 — INFECTIOUS DISEASE TESTING IN NURSING HOMES

Requires nursing homes to test staff and residents for an infectious disease during an outbreak at an appropriate frequency determined by DPH

§ 7 — FAMILY COUNCILS

Requires each nursing home's and dementia special care unit's administrative head, by January 1, 2022, to encourage and assist in establishing a family council to encourage and support open communication between the facility and residents' families and friends

§ 8 — RESIDENT VISITATION AT NURSING HOMES

Requires nursing homes, by January 1, 2022, to take certain actions to ensure residents have regular opportunities for in-person and virtual visitation with family members and friends and that their social and emotional needs are met

§ 9 — PUBLIC HEALTH PREPAREDNESS ADVISORY COMMITTEE

Requires the Public Health Preparedness Advisory Committee, by October 1, 2021, to amend the plan for emergency responses to public health emergencies to include responses related to nursing homes and dementia special care units and providers of community-based services to their residents

§ 10 — NURSING HOME MINIMUM STAFFING LEVELS

Requires DPH, by January 1, 2022, to modify nursing home daily minimum staffing levels to require at least three hours of direct care per resident

§ 11 — FUNDING FOR NURSING HOME INFRASTRUCTURE IMPROVEMENTS

Requires DPH to seek available federal or state funds for nursing home infrastructure improvements and report to the Public Health Committee by January 1, 2022

SUMMARY: This act makes various unrelated changes concerning nursing homes and dementia special care units and the delivery of long-term care services. Under the act, a “dementia special care unit” is a unit in an assisted living facility that locks, secures, segregates, or provides special programs or units for residents diagnosed with probable Alzheimer’s disease, dementia, or another similar disorder. The unit or program must be one that prevents or limits a resident’s access outside the designated or separated area or advertises or markets itself as providing specialized care or services for those with Alzheimer’s disease or dementia.

EFFECTIVE DATE: October 1, 2021, except the provisions concerning (1) the Public Health Preparedness Advisory Committee (§ 9) and funding for nursing home infrastructure improvements (§ 11) take effect upon passage and (2) infectious disease testing in nursing homes (§ 6) take effect August 5, 2021, pursuant to the governor’s Executive Order 13A.

§ 1 — INFECTION PREVENTIONISTS

Requires nursing homes and dementia special care units to employ a full-time infection and prevention control specialist who must work a rotating schedule that covers each eight-hour shift at least once monthly

The act requires each nursing home and dementia special care unit (hereafter “facility”) to employ a full-time infection and prevention control specialist responsible for:

1. ongoing administrator and employee training on infection prevention and control using multiple training methods, including in-person training and providing written materials in English and Spanish;
2. (a) including information on infection prevention and control in the documentation the facility provides to residents regarding their rights while in the facility and (b) posting the information in areas visible to residents;
3. participating as a member of the facility’s infection prevention and control committee and reporting to the committee at its regular meetings on the administrator and employee training he or she provided as described above;
4. providing training on infection prevention and control methods to the facility’s supplemental or replacement staff in the event of an infectious disease outbreak or other situation reducing the facility’s staffing levels; and
5. any other duties or responsibilities the facility deems appropriate.

Under the act, each facility must require its infection and prevention control specialist to work on a rotating schedule that ensures he or she covers each eight-hour shift at least once monthly to ensure compliance with relevant infection control standards.

§ 2 — LOCAL EMERGENCY OPERATIONS PLAN

Requires a nursing home’s and dementia special care unit’s administrative head to provide its emergency operations plan to the municipality where it is located to help the municipality develop the local emergency operations plan required under the Interstate Mutual Aid Compact

The act requires the administrative head of each nursing home and dementia special care unit to provide its emergency operations plan to the municipality in which the facility is located. The facility must do this by January 1, 2022, to assist the municipality in developing its emergency operations plan required under the Interstate Mutual Aid Compact. This compact provides a legal framework for municipalities to request and provide mutual aid when any member municipality declares a local civil preparedness emergency.

§ 3 — PERSONAL PROTECTIVE EQUIPMENT

Requires nursing homes to maintain at least a two-month supply of personal protective equipment for their staff

The act requires each nursing home’s administrative head to ensure that the (1) home maintains at least a two-month supply of personal protective equipment (PPE) for its staff and (2) PPE is of various sizes based on staff’s needs.

Under the act, PPE cannot be shared among facility staff and may only be reused in accordance with the federal Centers for Disease Control and Prevention’s strategies to optimize PPE supplies in health care settings.

The act also requires administrative heads to hold staff fittings for N95 masks or higher rated masks certified by the National Institute for Occupational Safety and Health, at a frequency the Department of Public Health (DPH) determines.

The act requires the Department of Emergency Management and Homeland Security, by January 1, 2022, to consult with DPH and establish a process to evaluate, provide feedback on, approve, and distribute PPE for use by nursing homes in a public health emergency.

§ 4 — INTRAVENOUS LINES

Requires a nursing home’s administrative head to ensure there is at least one staff member or contracted professional available on-call during each shift who is licensed or certified to start an intravenous line

The act requires each nursing home’s administrative head to ensure that there is at least one staff member or contracted professional available on-call during each shift who is licensed or certified to start an intravenous line.

§ 5 — NURSING HOME INFECTION PREVENTION AND CONTROL COMMITTEES

Generally, requires a nursing home's infection prevention and control committee to meet at least monthly, and, during an infectious disease outbreak, daily

The act requires a nursing home's infection prevention and control committee to meet at least monthly, and, during an infectious disease outbreak, daily. But if daily meetings disrupt the home's operations, the committee must instead meet at least weekly.

Under the act, the committee is responsible for establishing infection prevention and control protocols for the nursing home and monitoring the home's infection prevention and control specialist. It must also evaluate (1) the implementation and outcome of these protocols and (2) whether the specialist is satisfactorily performing his or her responsibilities. The committee must conduct this evaluation at least annually and after every infectious disease outbreak at the home.

§ 6 — INFECTIOUS DISEASE TESTING IN NURSING HOMES

Requires nursing homes to test staff and residents for an infectious disease during an outbreak at an appropriate frequency determined by DPH

The act requires nursing homes to test staff and residents for an infectious disease during an outbreak. They must do so at an appropriate frequency determined by DPH based on the circumstances surrounding the outbreak and the impact of testing on controlling it.

§ 7 — FAMILY COUNCILS

Requires each nursing home's and dementia special care unit's administrative head, by January 1, 2022, to encourage and assist in establishing a family council to encourage and support open communication between the facility and residents' families and friends

The act requires each nursing home's and dementia special care unit's administrative head, by January 1, 2022, to encourage and assist in the establishment of a family council to support open communication between the facility and each resident's family members and friends. Under the act, a "family council" is an independent, self-determining group of residents' family members and friends that is geared to meeting the needs and interests of residents and their families and friends.

§ 8 — RESIDENT VISITATION AT NURSING HOMES

Requires nursing homes, by January 1, 2022, to take certain actions to ensure residents have regular opportunities for in-person and virtual visitation with family members and friends and that their social and emotional needs are met

The act requires each nursing home's administrative head, by January 1, 2022, to ensure that each resident's care plan includes the following:

1. measures to address the resident's social, emotional, and mental health needs, including opportunities for social connection and strategies to minimize social isolation;
2. visitation protocols and any other information relevant to visitation written in plain language and in a form and manner that may be reasonably understood by the resident and his or her family and friends; and
3. information on the role of the Office of the State Long-Term Care Ombudsman, including the office's contact information.

The act also requires each administrative head, by the same date, to ensure that the home's staff is educated on best practices for addressing residents' social, emotional, and mental health needs and all components of person-centered care.

§ 9 — PUBLIC HEALTH PREPAREDNESS ADVISORY COMMITTEE

Requires the Public Health Preparedness Advisory Committee, by October 1, 2021, to amend the plan for emergency responses to public health emergencies to include responses related to nursing homes and dementia special care units and providers of community-based services to their residents

The act requires the state's Public Health Preparedness Advisory Committee, by October 1, 2021, to amend the plan for emergency responses to public health emergencies to include a plan for emergency responses related to nursing homes and dementia special care units and those who provide community-based services to their residents.

By law, the committee advises DPH on responses to public health emergencies. It consists of the DPH and emergency services and public protection commissioners; the six top legislative leaders; the chairs and ranking members of the Public Health, Public Safety, and Judiciary committees; representatives of municipal and district health directors appointed by the DPH commissioner; and any other organizations or individuals the DPH commissioner deems relevant to the effort.

§ 10 — NURSING HOME MINIMUM STAFFING LEVELS

Requires DPH, by January 1, 2022, to modify nursing home daily minimum staffing levels to require at least three hours of direct care per resident

The act requires DPH, by January 1, 2022, to modify minimum staffing levels in nursing homes to:

1. require at least three hours of direct care per resident per day and
2. modify staffing level requirements for social workers and recreational staff to require (a) one full-time social worker per 60 residents and (b) recreational staffing levels lower than current requirements, as the DPH commissioner deems appropriate.

The act also requires the DPH commissioner to adopt regulations to implement the above requirements.

Prior DPH regulations required nursing homes to maintain aggregate licensed nurse and nurse's aide staffing levels of at least 1.9 hours of direct care per resident per day (Conn. Agencies Reg., § 19-13-D8t(m)).

§ 11 — FUNDING FOR NURSING HOME INFRASTRUCTURE IMPROVEMENTS

Requires DPH to seek available federal or state funds for nursing home infrastructure improvements and report to the Public Health Committee by January 1, 2022

The act requires DPH to seek available federal or state funds for infrastructure improvements to the state's nursing homes. It requires the commissioner, by January 1, 2022, to report to the Public Health Committee on her success in accessing such funding.

PA 21-196—SB 1070

Public Health Committee

AN ACT CONCERNING PHYSICIAN ASSISTANTS

SUMMARY: This act allows physician assistants (PAs) to certify, sign, or otherwise document medical information in several situations that previously required a physician's or advanced practice registered nurse's (APRN's) certification, signature, or documentation. Examples include:

1. certifying a patient's health condition or related information for purposes of insurance coverage (some other insurance laws already reference PAs),
2. certifying a disability or illness for continuing education waivers or extensions for various health professions, and
3. documenting that a patient's room transfer in a nursing home would be medically contraindicated.

Additionally, the act extends certain other provisions to PAs, such as adding them to the list of providers (1) who must report when a patient has tuberculosis and (2) to whom local health directors, in turn, must provide certain information for these patients.

Existing law requires each PA to have a clearly identified supervising physician who has final responsibility for patient care and the PA's performance. The functions a physician delegates to a PA must be implemented in accordance with a written delegation agreement between them (CGS §§ 20-12c & -12d).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2021

PHYSICIAN ASSISTANTS

The act allows PAs to certify, sign, or otherwise document medical information in several situations. It also extends authority to PAs in certain other contexts that do not involve written documentation. Under prior law, only physicians or APRNs could perform most of these certifications or actions.

For ease of reference, the act's provisions are grouped by category in the following five tables.

Certification, Documentation, or Other Authority Related to Employment

Act §	Statute §	Description
4	10-183b	Statement of health for a disability benefit application in the Teachers' Retirement System
12	14-73	Certification of an applicant's fitness for a driving instructor's license based on a recent medical examination
36-48	Various provisions in Title 20 (credentialing)	Certification of a disability or illness to qualify someone in the following professions for a continuing education waiver or extension: • acupuncturists • audiologists • dental hygienists • dentists • hearing instrument specialists • naturopaths • optometrists • physical therapists • psychologists • radiographers • respiratory care practitioners • speech and language pathologists • veterinarians
54	31-51rr	Certification of a political subdivision employee's proposed organ or bone marrow donation and the probable duration of recovery, for purposes of medical leave
55	31-235	Documentation of a chronic, long-term, or permanent impairment that leaves a person unable to work full-time, for purposes of the person's eligibility for unemployment compensation while only available for part-time work
56 & 58	31-294d & 31-296	Treatment of injured employees involved in workers' compensation cases
57	31-294i	Conduct physical exams for municipal firefighters and police officers on entry to service that may be used in future workers' compensation claims for cardiac emergencies
59	31-308	Certification that someone with partial incapacity is unable to perform his or her usual work but can perform other work, for purposes of calculating workers' compensation benefits

Certification or Approval Authority for Insurance Purposes

Act §	Statute §	Description
60	38a-457	Certification of a qualifying event for purposes of accelerated benefits under a life insurance policy
61	38a-465g	Documentation that a policy owner is of sound mind and under no constraint or undue influence, before a life settlement provider can enter into a contract with a policy owner who is also the insured and is terminally or chronically ill Determination that a policy owner's disability prevents full-time work, for purposes of an exception to the general prohibition on entering into a life settlement contract within two years after purchasing a life insurance policy
62 & 68	38a-489 & 38a-515	Certification of inability for self-sustaining employment because of mental or physical disability for continuing coverage when child reaches the policy's limiting age*
63 & 69	38a-492e & 38a-518e	Diagnosis of significant changes in a patient's diabetes symptoms for purposes of requiring insurers to cover medically necessary diabetes outpatient self-management training and education*
64 & 70	38a-493 & 38a-520	Various provisions concerning insurance coverage for home health care, such as approval of a care plan; diagnosis of a patient's terminal illness in some circumstances; and supervision of home health agency services*
65 & 71	38a-495 & 38a-522	Certification of medical necessity of home health aide services, or recommendation of mammograms more often than once a year, for Medicare supplement policy coverage*
66	38a-496	Approval and certification of an occupational therapy care plan for insurance coverage purposes (applies to individual policies)
67 & 73	38a-503 & 38a-530	Determination of a woman's increased risk for breast cancer, for purposes of insurance coverage for comprehensive ultrasound screening (also specifies that mammography results may be sent to a patient's PA)*
72	38a-523	Approval of a care plan at a comprehensive rehabilitation facility for insurance coverage purposes (applies to group policies)
74	38a-530f	Determination of a woman's increased risk for breast cancer, for purposes of insurance coverage for chemoprevention counseling (applies to group policies)

* Applies to individual and group policies

Certification or Documentation of a Patient's Disability or Health Condition in Other Contexts

Act §	Statute §	Description
2	3-39j	To the extent permitted by federal law, diagnose someone's impairment or blindness in his or her disability certification for the Achieving a Better Life Experience (ABLE) program
3	3-123aa	Certification of a service need for withdrawals from the Connecticut Home Care Trust Fund
5	10a-155	Certification that a higher education student had a confirmed case of measles, rubella, mumps, or varicella, or that immunization is

Act §	Statute §	Description
		medically contraindicated, thus exempting the student from applicable immunization requirements
6	10a-155a	Certification that a student's presence at a higher education institution, although the student is not immunized against measles or rubella, would not present a clear health danger to others
7	12-94	Certification that someone is totally disabled and thus unable to appear before the town assessor to provide evidence of eligibility for property tax exemptions available to service members, veterans, blind or totally disabled persons, and certain family members of them
8-11	12-129c, 12-170aa, 12-170f, & 12-170w	Certification that someone is ill or incapacitated, for purposes of applying for an extension related to various tax relief programs, including the state property tax freeze program for the elderly, "circuit breaker" property tax program for the elderly or disabled, elderly or disabled renters' tax relief program, and municipal option property tax freeze for seniors program
13	14-100a	Statement of an individual's inability to wear a seat belt for exemption from seat belt requirements
14	14-286	Certification of an individual's disability and capability of riding a motor-driven cycle for a special permit
15	14-314c	Certification that a child is deaf to require traffic authorities to erect a sign in the child's neighborhood alerting drivers to the child's presence
16 & 17	16-262c & 16-262d	Certification that a resident at the dwelling is seriously ill, or indication on hospital discharge papers for a child up to 24 months old that electric or gas service is needed for the child's well-being, for purposes of laws restricting utility shut-offs
21	17b-261p	Certification of a Medicaid applicant's inability to care for self or manage affairs, when a nursing home, on a patient's behalf, seeks an extension to claim undue hardship for contesting a Medicaid penalty period
28 & 29	19a-535	Documentation in the medical record of the basis for a patient's transfer or discharge from a nursing facility, and related requirement to develop a discharge plan in certain situations
30	19a-550	Documentation that a patient's room transfer would be medically contraindicated, for purposes of the patients' bill of rights for nursing homes, residential care homes, and chronic disease hospitals Documentation that certain general rights are medically contraindicated for a patient (e.g., the right to communicate with persons of the patient's choice)
49 & 50	21a-217 & 21a-218	Certification of an individual's disability or physical examination to cancel a health club contract
52	26-29a	Certification of an individual's intellectual disability to receive a free lifetime sport fishing license
53	26-29b	Certification of an individual's physical disability to receive a free lifetime hunting, sport fishing, or trapping license
75	47-88b	Statement of a tenant's disability for laws limiting eviction in conversion condominiums under the Condominium Act
76	51-217	Letter stating an individual's disability for permanent exemption from jury duty
77	54-204	Report of treatment or examination for an injury, as part of an application for victim compensation

Other Provisions Extending Authority or Responsibility to PAs

Act §	Statute §	Description
18	17a-81	Authorize emergency treatment for a child hospitalized for psychiatric disabilities if parental consent is withheld or immediately unavailable and the PA determines that treatment is necessary to prevent serious harm
19	17b-233	Apply for a child's admission to Newington Children's Hospital (now Connecticut Children's Medical Center) and, for PAs working at the hospital, determine whether the child is suitable for admission
20	17b-236	Apply for a child's admission to The Children's Center in Hamden and, for PAs working at the center, determine whether the child is suitable for admission
22	17b-278d	Order neuropsychological testing of a child with cancer to assess cognitive or development delays due to treatment, for purposes of providing coverage under HUSKY without prior authorization
23	18-94	Report to a correctional facility warden or other officer in charge that an inmate with a sexually transmitted disease may be released without danger to public health
25	19a-26	Apply for services to be performed at Department of Public Health (DPH) state laboratories
31	19a-580	Responsibility to make reasonable efforts to notify next of kin or other specified persons within a reasonable time before withholding or causing the removal of a patient's life support
32 & 33	19a-581 & 19a-582	Adds PAs to the definition of "health care provider" for the purposes of various provisions on HIV and AIDS testing laws and related consent requirements (existing law includes physicians, certain other listed provider categories, and others providing medical, nursing, counseling, or other listed services) Certification that criteria are met for court-ordered HIV testing if a health care provider or other worker had significant exposure to HIV from a patient (the provider must first seek the patient's voluntary consent for testing) Determination that criteria are met to require HIV testing of a prison inmate if there is no reasonable alternative and testing is needed (1) for diagnostic purposes, treatment, or related reasons or (2) because the inmate's behavior poses a significant transmission risk or led to significant exposure to another inmate
34	19a-592	Treat a minor for HIV or AIDS without notifying the parent, after determining that (1) notification will result in denial of treatment or (2) the minor will not pursue treatment if the parents are notified and the minor requests they not be notified (the provider must document the reasons in the medical record)
35	20-14m	Documentation in a medical record if prescribing, administering, or dispensing long-term antibiotic therapy for clinically diagnosed Lyme disease (DPH or the licensing board may not initiate disciplinary action solely for these actions as documented in the record)
51	22a-616	Write prescriptions for mercury fever thermometers

Miscellaneous Provisions Adding References to PAs

Act §	Statute §	Description
24	19a-2a	Requires DPH to distribute to PAs its lists of (1) reportable diseases, emergency illnesses, and health conditions and (2) reportable laboratory findings
26 & 27	19a-262 & 19a-264	Requires PAs to report to DPH and the local health director on patients with, or suspected of having, tuberculosis (The act makes conforming changes to existing provisions that (1) require local health directors to give information to the reporting provider on advisable precautions for these patients' homes and (2) provide criminal penalties for providers who willfully make false reports)

PA 21-23—sHB 6451

Public Safety and Security Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE AUTHORIZATION, LICENSING AND REGULATION OF ONLINE CASINO GAMING, RETAIL AND ONLINE SPORTS WAGERING, FANTASY CONTESTS, KENO AND ONLINE SALE OF LOTTERY TICKETS

SUMMARY: This act establishes new frameworks for legalizing and regulating (1) in-person and online sports wagering, (2) online casino gaming, (3) in-person and online keno, (4) online lottery draw games other than keno, and (5) fantasy contests. These frameworks are subject to several conditions, principally that the governor must first enter into specific contractual agreements with the Mashantucket Pequot and Mohegan tribes. These agreements must then be approved by the U.S. Department of Interior (DOI) secretary and published in the Federal Register, pursuant to the federal Indian Gaming Regulatory Act (IGRA) and its implementing regulations.

The act generally authorizes the tribes and the Connecticut Lottery Corporation (CLC) to operate these games subject to specific requirements, including limiting the authorizations to an initial 10-year period with an option for a five-year renewal.

The act specifically allows the tribes to conduct the following wagering and gaming (1) on the tribes' reservations, in-person and online sports wagering, as well as fantasy contests, and (2) outside the tribes' reservations, one skin for online sports wagering, one skin for online casino gaming, and fantasy contests. (Under the act, a "skin" is a branded or cobranded name and logo on a website or mobile application for enabling certain online games.)

Under the act, CLC may conduct in-person and online sports wagering, online keno, and online lottery draw games. It may specifically conduct in-person sports wagering at up to 15 facilities, which may be licensed off-track betting (OTB) facilities (i.e., Sportech Venues, Inc.) pursuant to an operating agreement.

The act assigns several regulatory responsibilities to the Department of Consumer Protection (DCP), including adopting specific regulations, establishing and maintaining multiple new gaming licenses, and investigating and enforcing the act's provisions.

Additionally, the act requires monthly payments from the tribes and CLC to the General Fund ranging from 13.75% to 20% of gross revenues from sports wagering, online casino gaming, and fantasy contests, and annual payments of \$500,000 from each tribe and \$1 million from the CLC towards certain problem gambling accounts or programs. The act also delays the authorization for an off-reservation casino gaming facility in East Windsor for 10 years and makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except provisions defining terms and authorizing the governor to reach amended or new agreements with the tribes are effective upon passage.

§§ 1-2, 27 & 44 — DEFINITIONS, STATE-TRIBAL AGREEMENTS & SEVERABILITY

Gaming Definitions (§ 1)

Under the act, "sports wagering" means risking or accepting any money, credit, deposit, or other thing of value for gain contingent wholly or partially on (1) all or part of a live sporting event, including future or propositional events during the sporting event, or (2) the individual performance statistics of an athlete or athletes in a sporting event or combination of events. "Sports wagering" does not include the fees for participating in fantasy contests or e-sports. The act allows sports wagering to be done in-person or over the Internet through a website or mobile device.

"Sporting event" generally means any:

1. sporting or athletic event where two or more people participate, individually or on a team, and receive more compensation than the actual expenses for their participation;
2. sporting or athletic event sponsored by a higher education institution's intercollegiate athletic program or an association of intercollegiate athletic programs;
3. Olympic or international sports competition event; or
4. "e-sports" (i.e., electronic sports and competitive video games played as a game of skill) events.

"Sporting event" does not include horse racing, jai alai, or greyhound racing. It also does not include intercollegiate sporting, athletic, and e-sport events that involve a Connecticut intercollegiate team (i.e., a Connecticut public university or college or independent higher education institution team, or a for-profit college or university team physically located in Connecticut that offers in-person classes within the state) unless (1) four or more intercollegiate teams are involved and (2) wagers on the tournament are based on the outcome of all the tournament's games.

“Online casino gaming” means the following games conducted over the Internet: (1) slots, blackjack, craps, roulette, baccarat, poker and video poker, bingo, live dealer, other peer-to-peer games, and any variations of these games and (2) any games authorized by DCP.

“Keno” is a lottery game where a subset of numbers is drawn from a larger field of numbers by a central computer system using an approved number generator, wheel system device, or other drawing device.

“Lottery draw game” is any game where one or more numbers, letters, or symbols are randomly drawn at predetermined times, but not more frequently than once every four minutes, from a range of numbers, letters, or symbols; and prizes are paid to players possessing winning plays as set forth in each game’s official game rules. It does not include (1) keno, (2) any game involving lottery draw tickets that are not available through a lottery sales agent, or (3) any game that simulates online casino gaming.

“Fantasy contest” is any fantasy or simulated game or contest (excluding lottery games) conducted over the Internet, including through a website or mobile device, in which:

1. players pay an entry fee;
2. the value of all prizes and awards is established and made known to players before the game or contest;
3. all winning outcomes reflect player knowledge and skill and are determined mostly by accumulated statistical results of participants’ performance in events; and
4. the winning outcome is not based on the score, point spread, or any performance of any single team or combination of teams or solely on any single performance of a contestant or player in a single event.

Lastly, “Internet games” means (1) online casino gaming; (2) online sports wagering; (3) fantasy contests; (4) keno through the Internet, an online service, or a mobile application; and (5) the sale of lottery draw game tickets through the Internet, an online service, or a mobile application.

State-Tribal Agreement Provisions and Requirements (§§ 1 & 2)

The act authorizes the governor to enter into (1) amendments to the existing Mashantucket Pequot procedures, Mohegan compact, and related memoranda of understanding (MOUs) with each tribe (see BACKGROUND) and (2) new compacts with the tribes (“State-Tribal agreements”). These agreements must contain a series of five multi-part provisions.

First, they must permit each tribe to conduct on their tribal reservations (1) in-person sports wagering; (2) online sports wagering, so long as the wagers are placed by people physically present on the reservations; and (3) fantasy contests, so long as the entry fees are paid by participants physically present on the reservations.

Second, the agreements must provide that (1) gaming activities authorized under the act will not terminate the existing video facsimile moratorium and (2) the agreements do not relieve the tribes from their obligations to give a percentage of their gross operating revenues from video facsimile games to the state as provided in each tribe’s MOU (see BACKGROUND). The authorized gaming activities applicable to this second provision are for: (1) each tribe to conduct the in-person and online sports wagering and fantasy contests described above; (2) each tribe to operate, outside of the tribes’ reservations, one skin for online sports wagering, one skin for online casino gaming, and fantasy contests; and (3) CLC to operate certain games (see below).

Third, the State-Tribal agreements must provide that they will be valid for a 10-year initial term with an option for a five-year renewal term if mutually agreed to and exercised by the governor and both tribes.

Fourth, the State-Tribal agreements must also provide that the existing video facsimile moratorium and existing contribution obligations will not terminate if (1) the tribe’s authority to conduct online sports wagering, online casino gaming, and fantasy contests outside of the tribe’s reservation is ended due to a violation of the act’s conditions of its authority and (2) the other tribe, CLC, or both continue to conduct activities authorized under the act.

Lastly, the State-Tribal agreements must contain a provision (1) ending the agreements’ effectiveness if any of their provisions or the act’s provisions are held invalid by a court of competent jurisdiction in a non-appealable final judgment and (2) providing that, if the agreements’ effectiveness is ended, keno may be operated pursuant to the current memoranda of agreement (MOAs) with each tribe (i.e., exclusively at retail through lottery sales agents).

Under existing state law, both houses of the legislature must approve a tribal-state compact (CGS § 3-6c). The act supersedes this law to instead deem the State-Tribal agreements, and renewals described above, approved once the governor enters into them without any further action by the legislature.

Under the act, the State-Tribal agreements are effective and final once approved by the DOI secretary and published in the Federal Register. But if her approval is overturned by a court of competent jurisdiction in a non-appealable final judgement, then the act’s provisions will no longer be effective, and keno may be operated pursuant to the current MOAs with each tribe.

MOA Amendments (§ 27)

Presently, CLC exclusively operates keno in Connecticut outside of the tribes' reservations pursuant to MOAs with each tribe (CGS §§ 12-806 & -806c). CLC's keno is currently played by purchasing paper tickets from lottery sales agents as both the agreements and prior law prohibited playing keno through a video facsimile machine (e.g., through a computer).

The act authorizes the Office of Policy and Management (OPM) secretary, on behalf of the state, and the Mashantucket Pequot and Mohegan tribes to amend the current MOAs to provide that they will not be effective during the period of time that CLC is operating keno, both at retail through lottery sales agents and online through its website, online service, or mobile application, under a master wagering license issued under the act (see below).

General Severability Provision (§ 44)

Under existing law, if any provision of an act or its application is held invalid, then its invalidity must not affect other provisions or applications of the act (CGS § 1-3). The act supersedes this law and instead provides that if any of the act's provisions are held invalid by a court of competent jurisdiction in a non-appealable final judgment, then all provisions in the act will no longer be effective, and keno may be operated pursuant to the current MOAs with each tribe.

§§ 1, 3-4, 6-10, 12-13, 16 & 45 — LICENSES AND DCP REGULATIONS

The act establishes master wagering licenses that DCP may generally issue to the Mashantucket Pequot and Mohegan tribes and the CLC. It also creates additional licenses for (1) online gaming operators, (2) sports wagering retailers, (3) online gaming service providers, and (4) key and occupational employees, as those terms are defined in the act. Applicants for the additional licenses must apply on a form in the manner prescribed by the DCP commissioner. Once obtained, these licenses must be renewed annually. The act requires DCP to adopt certain regulations related to these licenses and other provisions of the act.

Master Wagering Licenses (§§ 1, 3 & 4)

The act establishes a master wagering license that, when held by the Mashantucket Pequot or Mohegan tribe or an instrumentality or affiliate wholly-owned by a tribe, permits the holder to operate, within the state and outside of the tribes' reservations, (1) one skin for online sports wagering, (2) one skin for online casino gaming, and (3) fantasy contests.

The act authorizes the DCP commissioner to issue this license to those entities if: (1) the State-Tribal agreements are effective, (2) she determines that the act's requirements for issuing a master wagering license to CLC have been met (see below), and (3) the governing bodies of both tribes enact specific resolutions. Each resolution must provide that (1) the tribe waives the sovereign immunity defense with respect to any action against it as a master wagering licensee, and against an instrumentality or affiliate wholly-owned by the tribe acting on its behalf as a master wagering licensee, to compel compliance with requirements under the act and regulations adopted under it, as applicable; (2) if the tribe, or its instrumentality or affiliate, fails to pay any fees or taxes due to the state applicable to gaming authorized under the act, then the tribe waives the sovereign immunity defense with respect to any state action to collect the fees or taxes; and (3) the venue for these actions or claims must be in the Hartford judicial district.

Additionally, the act authorizes the DCP commissioner to issue, as soon as practicable after issuing the above licenses to the tribes, a master wagering license to CLC to operate certain games if (1) the State-Tribal agreements are effective, (2) amendments to the MOAs are effective, and (3) she determines that the act's requirements for issuing master wagering licenses to the tribes or their instrumentalities or affiliates have been met. The games CLC may operate are generally as follows, subject to specific conditions (see below):

1. retail sports wagering at up to 15 facilities throughout the state (for the purposes of the act, "retail sports wagering" refers to in-person sports wagering conducted in connection with CLC);
2. one skin for online sports wagering;
3. fantasy contests;
4. keno, both at retail through lottery sales agents and online through its website, online service, or mobile application; and
5. lottery ticket sales for lottery draw games through its website, online service, or mobile application.

The act prohibits master wagering licensees from operating their respective gaming until related DCP regulations adopted under the act are effective (see below).

Online Gaming Operator License (§§ 1 & 8)

Under the act, an “online gaming operator” is a person or business entity that operates an electronic wagering platform and contracts directly with a master wagering licensee to provide (1) one or more Internet games or (2) retail sports wagering. An “electronic wagering platform” is the hardware, software, and data networks used to manage, administer, offer, or control Internet games or retail sports wagering.

The act requires that all online gaming operators be licensed to provide services. The initial license application fee is \$250,000, and the annual renewal fee is \$100,000.

Sports Wagering Retailer License (§§ 1 & 7)

Under the act, a “sports wagering retailer” is a person or business entity that contracts with CLC to facilitate retail sports wagering operated by CLC through an electronic wagering platform at up to 15 facilities in the state.

The act requires that all sports wagering retailers be licensed to provide services. The initial license application fee and annual fee are \$20,000 each.

Under the act, CLC is not required to obtain a sports wagering retailer license if it obtains a master wagering license.

Online Gaming Service Provider License (§§ 1 & 6)

Under the act, an “online gaming service provider” is a person or business entity, other than an online gaming operator, that provides goods or services to, or otherwise transacts business related to, Internet games or retail sports wagering with a master wagering licensee or a licensed online gaming operator, online gaming service provider, or sports wagering retailer.

The act requires that certain online gaming service providers be licensed to provide goods or services or to otherwise transact business if DCP regulations require it (see below). The initial license application fee and annual renewal fee are \$2,000 each.

Key Employee License (§§ 1, 10 & 16)

The act requires, by July 1, 2022, and annually thereafter, each master wagering licensee or licensed online gaming operator, online gaming service provider, or sports wagering retailer to give DCP a written list of key employees representing the licensee. It requires (1) key employees to obtain a license from DCP and (2) the DCP commissioner to set criteria, through regulations required under the act, to exercise discretion to exempt a key employee from licensure requirements if the commissioner determines the key employee is not required to be licensed to protect the integrity of gaming.

Definition. Under the act, a “key employee” is an individual with the following position or an equivalent title associated with a master wagering licensee or a licensed online gaming service provider, online gaming operator, or sports wagering retailer:

1. president or chief officer, who is the licensee’s top-ranking individual and is responsible for all staff and the overall direction of business operations;
2. financial manager, who is the individual who reports to the president or chief officer and is generally responsible for overseeing the licensee’s financial operations, including revenue generation, distributions, tax compliance, and budget implementation; or
3. compliance manager, who is the individual that reports to the president or chief officer and is generally responsible for ensuring the licensee complies with all laws, regulations, and requirements related to the licensee’s operation.

“Key employee” also includes an individual who (1) exercises control over technical systems; (2) has an “ownership interest;” or (3) exercises enough control in, or over, a licensee as to require licensure in the DCP commissioner’s judgment. An “ownership interest” is holding 5% or more of the total ownership or interest rights in the licensee individually and in the aggregate with the individual’s spouse, parent, and child. Tribal membership, in and of itself, does not constitute ownership for these purposes.

Application. As part of a key employee license application, the act authorizes the DCP commissioner to require applicants to:

1. submit to a state and national criminal history records check conducted through the State Police in accordance with state law, which may include a financial history check if requested by the DCP commissioner, to determine the applicant’s character and fitness for the license;
2. provide information related to other business affiliations; and
3. provide, or allow DCP to obtain, other information in order to determine the applicant’s fitness to hold the license.

Instead of the above criminal history records checks, the act authorizes the DCP commissioner to accept from initial licensure applicants (1) a third-party's local and national criminal background check that includes a multistate and multijurisdictional criminal record locator or other similar commercial nation-wide database with validation and (2) other background screening as the commissioner may require. The act requires that a third-party's criminal background check be conducted by a third-party consumer reporting agency or background screening company that complies with the federal Fair Credit Reporting Act and is accredited by the Professional Background Screening Association.

The initial license application fee and annual renewal fee are \$200 each, but the initial fee is waived for any key employee who holds an active occupational gaming license issued by DCP.

Occupational Employee License (§§ 1 & 9)

Under the act, an "occupational employee" is an employee of a master wagering licensee or a licensed online gaming service provider, online gaming operator, or sports wagering retailer.

The act requires certain occupational employees, other than key employees, to obtain an occupational employee license before starting their employment based on their prospective job duties. Specifically, they must obtain the license if they will be directly or substantially involved in operating Internet games or retail sports wagering in a manner impacting the integrity of the gaming or wagering, data security, patron interaction, game or equipment testing, or any other aspect of a licensee's gaming activity that impacts the integrity of gaming. The act further deems an occupational employee as being directly or substantially involved if he or she:

1. can affect a wager's outcome through deploying code to production for any critical component of an electronic wagering platform;
2. (a) can deploy code to production and (b) directly supervises individuals who can affect the outcome of Internet games through deploying code to production for other than read-only access or the equivalent access to any critical component of an electronic wagering platform; or
3. directly manages gaming operations, or directly supervises someone who directly manages gaming operations.

Under the act, a "critical component" is an electronic wagering platform component that records, stores, processes, shares, transmits, or receives sensitive information (e.g., validation numbers and personal identification numbers) or that stores the results or the current state of a participant's wager for an Internet game.

Both the initial license application fee and annual renewal fee are \$50; however, the act waives the initial fee for any occupational employee who holds an active occupational gaming license issued by DCP.

Licensees Document Maintenance and Production (§ 12)

The act requires licensees and those keeping documents on their behalf to maintain documents related to the gaming operations authorized under the act in an auditable format for the current taxable year and the five preceding taxable years. The act prohibits using a foreign language, codes, or symbols in keeping these documents.

The act also requires people and businesses that receive a request for documents from DCP to (1) immediately make them available for inspection and copying by the DCP commissioner and (2) produce copies to the commissioner or her authorized representative within two business days. Requested documents must be provided in electronic format unless it is not commercially practical.

Under the act, these requirements do not apply to any gaming conducted on the tribes' reservations.

Licensees Suspensions, Fines, and Other Penalties (§ 13)

The act authorizes the DCP commissioner, when there is sufficient cause found, to (1) suspend or revoke a license; (2) issue fines of up to \$25,000 per violation; (3) accept offers in compromise or refuse to grant or renew a license; (4) place a licensee on probation; (5) place conditions on a license; or (6) take other actions permitted by law.

Under the act, sufficient cause includes:

1. furnishing false or fraudulent information in a license application or failing to comply with representations made in an application;
2. a civil judgment against, or criminal conviction of, a licensee or key employee of an applicant or licensee;
3. discipline by, or a pending disciplinary action or an unresolved complaint against, an owner, key employee, or applicant regarding any professional license or registration of any federal, state, or local government;
4. denial, suspension, or revocation of a license or registration, or the denial of a renewal of the same, by any federal, state, or local government or a foreign jurisdiction;
5. false, misleading, or deceptive representations to the public or DCP;

6. involvement in a fraudulent or deceitful practice or transaction;
7. performance of negligent work that involves a substantial monetary loss or a significant lack of sound judgment;
8. permitting another person to use the licensee's license;
9. failure to properly license occupational employees or to notify DCP of a change in key employees or owners;
10. an adverse administrative decision or delinquency assessment against the licensee from the Department of Revenue Services;
11. failure to cooperate with or give information to DCP, local law enforcement authorities, or any other enforcement agency upon any matter related to the licensee's credential or gaming operations; or
12. failure to comply with the act's provisions, corresponding regulations, or any other state law that impacts the integrity of gaming in the state, including failure of an online gaming operator who contracts with CLC to abide by the conditions for operating a skin for online sports wagering.

The act requires the DCP commissioner, when refusing to issue or renew a license, to notify the applicant of the denial and the applicant's right to request a hearing within 10 days after the date of receiving the denial notice. If the applicant requests a hearing within that period, the commissioner must give notice of the grounds for her refusal and conduct a hearing on the refusal in accordance with the Uniform Administrative Procedure Act (UAPA) concerning contested cases. If the commissioner's license denial is sustained after the hearing, the act prohibits the applicant from applying for a new license until at least one year after the denial was sustained.

Additionally, the act prohibits anyone whose license has been revoked from applying for another license issued under the act for a period of at least one year after the date of the revocation.

Under the act, the DCP commissioner is not prevented from suspending or revoking a license or registration or imposing other permitted penalties if a holder voluntarily surrenders or fails to renew the license or registration.

License Expirations (§§ 3 & 4)

The act requires that a master wagering license held by a tribe or a tribe's instrumentality or affiliate expire (1) upon the expiration of the State-Tribal agreements' initial or renewal period, (2) if a tribe operates E-bingo machines at a casino on the tribe's reservation at any time during the 10-year initial term of the agreements, or (3) if the licensee ceases to be a tribe or an instrumentality or affiliate of a tribe. Under the act, "E-bingo machine" means an electronic device categorized as a class II machine under IGRA used to play bingo that is confined to a game cabinet and is substantially similar in appearance and play to a class III slot machine. It does not include any other electronic device, aid, instrument, tool, or other technological aid used to play any in-person class II bingo game.

The act also requires that a master wagering license held by CLC expire upon the expiration of the State-Tribal agreements' initial or renewal period.

In both circumstances, upon the expiration of a master wagering license, the act requires that all other licenses associated with it expire without the need for any further action by DCP. This includes licenses for an online gaming operator, online service provider, or sports wagering retailer and all corresponding key and occupational employee licenses.

DCP Regulations (§§ 6, 16 & 45)

The act requires the DCP commissioner to adopt regulations, to the extent not prohibited by federal law or any IGRA-related agreement, to implement the act's gaming provisions. The regulations must address:

1. the operation of, and participation in, Internet games and retail sports wagering;
2. licensing requirements, including criteria for determining when licensure as (a) an online gaming service provider is required and (b) a key employee is not necessary to protect the integrity of gaming;
3. the designation of additional games that may be permitted as online casino gaming;
4. voluntary self-exclusion programs for Internet games and retail sports wagering;
5. technical standards, security features, and testing applicable to gaming operations and systems, including electronic wagering platforms;
6. game procedure approval;
7. complaint resolution processes;
8. enforcement actions;
9. age and location verification program standards;
10. revenue auditing and reporting standards, which must include a requirement that all payments come with a detailed supporting report on a form approved by the DCP commissioner;
11. compliance reporting and disclosure requirements;
12. marketing and advertising standards; and

13. any other provisions the commissioner deems necessary to protect the public interest and gaming integrity.

For regulations establishing criteria for when licensure as an online gaming service provider is required, the act requires they be based, in part, on whether a provider supplies:

1. goods or services related to accepting wagers for Internet games or retail sports wagering, including, services to determine the location and identity of customers, such as geolocation and “know your customer” services, payment processing, and data provision; or
2. other goods or services that DCP determines are used in, or are incidental to, Internet games or retail sports wagering, in a manner requiring licensing to contribute to the public confidence and trust in the credibility and integrity of the gaming industry in the state.

The act allows the DCP commissioner to adopt these regulations as emergency regulations. By law, an agency may adopt an emergency regulation either without prior notice and hearing or with an abbreviated notice and hearing process if the agency makes a specific finding (e.g., due to an imminent peril to the public health, safety, or welfare) and states in writing its reasons for that finding and the governor approves the finding in writing (CGS § 4-168(g)). Notwithstanding that law, the act allows for the adoption of these regulations as emergency regulations without the commissioner making the finding, if the governor approves the need for it.

Under existing law, an emergency regulation is effective for up to 180 days from the date it is approved and posted online, with limited exceptions. Regulations, including emergency regulations, are generally effective when the secretary of the state posts them on the eRegulations system (CGS § 4-168).

The act also eliminates a requirement under prior law that DCP adopt regulations to regulate wagering on sporting events to the extent permitted by state and federal law (CGS § 12-565a). To date, DCP has not adopted these regulations.

§§ 3-5, 25-26, 28-29, 37 & 45 — SPECIFIC AUTHORIZATIONS AND CONDITIONS FOR EACH GAME TYPE

Online Casino Gaming by the Tribes (§ 3)

The act authorizes each tribe or a tribe’s instrumentality or affiliate that holds a master wagering license to enter into an agreement with a licensed online gaming operator to provide skin services for online casino gaming.

Online Sports Wagering by the Tribes and CLC (§§ 3 & 4)

The act authorizes each tribe or a tribe’s instrumentality or affiliate that holds a master wagering license to enter into an agreement with a licensed online gaming operator to provide skin services for online sports wagering.

The act authorizes CLC, under its master wagering license, to enter into an agreement with a licensed online gaming operator to provide skin services for online sports wagering subject to the following conditions:

1. the skin is not branded along with an entity or brand that operates a physical casino in any jurisdiction;
2. the skin does not directly market or promote a physical casino that operates in any jurisdiction, including through awarding players’ points, free play, promotions, or other marketing activities;
3. CLC may contract with an entity that operates in a physical casino in any jurisdiction; and
4. if CLC contracts with an entity that is owned by a casino operator, the entity may not use any patron information collected as a result of CLC’s agreement with an online gaming operator for purposes of marketing or any other purposes related to acquiring patrons.

Retail Sports Wagering by CLC (§§ 4, 5 & 37)

The act authorizes CLC, under its master wagering license, to operate retail sports wagering at up to 15 facilities in the state, so long as none of the facilities are located within 25 miles of either tribe’s reservation. The act specifically requires CLC to have facilities in Bridgeport and Hartford by developing new facilities or entering into an agreement with a licensed sports wagering retailer for facilities in those cities. It otherwise authorizes CLC to enter into one or more agreements to facilitate retail sports wagering with licensed sports wagering retailers, including the OTB licensee. Retail sports wagering conducted under these agreements must be done in accordance with the act’s requirements. Lastly, the act requires that these agreements expire upon the expiration of the State-Tribal agreements’ initial or renewal period.

CLC and Keno (§§ 4 & 28)

The act authorizes CLC, under its master wagering license, to operate keno, both at retail through lottery sales agents and online through its website, online service, or mobile application. The act conditions this authorization on requirements

that (1) drawings are limited to no more than once every three minutes and (2) Connecticut makes payments to each tribe of 12.5% of the gross gaming revenue from keno.

For the purposes of the payments under the act, “gross gaming revenue from keno” means the total of all sums CLC receives from operating keno both through lottery sales agents and through CLC’s website, online service, or mobile application, minus the total winnings paid to patrons and any federal excise tax applicable to the sums received. For purposes of calculating winnings, the act excludes merchandise or other things of value included in a jackpot or payout. Under the current MOAs, the state must distribute to each tribe 12.5% of the “gross operating revenues” (i.e., total sum wagered, minus prize amounts paid) from CLC’s current operation of keno.

Online Lottery and CLC (§§ 4 & 29)

The act authorizes CLC, under its master wagering license, to sell lottery tickets for lottery draw games through its website, online service, or mobile application if:

1. the lottery draw games occur regularly and not more frequently than once every four minutes;
2. (a) CLC submits to the DCP commissioner official game rules for each lottery draw game that the corporation seeks to offer online and (b) the commissioner, or an independent third-party selected by her, gives written approval of the official rules for a game before tickets are sold (the act requires that CLC pay all costs associated with obtaining an approval from an independent third-party); and
3. the results of lottery draw game drawings are displayed on CLC’s website, online service, or mobile application, if the lottery draw game drawings do not take place on CLC’s website, online service, or mobile application.

After starting its online lottery sales, the act requires CLC to conduct an awareness campaign to educate the public on responsible gambling and inform it of available programs that prevent, treat, and rehabilitate compulsive gamblers in Connecticut. Additionally, CLC may implement initiatives to promote purchasing lottery tickets through lottery sales agents and for online lottery draw games.

The act also authorizes CLC to advertise lottery games on its website, online service, or mobile application. However, it prohibits CLC from offering any interactive lottery game, including for promotional purposes.

Fantasy Contests by the Tribes and CLC (§§ 3, 4, 28, 29 & 45)

Prior law established a framework for legalizing and regulating fantasy contests under which prospective fantasy contest operators would register with DCP. However, to date, the necessary conditions for that framework to go into effect were not satisfied. The act eliminates these provisions and instead authorizes master wagering licensees (i.e., each tribe, or a tribe’s instrumentality or affiliate, and CLC) to operate fantasy contests as described above and makes conforming changes.

Off-Reservation Casino Gaming Facility (§§ 25 & 26)

Prior law authorized the operation of an off-reservation casino gaming facility in East Windsor by MMCT Venture, LLC, which is a company jointly owned and operated by the Mashantucket Pequot and Mohegan tribes. The act delays this authorization through the 10-year initial term of the act’s State-Tribal agreements. Additionally, the act suspends, through that term, a provision requiring MMCT to provide a \$30 million, interest-free advance to the state by June 30, 2019. To date, MMCT has not submitted the advance.

§§ 1, 11-12, 14-15 & 38-42 — ENFORCEMENT AND CONSUMER-RELATED PROVISIONS

Tribal Employees Enforcement Defenses (§ 11)

The act prohibits certain key and occupational employees from raising the defense of sovereign immunity with respect to actions brought against them in their employee capacities to enforce applicable provisions of the act and regulations adopted under it. This prohibition specifically applies to key and occupational employees of (1) a tribe or its instrumentality or affiliate that holds a master wagering license, (2) an online gaming operator or online gaming service provider that is an Indian tribe or an instrumentality of, or affiliate wholly-owned by, an Indian tribe.

State Investigative and Injunctive Powers (§ 12)

The act authorizes the DCP commissioner to conduct investigations and hold hearings on any matter relating to gaming

authorized under the act. She may also issue subpoenas; administer oaths; compel testimony; and order the production of books, records, and documents. If a person refuses to appear; testify; or produce any book, record, or document, she may apply to Superior Court for an order to aid in her enforcement. The act also authorizes the attorney general, at the DCP commissioner's request, to apply for temporary and permanent injunctions to prevent anyone from violating the act's provisions. The act states that these authorizations do not apply to any gaming conducted on the tribes' reservations under IGRA.

Age Monitoring and Location Restrictions (§ 14)

Under the act, only people who are at least 21 years old and physically present in the state may place wagers through online sports wagering, retail sports wagering, and online casino gaming operations that are conducted outside of the tribes' reservations. In the case of retail sports wagering, a person must specifically be physically present at a retail sports wagering facility. For fantasy contests, the act limits participation to people who are at least 18 years old.

Relatedly, the act requires electronic wagering platforms used for online and retail sports wagering, online casino gaming, online keno, online lottery draw games, or fantasy contests to:

1. verify that gaming account holders meet age and physical presence requirements when participating (see below);
2. provide a mechanism to prevent the unauthorized use of an account; and
3. maintain the security of wagering, participation, or purchasing data and other confidential information.

In the case of online sports wagering and online casino gaming, the platforms must verify that account holders are at least 21 years old and physically present in the state when placing a wager. For retail sports wagering, the platforms must verify that account holders are at least 21 years old and physically present at a retail sports wagering facility. For keno and lottery draw games, the platforms must verify that account holders are at least 18 years old and physically present in the state when participating or purchasing tickets. For fantasy contests, the platforms must verify that account holders are at least 18 years old.

Athletes, Coaches, and Other Restricted Sports Wagering Participants (§§ 1 & 15)

The act establishes several restrictions on who may place a sports wager and the circumstances for doing so. Broadly, it prohibits (1) anyone from placing a sports wager on another's behalf, including wagering on the account of another person, and (2) master wagering licensees and licensed online gaming operators, online gaming service providers, and sports wagering retailers from accepting wagers from a person on the account of, or for, another person. It also prohibits wagering by individuals described below.

Sports Governing Bodies and Event Participants. The act prohibits:

1. athletes, coaches, and referees who take part in a sporting event and e-sport participants from placing a wager on any sporting event they participate in; and
2. owners with a direct or indirect legal or beneficial ownership interest of at least 5% of a sports governing body's member team from placing a wager on any sporting event in which the member team participates (tribal membership, in and of itself, is not ownership for these purposes).

Under the act, a sports governing body is an organization that prescribes final rules and enforces codes of conduct for a sporting event and its participants. The act also prohibits the following people from placing a wager on any sporting event overseen by a sports governing body:

1. athletes, coaches, and referees who take part in a sporting event of the sports governing body;
2. the sports governing body's employees holding positions of authority or influence over sporting event participants;
3. employees of the sports governing body's member teams holding positions of authority or influence over sporting event participants; and
4. bargaining unit personnel of the sports governing body's athletes or referees.

Regarding these prohibitions, the act requires master wagering licensees and licensed online gaming operators, online gaming service providers, and sports wagering retailers to use reasonably available public information and to exercise reasonable efforts to obtain information from DCP or the relevant sports governing body regarding the owners and employees described above.

Licensees and Associated Personnel. The act prohibits certain people associated with master wagering licensees and licensed online gaming operators, online gaming service providers, and sports wagering retailers from placing any wager on a sporting event with the respective licensee. The prohibition applies to licensee officers, directors, owners, and key and occupational employees, and their family members who reside in the same household. The act provides that tribal membership, in and of itself, is not ownership for these purposes.

Other Restrictions. The act prohibits master wagering licensees and licensed online gaming operators, online gaming

service providers, and sports wagering retailers from knowingly paying any winnings to a person who places a wager in violation of the above sports wagering restrictions. It authorizes sports governing bodies to request that the DCP commissioner restrict, limit, or exclude wagering on a sporting event by providing notice in a form and manner she prescribes. The commissioner may take any action she deems necessary to ensure the integrity of wagering on the event.

Consumer Protection Requirements (§ 14)

The act requires master wagering licensees and licensed online gaming operators, online gaming service providers, and sports wagering retailers to, where applicable based on the service provided:

1. prohibit individuals from establishing more than one account on each electronic wagering platform operated by the licensee;
2. limit people to the use of only one debit card or only one credit card for an account and place a monetary limit on credit card use over a time period;
3. allow people to limit the amount of money that may be deposited in an account and spent per day through an account;
4. provide that any money in an online account belongs solely to the account's owner and may be withdrawn by the owner;
5. establish a voluntary self-exclusion process to allow people to (a) exclude themselves from establishing an account, (b) exclude themselves from placing wagers through an account, or (c) limit the amount they may spend using the account; and
6. provide responsible gambling and problem gambling information to participants.

The act also requires these entities to conspicuously display on each applicable website or mobile application the following:

1. a link to a description of the above requirements in the act,
2. a link to responsible gambling information,
3. the toll-free telephone number to obtain information about problem gambling,
4. a link to information about the voluntary self-exclusion process described above,
5. a clear display or periodic pop-up message of the amount of time an individual has spent on the operator's website or mobile application,
6. a means to initiate a break in play to discourage excessive play, and
7. a clear display of the amount of money available to people in their accounts.

Responsible Play Review (§ 14)

The act requires each master wagering licensee to, at least every five years, pay for and be subject to an independent review of the operations under its license regarding responsible play, as assessed by industry standards. This review must be performed by a third-party approved by DCP.

Advertisement Restrictions (§ 14)

The act prohibits advertisements of online and retail sports wagering and online casino gaming from (1) depicting someone younger than 21 years old unless he or she is a professional or collegiate athlete who, if permitted by law, can profit from the use of his or her name or (2) being aimed exclusively or primarily at people younger than 21 years old.

Credit Cards (§§ 38 & 39)

The act specifically allows the use of credit cards for online casino gaming, online and retail sports wagering, fantasy contests, online keno, and online lottery draw games. It does this by exempting participation in those games from the laws voiding and recovering certain wagering contracts.

Gambling Ban Exemptions (§§ 40-42)

The act exempts from the state's illegal gambling law online casino gaming, online and retail sports wagering, and fantasy contests, along with the devices or equipment used to participate in those, if done or used in accordance with the act's requirements. Under the act, criminal laws on illegal gambling do not apply to advertising, operating, or participating in online casino gaming, online sports wagering, and retail sports wagering that is conducted outside of the tribes'

reservations.

A violation of the gambling laws is generally a class B misdemeanor. Additionally, anyone who, among other things, knowingly and illegally owns, possesses, or rents a gambling device is guilty of a class A misdemeanor (see [Table on Penalties](#)).

§§ 6, 8-10, 17-22, 29, 33-35 & 43 — PAYMENTS, ASSESSMENTS, AND CONTRIBUTIONS

General Fund Payments & Transfers (§§ 17-19 & 33-34)

Payments. The act requires each tribe or a tribe's instrumentality or affiliate that holds a master wagering license to pay to the General Fund 18% of its gross gaming revenue from online casino gaming outside the tribe's reservation during the first five years of operation and then 20% during the sixth and any following year of operation. Licensees must start making payments by the 15th day of the month after the month the licensee begins operating online casino gaming and then by the 15th of each month afterwards.

Additionally, each tribe or a tribe's instrumentality or affiliate that holds a master wagering license must pay to the General Fund 13.75% of its (1) gross gaming revenue from its online sports wagering and (2) gross receipts from its fantasy contests, each of which are operated outside the tribe's reservation. As a master wagering licensee, CLC must also pay the same percentage based on its retail and online sports wagering gross gaming revenue and fantasy contest gross receipts. In all instances, these licensees must start making their payments by the 15th day of the month after the month the licensee begins operations and then by the 15th of each month afterwards.

Gross Revenues and Receipts Defined. Under the act, gross gaming revenue for both online casino gaming and sports wagering is the total of all sums received, minus the total winnings paid to patrons and any federal excise tax applicable to the sums received. For purposes of calculating winnings, the act excludes merchandise or other things of value included in a jackpot or payout. It also generally excludes from the calculation of gross gaming revenue coupons or credits issued to and played by patrons under a promotional program, if the aggregate amount does not exceed the following limits:

1. 25% of gross gaming revenue for any month during the first year the activity operates,
2. 20% of gross gaming revenue for any month during the second year the activity operates, or
3. 15% of gross gaming revenue for any month during the third or succeeding year the activity operates.

If coupons or credits exceed these limits, the act requires that the excess amount of coupons or credits used in the calendar month be included when calculating gross gaming revenue. The act requires that the year of operation be measured from the date the first master wagering license is issued to a tribe or a tribe's instrumentality or affiliate or the date that DCP adopts the above regulations, whichever is later.

Under the act, gross receipts for fantasy contests is the total of all entry fees collected, minus the total prize amount paid to participants, multiplied by the location percentage, which is the percentage rounded to the nearest tenth of a percent of the total entry fees collected from participants located in Connecticut divided by the total of entry fees collected from all participants.

Other Provisions Affecting CLC. By law, CLC must deposit the proceeds of its ticket sales into a specific fund from which, among other things, prizes are paid. CLC must transfer to the General Fund on a weekly basis any balance of the fund that exceeded the corporation's needs for paying lottery prizes and meeting operating expenses and reserves, with an exception for payments to instead be directed to the Connecticut Teachers' Retirement Fund Bonds Special Capital Reserve Fund in certain circumstances. The act changes the name of this fund from the lottery fund to the lottery and gaming fund and directs the proceeds from online and retail sports wagering and fantasy contests into it, from which winnings must be paid and the above payments to the General Fund based on gross revenues must be made (PA 21-2, June Special Session, changes where online lottery ticket revenue must be deposited; see [BACKGROUND – Related Acts](#)).

The act also specifies that CLC's operation of gaming authorized under the act is considered performing an essential government function, and this operation must be free from any taxes, as was the case under prior law for existing games.

DCP Regulatory Assessments (§§ 6, 8-10, 20 & 29)

Assessments on Tribes. The act requires the DCP commissioner to estimate and assess the reasonable and necessary costs the department will incur each fiscal year to regulate the operation of online sports wagering and online casino gaming conducted outside of the tribes' reservations by each tribe or a tribe's instrumentality or affiliate that holds a master wagering license. She must do this, after consulting with each licensee, at the start of any fiscal year in which a game is conducted and by September 30 of each fiscal year afterwards. The act requires that these estimated costs not exceed the estimate of expenditure requirements that the commissioner must transmit as part of biennial budget requests.

Each licensee must submit payment by the date the DCP commissioner specifies, so long as it is at least 30 days after

the assessment date, and no payment will be due prior to the start of the licensee's online sports wagering and online casino gaming operations. The act requires the commissioner to remit all funds received to the state treasurer, who in turn must deposit them into a fund established by the act (the "State Sports Wagering and Online Gaming Regulatory Fund," see below).

The act requires the state comptroller to calculate, annually by September 30, the actual reasonable and necessary costs incurred by DCP to regulate the licensees' online sports wagering and online casino gaming during the prior fiscal year. The state treasurer must set aside amounts received through DCP's assessment in excess of those actual costs, which must be considered a surplus.

Under the act, assessments for any fiscal year must be reduced pro rata by any surplus amount or increased pro rata by any deficit amount from the prior fiscal year. Additionally, the assessments must be reduced by the amount of licensing fees paid to DCP during the prior fiscal year for licenses for online gaming service providers, online gaming operators, and key and occupational employees that are affiliated with the licensee.

If a licensee is aggrieved by an assessment, it may request a hearing before the DCP commissioner within 30 days after the assessment. The commissioner must hold a hearing, in accordance with the UAPA, within 30 days after receiving the request, and her decision may be appealed to Superior Court in accordance with the UAPA.

Regulatory Fund. Under the act, the State Sports Wagering and Online Gaming Regulatory Fund must contain any moneys required or permitted to be deposited in it, including licensing fees collected by DCP for online gaming service providers, online gaming operators, and key and occupational employees that are affiliated with the licensee, and must be held by the treasurer separate and apart from all other moneys, funds, and accounts. Any balance remaining in the fund at the end of any fiscal year must be carried forward for the next fiscal year. The treasurer must expend money in the fund to pay the costs incurred by DCP to regulate the licensees' online sports wagering and online casino gaming.

Assessments on CLC. By law, OPM must annually assess CLC an amount that is enough to compensate DCP for its reasonable and necessary costs for regulating specific CLC activities (CGS § 12-806b). The act adds to those activities the operation of the lottery, keno, retail sports wagering, online sports wagering, and fantasy contests.

Tribe Minimum Contributions (§ 21)

Under the state's existing MOUs with the tribes, they must pay the state a minimum contribution each fiscal year to maintain their exclusive rights to operate video facsimile machines and other casino games (see BACKGROUND). The act requires that online sports wagering and online casino gaming revenue payments from operations outside of the tribes' reservations during the first five years of operation be counted toward the minimum contribution.

After that five-year period, (1) the tribes' minimum contribution obligations must continue as provided in the MOUs, subject to any agreements between the state and a tribe regarding the source of payments that may be used to satisfy the obligation, and (2) the state must meet and confer in good faith with each tribe concerning which payments made to the state by each tribe should count toward each tribe's obligation.

Contributions to Problem Gambling Programs (§§ 22, 35 & 43)

The act requires each tribe or a tribe's instrumentality or affiliate that holds a master wagering license to contribute, in each fiscal year it holds the license, \$500,000 to support problem gambling programs in Connecticut. The licensees may specifically make payments to (1) the chronic gamblers treatment rehabilitation account or (2) nonprofit entities with problem gambling support programs. Under the act, contributions must be reduced pro rata in any fiscal year that the licensee did not hold the license for the entire fiscal year. The act requires each licensee to submit to DCP, on an annual basis and as a condition of continued licensure, information on the recipients of its contribution.

Additionally, the act generally increases, from \$2.3 to \$3.3 million, the amount that CLC must transfer each fiscal year to the chronic gamblers treatment rehabilitation account from revenue it receives from its gaming. Under existing law, \$2.3 million must be from lottery ticket sales revenue; the act additionally requires that \$1 million be from revenue from retail and online sports wagering and fantasy contests. However, CLC may reduce the \$1 million transfer amount pro rata in any fiscal year that it does not operate that gaming for the entirety of the fiscal year.

§§ 30-32 & 36 — OTHER PROVISIONS AFFECTING CLC AND DCP

DCP Oversight of CLC (§ 30)

The act extends DCP's authority to regulate CLC's activities to include online and retail sports wagering and fantasy contests. It also requires CLC, before implementing a procedure designed to assure the integrity of online and retail sports

wagering and fantasy contests, to obtain the DCP commissioner's written approval, as is the case under existing law for state lottery-related procedures. By law, a "procedure" is generally a statement by a quasi-public agency of general applicability, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization or procedure of the agency.

Freedom of Information Act (FOIA) and CLC (§ 31)

Under the act, the personally identifying, financial, credit, or wagering information associated with any person's account for Internet games are not public records and are exempted from disclosure under FOIA. The same applies to the name and any personally identifying information of a person who participates or participated in CLC's voluntary self-exclusion process created under the act, with one exception. The CLC president may disclose the name and any participation records of a person who (1) claims a winning lottery ticket using the online lottery established under the act, (2) claims or is paid a winning wager from online or retail sports wagering, or (3) is paid a prize from a fantasy contest.

Prohibitions on Gaming by DCP and CLC Personnel (§§ 32 & 36)

The act extends a prohibition on CLC directors, officers, and employees directly or indirectly participating in, or sharing in the winnings from, existing CLC games to those authorized under the act. Additionally, as is already the case for making wagers on other forms of gambling (e.g., state lottery and OTB), the act prohibits the DCP commissioner and unit heads from placing a sports wager or participating in online casino gaming. By law, a "unit head" is any managerial employee with direct oversight of a legalized gambling activity. Under existing law, the commissioner may adopt regulations prohibiting DCP employees from engaging, directly or indirectly, in any legalized gambling activity in which employees are involved because of their employment.

Existing law also prohibits the DCP commissioner, unit heads, and employees from directly or indirectly, individually or as a member of a partnership or as a corporate shareholder, having any interest in dealing in any lottery, racing, fronton, or betting enterprise or casino gaming facility or in the ownership or leasing of any property or premises used by or for the same. The act specifies that an interest does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, if the investment securities held by a person and his or her spouse, parent, and child, in the aggregate, does not exceed 0.5% of the total number of shares issued by that corporation.

BACKGROUND

Tribal-State Procedures and Compact

Under IGRA, the Mashantucket Pequot and Mohegan tribes currently operate the Foxwoods and Mohegan Sun casinos, respectively, on their reservations. Gambling at the Foxwoods Casino is conducted under federal procedures, which are a legal substitute for an IGRA-negotiated gaming compact. Gambling at the Mohegan Sun Casino is conducted under a legally negotiated IGRA tribal-state compact. Both the compact and procedures are like federal regulations. As such, they supersede state law.

Video Facsimiles

Under both the procedures and compact, "video facsimile" is any mechanical, electrical, or other device, contrivance, or machine, which, upon insertion of a coin, currency, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate. The play or operation is a facsimile of a game of chance, which may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash or to receive any merchandise or thing of value, whether the payoff is made automatically from the machine or in any other manner whatsoever. A common example of a video facsimile is a slot machine.

Moratorium on Video Facsimiles

The Mashantucket Pequot procedures and the Mohegan compact authorize the tribes to operate video facsimile machines only pursuant to (1) an agreement between the tribe and state (e.g., MOU); (2) a court order; or (3) a change in state law that allows the operation of video facsimile machines by any person, organization, or entity. Currently, both tribes can operate video facsimile machines because of the MOU each has with the state.

Tribal-State MOUs

The Mashantucket Pequot and Mohegan tribes have separate, binding MOUs with the state that give them the exclusive right to operate video facsimile machines and other casino games in exchange for a monthly contribution of, generally, 25% of their gross video facsimile machine revenue to the state. Under the terms of the current MOUs, if the state enacts a law to permit any other person to operate video facsimile machines or other casino games, the tribes would no longer need to pay the state any of their video facsimile revenue.

Tribal-State MOUs Minimum Contribution

Under both existing MOUs, the minimum contribution each tribe must contribute each fiscal year is the lesser of (1) 30% of gross operating revenues from video facsimiles during the fiscal year or (2) the greater of 25% of gross operating revenues from video facsimiles during the fiscal year or \$80 million.

Related Act

The budget implementer (PA 21-2, June Special Session) contains several provisions directly impacting or relating to this act. It requires, if CLC receives a master wagering license, that all revenue from CLC's online lottery ticket sales be deposited into an "online lottery ticket sales fund" CLC must establish to specifically collect that revenue, separate from all other CLC revenues. Among other things, CLC must transfer up to \$14 million each fiscal year starting in FY 24 from its online lottery revenue to a dedicated debt-free community college account to be used for the state's debt-free community college program (§§ 69-74).

Additionally, the implementer requires the DCP commissioner to issue a provisional license to each tribe, or a tribe's instrumentality or affiliate wholly-owned by a tribe, and CLC to operate fantasy contests outside the tribes' reservations, but within the state under certain conditions. It also allows provisional license holders to contract with certain individuals or entities to operate those fantasy contests (§ 315).

PA 21-63—HB 6038

Public Safety and Security Committee

AN ACT CONCERNING THE PROMOTION OF LOTTERY WINNINGS

SUMMARY: This act prohibits the Connecticut Lottery Corporation from publishing on its website a lottery winner's photograph without his or her prior written consent. It also requires the corporation to remove a lottery winner's name from the list of winners published on its website within five days after receiving the person's request for exclusion.

EFFECTIVE DATE: July 1, 2021

PA 21-108—SB 1011

Public Safety and Security Committee

Appropriations Committee

AN ACT CONCERNING THE USE OF OPIOID ANTAGONISTS BY POLICE OFFICERS AND STUDYING THE USE OF EPINEPHRINE CARTRIDGE INJECTORS BY POLICE OFFICERS.

SUMMARY: This act requires law enforcement units to (1) require that their police officers be trained in using opioid antagonists (e.g., Narcan) and (2) acquire and maintain a supply of these medications for use by their police officers when responding to a medical emergency. A police officer who completes the training must be permitted to carry opioid antagonists and administer the medication to an individual whom the officer believes in good faith is experiencing an opioid-related drug overdose.

The act also requires the Police Officer Standards and Training Council (POST), in consultation with the departments of Emergency Services and Public Protection and Public Health, to convene a working group to study the feasibility of

requiring police officers to carry epinephrine cartridge injectors (e.g., Epi-Pens) and administer them to an individual whom the officer believes in good faith is experiencing anaphylaxis.

EFFECTIVE DATE: Upon passage

POST WORKING GROUP

Under the act, the working group must at least:

1. determine whether the need for an epinephrine cartridge injector requirement exists by examining data on their use by police officers and other first responders and balancing the potential public benefit with the potential impact to officers and law enforcement units;
2. address issues associated with such a requirement, including implementation and police training costs; and
3. consult a medical expert about the injectors' shelf life and safe storage practices.

Under the act, if the working group determines the need for this requirement exists, it must make recommendations for legislation about implementation. POST must submit a report on the working group's findings and recommendations to the Public Safety and Security Committee by January 1, 2023. The working group must terminate when the report is submitted or January 1, 2023, whichever is later.

PA 21-153—sHB 6034

Public Safety and Security Committee

AN ACT CONCERNING PROJECT LONGEVITY

SUMMARY: This act expands the "Project Longevity Initiative" to Waterbury. By law, Project Longevity is a comprehensive, community-based initiative to reduce gun violence in Connecticut's cities and is already required in New Haven, Hartford, and Bridgeport.

Existing law requires the Office of Policy and Management (OPM) secretary, in consultation with certain federal and state officials, to create a plan to implement the initiative statewide. The act requires that the plan, at a minimum, consider how to provide the initiative's clients with access to courses and apprentice programs provided by colleges, universities, community colleges, or the Technical Education and Career System. By February 1, 2022, the secretary must submit the plan to the Public Safety and Security Committee.

EFFECTIVE DATE: Upon passage

IMPLEMENTATION

The act requires the OPM secretary, in order to ensure or support the initiative's implementation in Waterbury, to (1) provide planning and management assistance to municipal officials in the city and (2) do anything necessary to apply for and accept federal funds allotted or available to the state under any federal act or program. As under existing law for the other cities, the secretary may use state and federal funds as appropriated for the initiative's implementation.

To implement the initiative in Waterbury, the act also requires the secretary, or her designee, to consult with Waterbury's mayor; clergy members, nonprofit service providers, and community leaders from the city; and the following federal and state officials: (1) U.S. attorney for Connecticut, (2) chief state's attorney, (3) Department of Correction commissioner, and (4) Court Support Services Division executive director.

PA 21-165—sHB 6600

Public Safety and Security Committee

AN ACT CONCERNING SMOKE DETECTION AND WARNING EQUIPMENT, THE STATE FIRE PREVENTION AND FIRE SAFETY CODES, THE CODE TRAINING AND EDUCATION BOARD OF CONTROL, TEMPORARY FIRE MARSHALS, CERTAIN FIRE REPORTS AND SMALL WATER HEATERS

SUMMARY: This act makes several unrelated changes in laws affecting the state's fire codes, fire marshals, related boards, and water heaters. Among other things, the act:

1. requires that single-family residences with building permits for new occupancy issued (“built”) before October 1, 1978, have smoke detection and warning equipment (“smoke detectors”) when one is installed or replaced;
2. extends certain provisions authorizing fire marshals to issue orders, citations, and penalties to cover violations of the state’s Fire Safety Code and other fire safety laws;
3. changes the composition of the seven-member Code Training and Education Board of Control, including requiring that four appointees be Codes and Standards Committee members;
4. eliminates specific municipal reporting requirements related to fires, explosions, and other fire emergencies, including on the duration of firefighters’ exposures to heat, radiation, or known or suspected carcinogens; and
5. exempts certain hot water heaters from the state Safety Code for Boilers and Hot Water Heaters.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, unless otherwise noted below.

§ 1 — FIRE SAFETY CODE CHANGES

Incorporation of a Model Life Safety Code

The act requires that the Fire Safety Code be based on a nationally recognized model life safety code, in addition to a nationally recognized model fire code as existing law requires. It also requires that the Fire Safety Code be updated within 18 months after revisions are made to the model life safety code, as is the case under existing law for revisions to the model fire code, unless the State Fire Marshal and the Codes and Standards Committee certify that an update is not necessary.

Adoption Process Conforming Changes

The act makes various conforming changes, including deleting obsolete references to regulations, to reflect the existing code adoption process. By law, instead of being adopted under the Uniform Administrative Procedure Act as a regulation, the code is instead adopted through a similar process that, among other things, does not require the attorney general’s review for legal sufficiency (CGS § 29-292a).

Inclusion of Structures and Adjacent Areas

Prior law required that the Fire Safety Code provide for reasonable safety from fire, smoke, and panic in generally all buildings and their adjacent areas. The act expands this safety provision by also requiring that structures and their adjacent areas be included. By law, this code requirement does not apply to single- and dual-family private dwellings and all premises.

Smoke Detectors

The act generally expands which residential buildings must have smoke detectors. Under prior law, the Fire Safety Code had to require smoke detectors only in single-family residences built on or after October 1, 1978, and multi-family residences.

Under the act, the code must require smoke detectors in:

1. existing single and multi-family residences, regardless of when they were built, when a smoke detector is installed or replaced and
2. new single- and multi-family residences built on or after July 1, 2021.

Relatedly, under prior law, the code had to require that single- and multi-family residences built on or after October 1, 1985, have smoke detectors capable of operating using alternating current and batteries. Under the act, the code must require that smoke detectors in all existing and new residences be capable of operating using any power source allowed in the standards adopted in the code.

Additionally, the act eliminates several provisions requiring that the Fire Safety Code have requirements on smoke detector capabilities, installation, and accompanying literature.

Carbon Monoxide Detectors

The act eliminates several provisions that required that Fire Safety Code have requirements regarding carbon monoxide detection and warning equipment (“carbon monoxide detectors”), including on installation and use; equipment location, power requirements, and standards; testing and inspection; maintenance; and ones directed at specific school buildings.

§ 1 — CERTIFICATES OF OCCUPANCY

Prior law prohibited issuing a certificate of occupancy for (1) single-family residences built on or after October 1, 1978, and (2) multi-family residences, unless the local fire marshal or building official certified that the residence was equipped with smoke detectors that complied with the Fire Safety Code. The act extends this prohibition to all single-family residences, regardless of when they were built.

Prior law also prohibited issuing a certificate of occupancy for (1) single- and dual-family residences subject to the Fire Safety Code and built on or after October 1, 2005, and (2) public and private school buildings built on or after January 1, 2012, unless the local fire marshal or building official certified that the buildings were equipped with carbon monoxide detectors that complied with the Fire Safety Code. The act changes the prohibition concerning residences to instead apply to all new residences subject to the code. It maintains the existing prohibition regarding school buildings.

The act also requires the local fire marshal or building official, before issuing a certificate, to also certify that the smoke or carbon monoxide detectors, respectively, comply with the State Building Code.

§ 2 — HOME INSPECTION REGULATIONS

Existing law requires the Department of Consumer Protection commissioner, with advice and assistance from the Home Inspection Licensing Board, to adopt certain regulations on home inspectors. The act requires the commissioner to establish a minimum and uniform standard for home inspections in these regulations. The standard must include a requirement that inspectors report on the presence of a smoke detector, including specifying (1) the equipment's location and total number and (2) if they were able to test it and verify that it was less than 10 years old.

§ 3 — FIRE PREVENTION CODE

The act requires that the Fire Prevention Code be based on a nationally recognized fire code instead of a fire prevention one. It also requires that the Fire Prevention Code include provisions for processes and activities occurring in all buildings and structures regulated by the code as well as in their adjacent areas.

§§ 4, 7-10 & 15 — FIRE MARSHAL ORDERS, CITATIONS, PENALTIES, AND INJUNCTIONS

The act extends certain penalty provisions to violations of the Fire Safety Code and other fire safety laws, which prior law expressly limited to Fire Prevention Code violations. These provisions authorize and direct the State Fire Marshal and local fire marshals to:

1. order building owners and occupants to remedy code violations coupled with (a) fines of up to \$1,000, with a \$200 mandatory minimum, imprisonment up to six months, or both and (b) additional \$50 per day fines for each day a violation continues;
2. request or apply for injunctions to close or restrict the use of properties if owners or occupants fail to abate or remedy violations; and
3. issue citations, instead of orders, that may carry fines up to \$250.

The provisions specifically extend to the following actions:

1. violating the Fire Safety Code (CGS § 29-295);
2. violating certain fire marshal orders to vacate a building (CGS § 29-306(c));
3. having dangerous combustible material or flammable conditions in a building or on premises (CGS § 29-310(b)); and
4. selling, offering to sell, or giving certain prohibited fire extinguishers (CGS §§ 29-313 & -314).

Relatedly, the act eliminates a penalty provision that applied to the above actions and required fines of up to \$1,000, with a \$200 mandatory minimum, imprisonment up to six months, or both.

§§ 5 & 15 — VARIATIONS AND EXEMPTIONS TO THE FIRE CODES

Under existing law regarding an application for variations or exemptions from the Fire Safety Code or Fire Prevention Code, a local fire marshal must forward to the state fire marshal by first class mail the application along with a letter on the application's merits within 15 business days after receiving the application. The act allows the local fire marshal to provide these materials by email and makes technical changes.

§ 6 — LOCAL INSPECTIONS OF BUILDINGS REGULATED BY THE FIRE CODES

By law, local fire marshals must inspect, or cause to be inspected, all buildings and facilities of public service and occupancies regulated by the Fire Safety Code within their jurisdictions at least once per calendar year or as often as the state fire marshal prescribes. The act extends this requirement to all buildings and facilities of public service and occupancies regulated by the Fire Prevention Code. Existing law and the act exempt single- and dual-family residences from this requirement and instead require they be inspected upon an owner or occupant's complaint and only to determine whether smoke detector requirements have been met. Existing law and the act also require local fire marshals to submit a written report to the local or regional school board documenting any inspection of a school building.

§ 11 — CODE TRAINING AND EDUCATION BOARD OF CONTROL

The act changes the composition of the seven-member Code Training and Education Board of Control. Under existing law and the act, one member must be a building professional (e.g., an architect or engineer) appointed by Department of Administrative Services (DAS) commissioner. The table below shows requirements for appointments of the remaining six members under prior law and the act. By law, the board promotes code training and education, and members serve three-year terms.

Code Training and Education Board of Control Membership

<i>Membership</i>	<i>Under Prior Law</i>	<i>Under the Act</i>
Building Code Training Council	Three members, one each appointed by the House speaker and House majority and minority leaders	One member, appointed by the Senate minority leader
Fire Marshal Training Council	Three members, one each appointed by the Senate president pro tempore and the Senate majority and minority leaders	One member, appointed by the House minority leader
Codes and Standards Committee	N/A	Four members, one each appointed by the top four legislative leaders

EFFECTIVE DATE: July 1, 2021, and applicable to appointments made on or after that date.

§ 12 — TEMPORARY LOCAL FIRE MARSHAL APPOINTMENTS

Under prior law, when a local fire marshal could no longer serve due to death, disability, dismissal, retirement, or revocation of his or her certification, and there was no existing deputy fire marshal, municipal officials or entities could appoint a deputy fire marshal as the acting fire marshal. The act instead allows the officials or entities to appoint a person who holds a fire marshal certification issued by the State Fire Marshal and the Codes and Standards Committee. Existing law limits this position to a maximum of 180 days.

§ 13 — MUNICIPAL REPORTS FOR FIRES, EXPLOSIONS, OR OTHER FIRE EMERGENCIES

By law, when a fire, explosion, or other fire emergency occurs, the fire chief or local fire marshal with jurisdiction over the location must report to the state fire marshal on facts relating to the incident's cause, origin, kind, and estimated value and ownership of damaged or destroyed property, along with other information as the state fire marshal prescribes. The act eliminates a requirement that this report include the (1) name of each firefighter who was present at the incident and, as a result, exposed to heat, radiation, or a known or suspected carcinogen and (2) duration of each firefighter's exposure.

§ 14 — SMALL HOT WATER HEATERS

The act exempts certain hot water heaters from the state Safety Code for Boilers and Hot Water Heaters. The exemption applies to heaters (1) approved by a nationally recognized testing agency and equipped with adequate safety devices, including a temperature and pressure release valve; (2) with a nominal capacity of up to 10 gallons and a heat input of up to 20,000 BTUs (British thermal units) per hour; and (3) installed in any occupancy.

The law already exempts hot water heaters meeting the first criterion listed above if they (1) have a capacity of up to 120 gallons and a heat input of no more than 200,000 BTUs per hour, (2) are solely for hot water supply carrying a pressure of up to 160 PSI (pounds per square inch), and (3) operate at a temperature of up to 210 degrees Fahrenheit. However, this exemption does not apply to heaters in schools, day care centers, hospitals, nursing or boarding homes, churches, or public buildings.

Generally, the Safety Code for Boilers and Hot Water Heaters regulates boiler and hot water heater design, construction, installation, repair, use, and operation. Among other things, it requires that boilers and hot water heaters subject to the code be registered with DAS and inspected by a boiler inspector (CGS §§ 29-231 to -244). By law, a person who violates the code must be fined up to \$100 for a first offense, and subsequent offenses are class C misdemeanors (see [Table on Penalties](#)) (CGS § 29-243).

EFFECTIVE DATE: Upon passage

PA 21-20—sSB 608

Transportation Committee

AN ACT CONCERNING THE SAFETY OF CHILDREN WHEN BUYING ICE CREAM FROM A FROZEN DESSERT TRUCK

SUMMARY: This act establishes safety equipment requirements and operating rules for ice cream trucks (“frozen dessert trucks”), which are motor vehicles in which “frozen desserts” are carried for retail sales on a public road (i.e., highway). The operating rules generally limit where a vendor may operate a truck and the conditions under which he or she may do so.

The act allows a grace period (until May 1, 2022) for ice cream truck vendors to comply with the equipment requirements, which include stop signal arms, crossing arms, and signal lights, but imposes an additional operating restriction during the grace period, starting on September 1, 2021.

The act requires the Department of Motor Vehicles (DMV) to post on its website information about the act’s equipment requirements and truck operating rules and requires that a link to the site be included on applications for certain permits that ice cream trucks may need to obtain.

It also requires drivers, when approaching or overtaking an ice cream truck displaying flashing lights and extending its stop signal and crossing arms, to stop their vehicles at least 10 feet from the front or back of the truck. After stopping, the driver (1) may proceed past the truck at a reasonable speed, up to 5 mph, and (2) must yield the right-of-way to any pedestrian crossing the road to or from the truck. However, drivers are not required to stop and proceed in this manner when approaching or overtaking an ice cream truck that is in another lane separated by a safety island or physical barrier.

A first violation of the act’s safety equipment or operating requirements, including those for drivers passing ice cream trucks, is an infraction (see [Table on Penalties](#)). The act generally establishes higher penalties for subsequent violations, including a fine of up to \$100 for subsequent ice cream truck passing violations. But from July 1 to September 30, 2021, it requires police officers to issue only warnings for ice cream truck operating rule violations or ice cream truck passing violations.

EFFECTIVE DATE: July 1, 2021, except the provision requiring DMV to post information on its website is effective upon passage.

§§ 3, 4 & 9 — SAFETY EQUIPMENT REQUIREMENTS

Overview

Beginning May 1, 2022, the act requires ice cream trucks to have (1) signal lamps, (2) a stop signal arm, (3) a front crossing arm, and (4) a convex mirror. It also establishes specifications for the required equipment and requires ice cream truck drivers to use the equipment as the act prescribes.

Under the act, a first violation of the act’s equipment or equipment use requirements is an infraction. Subsequent violations are punishable by a fine of \$100 to \$500.

The act also makes a conforming change (§ 9).

Signal Lamps

Under the act, ice cream trucks must have signal lamps mounted at the same level and as high and widely spaced laterally as is practical. The signal lamps must (1) be between five and seven inches in diameter and (2) display two alternately flashing red signal lights visible at least 500 feet away from the front and rear in normal sunlight on a straight level road.

Stop Signal Arm

The act requires ice cream trucks to have a stop signal arm that can be extended horizontally from the left side of the truck and sets specifications for the sign.

Measurements. When the arm is extended, the side nearest the truck must be 7.25 inches long and parallel to the truck’s side. The side farthest from the truck must be 18 inches long and parallel to the truck’s nearest side. The two sides must be 18 inches apart, creating a symmetrical, trapezoidal shape. The bottom of the extended arm must be about 42 inches above the street.

Lights. The signal arm must have two alternately flashing red lights in the outside corners, and the corners must be

rounded to conform with the shape of the lights. Each light must be between three and five inches in diameter and visible from at least 300 feet away from the front and rear in normal sunlight on a straight level road.

Colors. The signal arm must have a red reflectorized background with white letters. These colors must conform to the requirements of the Federal Highway Administration's Manual on Uniform Traffic Control Devices.

Words. The sign must bear the words "STOP" "IF SAFE" "THEN GO." The word "STOP" must be in the middle of the sign in six-inch-high letters that are up to four inches long. The phrase "IF SAFE" must appear above the word "STOP," and the phrase "THEN GO" must appear below it. Both phrases must have letters that are two inches high and up to 1.75 inches in length.

Front Crossing Arm

Under the act, a front crossing arm must be attached to an ice cream truck's front bumper, hinged from the truck's right side, and extend in conjunction with the stop signal arm. It must be made of durable material covered with a yellow or white reflective material.

The front crossing arm must (1) extend between four and six feet parallel to the ground when extended outward in front of the truck and (2) not extend past the width of the truck on the driver's left side when retracted against the front of the truck. The bottom of the arm must be between 16 and 20 inches above the street.

Convex Mirror

The act requires ice cream trucks to have a convex mirror mounted on the front of the truck so that the driver can see the front of the truck that is obscured by the hood from his or her normal seating position.

Grace Period and Additional Restriction

The act's equipment requirements apply beginning May 1, 2022. However, it also applies an additional safety requirement from September 1, 2021, through April 30, 2022, to trucks that operate without this safety equipment.

Specifically, the act prohibits drivers of unequipped ice cream trucks from stopping or parking the truck to vend to a child in any location where the child would need to cross the road in order to approach the truck. This restriction does not apply if an adult physically escorts the child to the truck. Violations of this operating rule are infractions.

Use of Equipment

The act requires ice cream truck drivers to display signal lights and extend the stop signal and front crossing arms (1) for at least 50 feet before stopping to vend, (2) while vending, and (3) until all customers are safely off the road. This requirement applies starting May 1, 2022, or once the ice cream truck is equipped as the act requires, whichever is earlier.

The act prohibits ice cream truck drivers from displaying the lights or extending the crossing and stop signal arms when the truck is moving (other than when in the process of stopping to vend) or stopped for a reason other than vending.

§ 5 — OPERATING RULES FOR VENDORS

The act requires people vending from ice cream trucks to do so (1) when the truck is lawfully parked or stopped, (2) from the side of the truck that is facing away from moving vehicular traffic, and (3) as close as practical to the curb or edge of the road.

The act limits the locations where and circumstances under which an ice cream truck may stop to vend. Specifically, it prohibits a person from vending from an ice cream truck:

1. on roads (a) with speed limits faster than 25 mph or (b) that are less than 100 feet from an intersection with a road with a speed limit faster than 25 mph, unless otherwise authorized by a local traffic authority (LTA, see below);
2. less than 500 feet from properties used as elementary or middle schools one hour before and one hour after the regular school day, unless it is not a school day and the board of education approves in writing;
3. when he or she does not have a free, unobstructed view of the road for at least 200 feet in both directions from where the truck is stopped or parked; or
4. to a person standing in the road.

The act also prohibits (1) stopping on the left side of a one-way road to vend and (2) backing up an ice cream truck in order to vend.

The act allows LTAs to authorize ice cream truck vending on highways with speed limits up to 35 mph or within 100 feet from an intersection with another highway with a speed limit of up to 35 mph. By law, the entity designated as the LTA varies by town, but may be the police commission, board of selectmen, mayor, town manager, police chief, or traffic authority (CGS § 14-297(6)).

From July 1 to September 30, 2021, police officers must issue warnings to operators who violate the above rules. Beginning October 1, 2021, first violations are infractions and subsequent violations are punishable by a fine of up to \$100.

§§ 6-8 — POSTING REQUIREMENTS

The act requires DMV, by July 1, 2021, to post on its website information about the act's equipment requirements and truck operating rules. Beginning July 15, 2021, the act requires:

1. the Department of Consumer Protection to include a link to this information on its website and on the application for a retail manufacturer's license to vend from a frozen dessert truck and
2. towns that require ice cream trucks to get peddlers permits to include the link on their permit applications and on their websites.

§ 1 — FROZEN DESSERTS DEFINED

"Frozen desserts" are ice cream; French or French custard ice cream; frozen custard; ice milk; frozen dietary dairy dessert, including special dietary dairy desserts containing nutritive sweeteners; fruit sherbet; water ices; quiescently frozen, dairy, or whipped cream confection; frozen whipped cream; freezer made milk shakes; nonfruit sherbet; nonfruit water ices; manufactured dessert mix; frozen confection; mellorine frozen dessert; parevine; frozen yogurt; freezer made shakes; lo-mel; and dietary frozen desserts as all these products are commonly known. They also include any mix used in frozen desserts and any products (1) similar in appearance, odor, or taste to them, or (2) prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with dairy or nondairy products.

PA 21-28—sHB 5429

Transportation Committee

Judiciary Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING PEDESTRIAN SAFETY, THE VISION ZERO COUNCIL, SPEED LIMITS IN MUNICIPALITIES, FINES AND CHARGES FOR CERTAIN VIOLATIONS AND THE GREENWAYS COMMEMORATIVE ACCOUNT

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[§ 1 — YIELDING TO PEDESTRIANS AT CROSSWALKS](#)

Expands the circumstances under which drivers must yield to pedestrians at uncontrolled crosswalks

[§ 2 — VISION ZERO COUNCIL](#)

Establishes a Vision Zero Council and charges it with developing a statewide policy to eliminate all transportation-related fatalities and severe injuries

[§ 3 — CERTIFICATE OF OPERATION FOR MAJOR TRAFFIC GENERATORS](#)

Requires OSTA to consider major traffic generators' impact on bicycle and pedestrian access and safety when awarding certificates of operation

[§ 4 — DOORING](#)

Prohibits causing physical contact with moving traffic by (1) opening a vehicle door or (2) leaving it open longer than necessary to load or unload passengers

§ 5 — MUNICIPAL SURCHARGE

Increases, from \$20 to \$25, the surcharge on certain moving violations that is remitted to municipalities and subjects dooring violations to the surcharge

§§ 6-12 — LOCAL ROAD SPEED LIMITS AND PEDESTRIAN SAFETY ZONES

Allows municipalities to establish speed limits on local roads without OSTA approval and allows for the establishment of pedestrian safety zones with speed limits as low as 20 mph in downtown districts, community centers, and areas around hospitals

§ 13 — DISTRACTED DRIVING FINES

Increases the fines for distracted driving

§ 14 — GREENWAYS COMMEMORATIVE PLATES

Requires that greenways commemorative plate fees be deposited into a dedicated account and used to fund grant programs for greenways and other bicycle and pedestrian trails

SUMMARY: This act allows for local control of speed limits on local roads and the establishment of pedestrian safety zones. It makes changes related to bicycle and pedestrian access and safety, such as:

1. expanding the circumstances under which drivers must yield to pedestrians at uncontrolled crosswalks,
2. establishing a Vision Zero Council with the goal of eliminating transportation-related deaths and serious injuries,
3. establishing an infraction for “dooring” moving traffic,
4. increasing distracted driving fines, and
5. dedicating revenue from greenways commemorative license plates to fund greenways-related grant programs.

It also makes several technical and conforming changes.

EFFECTIVE DATE: October 1, 2021, except the Vision Zero Council provisions are effective upon passage.

§ 1 — YIELDING TO PEDESTRIANS AT CROSSWALKS

Expands the circumstances under which drivers must yield to pedestrians at uncontrolled crosswalks

The act expands the circumstances under which drivers must yield the right-of-way to pedestrians at marked and unmarked crosswalks that are not controlled by traffic signals or police officers (i.e., uncontrolled crosswalks). Under the act, a driver must yield to a pedestrian, slowing or stopping as necessary, if the pedestrian:

1. is within any portion of the crosswalk;
2. steps to the curb at a crosswalk’s entrance and indicates intent to cross the road by raising his or her hand and arm toward oncoming traffic; or
3. indicates intent to cross the road by moving into the crosswalk’s entrance any body part or any extension of a body part, including a wheelchair, cane, walking stick, crutch, bicycle, electric bicycle, stroller, carriage, cart, or leashed or harnessed dog.

Prior law required a driver to yield only if the pedestrian had stepped off the curb or into the crosswalk’s entrance.

By law, drivers who fail to yield at a crosswalk when required are subject to a \$500 fine.

§ 2 — VISION ZERO COUNCIL

Establishes a Vision Zero Council and charges it with developing a statewide policy to eliminate all transportation-related fatalities and severe injuries

The act establishes a Vision Zero Council and charges it with developing a statewide policy and interagency approach to eliminate all transportation-related fatalities and severe injuries to pedestrians, bicyclists, transit users, drivers, and passengers. It must consider ways to improve safety in all transportation modes using data, new partnerships, safe planning, and community-based solutions to achieve the goal of zero transportation-related fatalities.

The council is composed of the Department of Transportation (DOT), Department of Public Health, and Department

of Emergency Services and Public Protection commissioners and any other agency commissioners they invite. Any commissioner may instead send a designee. The DOT commissioner, or his designee, serves as the council's chairperson and must schedule its first meeting by September 1, 2021. DOT serves as the council's administrative staff, and the council may establish committees at any time to advise it in carrying out its duties.

Under the act, the council must assist in developing DOT's public awareness campaigns to educate the public on ways to (1) reduce transportation-related fatalities and severe injuries to pedestrians, bicyclists, transit users, drivers, and passengers and (2) increase awareness and improve road users' behavior.

Starting by February 1, 2022, the council must annually submit the statewide policy and interagency approach, along with any other recommendations, to the Transportation Committee.

§ 3 — CERTIFICATE OF OPERATION FOR MAJOR TRAFFIC GENERATORS

Requires OSTA to consider major traffic generators' impact on bicycle and pedestrian access and safety when awarding certificates of operation

The law generally requires entities that are building, expanding, establishing, or operating open air theatres, shopping centers, or any other developments generating large volumes of traffic that substantially affect highway traffic (i.e., "major traffic generators") to obtain the Office of the State Traffic Administration's (OSTA) certification that the operation will not endanger public safety. State regulations specify that a development qualifies as a major traffic generator if it has (1) 200 or more parking spaces or (2) a gross floor area of at least 100,000 square feet (Conn. Agencies Regs. § 14-312-1).

Existing law (1) requires OSTA to consider a number of factors, including highway safety, traffic density, and traffic character, when evaluating a development for certification and (2) allows OSTA to require applicants to make certain improvements to address the development's highway safety impact. The act adds bicycle and pedestrian access and safety to the factors OSTA must consider and allows it to require improvements that address impacts to bicycle and pedestrian access and safety, conforming to current OSTA practice.

§ 4 — DOORING

Prohibits causing physical contact with moving traffic by (1) opening a vehicle door or (2) leaving it open longer than necessary to load or unload passengers

The act prohibits a person from causing physical contact between a vehicle door and moving traffic by (1) opening the door, provided the moving traffic is traveling at a reasonable speed with due regard for the safety of people and property, or (2) leaving the door open longer than needed to load or unload passengers. Violations of this provision are infractions (see [Table on Penalties](#)).

Under the act, "moving traffic" includes (1) motor vehicles, bicycles, electric bicycles, and electric foot scooters traveling on roads and (2) pedestrians and people riding bicycles, electric bicycles, or electric foot scooters on sidewalks, shoulders, or bikeways.

§ 5 — MUNICIPAL SURCHARGE

Increases, from \$20 to \$25, the surcharge on certain moving violations that is remitted to municipalities and subjects dooring violations to the surcharge

The act increases, from \$20 to \$25, the surcharge paid, in addition to a fine, by people who violate specified motor vehicle laws, regulations, and ordinances, such as speeding and reckless driving. It also adds dooring to the list of violations to which the surcharge applies.

By law, the state must remit this surcharge to the municipality in which a violation occurs.

§§ 6-12 — LOCAL ROAD SPEED LIMITS AND PEDESTRIAN SAFETY ZONES

Allows municipalities to establish speed limits on local roads without OSTA approval and allows for the establishment of pedestrian safety zones with speed limits as low as 20 mph in downtown districts, community centers, and areas around hospitals

By law, a municipality's local traffic authority (LTA) is responsible for setting speed limits on streets, highways, and

bridges or parking areas for 10 or more cars within the municipality's jurisdiction (i.e., local roads). But under prior law, the LTA generally had to get approval from OSTA before the limits could take effect.

Under certain conditions, the act allows LTAs to establish, modify, and maintain speed limits on local roads without OSTA approval and establish pedestrian safety zones on those roads. It also allows OSTA to establish pedestrian safety zones on state roads at an LTA's or DOT's request.

By law, the entity designated as the LTA varies by municipality but may be the police commission, board of selectmen, mayor, town manager, police chief, or traffic authority (CGS § 14-297(6)).

Speed Limits on Local Roads

The act allows LTAs to establish, modify, and maintain speed limits on local roads without OSTA approval, as long as the LTA:

1. receives permission to assume responsibility for local speed limits from the municipality by vote of its legislative body, or the board of selectmen if the legislative body is a town meeting (this permission is not required if the municipality's legislative body is also the LTA);
2. establishes, modifies, and maintains speed limits on all roads, bridges, and parking areas under its jurisdiction;
3. notifies OSTA in writing that it has received permission, if required, from the municipality's legislative body and intends to assume responsibility and authority for establishing speed limits within its jurisdiction;
4. conducts an engineering study (see below); and
5. notifies OSTA of each speed limit change so the office can maintain a statewide inventory of speed limits.

Under the act, LTAs may not set a speed limit lower than 25 mph unless (1) the speed limit is part of a pedestrian safety zone (see below) or (2) the engineering study indicates a speed limit lower than 25 mph is reasonable.

The act also (1) specifies that any speed limit established with OSTA approval remains in effect until the LTA modifies it and (2) makes conforming changes to specify that exceeding a speed limit established by an LTA without OSTA approval is *prima facie* evidence that a driver is traveling unreasonably fast.

Reductions of More Than 10 MPH

The act applies certain restrictions to speed limit reductions of more than 10 mph. Before an LTA may reduce a speed limit by more than 10 mph, it must receive permission from the municipality by vote of its legislative body or the board of selectmen (as applicable). (This permission is not required if the legislative body is also the LTA.) It must also post "reduced speed limit ahead" signs in accordance with the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD).

Reductions Near Town Boundaries. The act imposes additional requirements on speed limit reductions of more than 10 mph on roads that run into adjoining towns.

Within 1,000 feet of the municipality's boundary, an LTA may not reduce the speed limit by more than 10 mph from the road's speed limit in the adjoining municipality without also getting approval from the adjoining municipality's legislative body or board of selectmen (as applicable). Additionally, an LTA must notify the adjoining municipality if it lowers the speed limit for a road located between 1,000 feet and one mile of the boundary by more than 10 mph from the road's speed limit in the adjoining town.

Pedestrian Safety Zones

The act authorizes LTAs, in the case of local roads, or OSTA, in the case of state roads, to establish pedestrian safety zones with speed limits as low as 20 mph on roads (1) in clearly defined downtown districts and community centers frequented by pedestrians or (2) adjacent to hospital property or sufficiently close to it as to constitute a public safety risk. LTAs do not need permission from OSTA to establish pedestrian safety zones.

Under the act, LTAs may establish a zone on local roads if they (1) receive general authority to establish zones from the municipality by vote of its legislative body or board of selectmen, as applicable, (but not required if the municipality's legislative body is also the LTA) and (2) conduct an engineering study as the act requires. If the LTA reduces the speed limit by more than 10 mph, it must erect "reduced speed limit ahead" signs and, if applicable, receive permission or notify the adjoining municipality as outlined above.

In municipalities where OSTA approves speed limits, LTAs must notify OSTA in writing that it is establishing a pedestrian safety zone and confirm that the act's applicable requirements have been satisfied.

If an LTA or DOT seeks to establish a pedestrian safety zone on a state highway that passes through a downtown district or community center, it must submit a written request for approval to OSTA that includes the required engineering

study and speed management plan. If OSTA denies the request, it must provide a written explanation of the reasons for doing so.

Engineering Studies and Speed Management Plans

Under the act, before an LTA establishes or modifies a speed limit or establishes a pedestrian safety zone, the LTA must conduct an engineering study in accordance with the MUTCD and other generally accepted engineering principles and guidance. (A study must also be conducted in order for OSTA to approve an LTA's or DOT's request for a pedestrian safety zone on a state highway, as described above.)

The study must be completed by a professional engineer licensed in the state and consider factors including pedestrian activity, land use and development, parking, and traffic accident records in the LTA's jurisdiction or area under consideration for a pedestrian safety zone.

If the study recommends establishing a pedestrian safety zone, it must also include a speed management plan and recommended actions to achieve lower motor vehicle speeds.

Regulations

The act authorizes OSTA to adopt regulations on (1) setting local speed limits without OSTA approval and (2) establishing pedestrian safety zones.

§ 13 — DISTRACTED DRIVING FINES

Increases the fines for distracted driving

The act increases the fines for violating the state's distracted driving law from (1) \$150 to \$200 for a first violation, (2) \$300 to \$375 for a second violation, and (3) \$500 to \$625 for a third or subsequent violation.

The distracted driving law generally prohibits a person, while driving, from using a handheld mobile telephone to engage in a call, using a mobile electronic device (e.g., texting), and engaging in any activity unrelated to driving in a manner that interferes with safely operating the vehicle, among other things.

§ 14 — GREENWAYS COMMEMORATIVE PLATES

Requires that greenways commemorative plate fees be deposited into a dedicated account and used to fund grant programs for greenways and other bicycle and pedestrian trails

Under prior law, the purpose of greenways commemorative plates was to enhance public awareness of state and local efforts to preserve, restore, and protect greenways. The money collected from the special fee for greenways plates, less a \$15 administrative fee, went to the General Fund.

The act expands the purpose of the plate to include providing funding for greenways and requires that the money collected be deposited in the "greenways commemorative account," which the act establishes as a separate, nonlapsing account within the General Fund. Account funds must be spent by the Department of Energy and Environmental Protection (DEEP) for the greenways capital grant program and the bikeway, pedestrian walkway, recreation trail, and greenways grant program.

The act also (1) codifies regulations regarding greenways plate fees (Conn. Agencies Regs. § 14-21i-5); (2) allows, rather than requires, the Department of Motor Vehicles commissioner to establish regulations on the plates; and (3) eliminates the requirement that any regulations be developed in consultation with DEEP.

PA 21-61—HB 5420*Transportation Committee***AN ACT CONCERNING DRIVER RESPONSIBILITY AT INOPERATIVE TRAFFIC CONTROL SIGNALS**

SUMMARY: This act requires drivers, when approaching intersections with inoperative traffic signals, to stop their vehicles and proceed as though a stop sign were facing in each direction at the intersection (e.g., a four-way stop) unless a police officer directs them otherwise. The act makes violating this requirement an infraction (see [Table on Penalties](#)).

Under prior law, if a traffic signal was inoperative, the intersection became “uncontrolled” and the standard right-of-way rules applied, which remain unchanged by the act. These rules vary based on the location and driver’s intended actions. For example:

1. at intersections where two or more roads cross each other, a driver must yield to the vehicle on the right if both vehicles arrive at the intersection at about the same time (CGS § 14-245);
2. at junctions (i.e., where a road joins another road but does not cross it), the driver on the joining road must yield to drivers on the other road if both vehicles arrive at about the same time (CGS § 14-246a); and
3. drivers intending to turn left at an intersection or into a driveway or alley must yield to vehicles approaching from the opposite direction (CGS § 14-242(e)).

By law, and under the act, an “intersection” is generally the area within the extension of the lateral curb lines of two or more roads that join at an angle, whether or not one of the roads crosses the other (CGS § 14-212(4)).

The act also makes technical and conforming changes, including one to the cross-reference for the definition of “intersection.”

EFFECTIVE DATE: October 1, 2021

PA 21-99—sSB 920*Transportation Committee**Appropriations Committee***AN ACT CONCERNING PUBLIC-PRIVATE PARTNERSHIPS**

SUMMARY: This act reestablishes, through January 1, 2027, the governor’s authority to approve up to five public-private partnership (P3) project agreements. This authority previously expired on January 1, 2020. It also applies the P3 law to the Department of Transportation (DOT) and transportation projects only, thus reducing the types of state entities and projects covered by the law.

Additionally, the act makes the following changes to the law:

1. eliminates provisions in prior law restricting P3 projects to revenue-generating facilities and limiting the state’s share of project costs;
2. requires DOT, for each P3, to make best efforts to use DOT employees to perform development and inspection work and reduce, or eliminate where possible, the department’s reliance on outside consultants; and
3. requires DOT to submit additional reports on the use of consultants and on P3s’ status and effectiveness.

The act also makes numerous minor, technical, and conforming changes, primarily to account for limiting the law’s scope to DOT and transportation projects. Among other things, these changes require DOT, rather than the governor, to report to the legislature annually by January 15 about the status of P3 projects.

EFFECTIVE DATE: Upon passage

RESTRICTION TO TRANSPORTATION PROJECTS

Under prior law, a P3 agreement could be executed by any agency for revenue-generating projects in one of the following categories:

1. educational, health, early childcare, or housing facilities;
2. transportation systems, including ports, transit-oriented development, and related infrastructure; and
3. any other type of facility designated as a P3 by an act of the legislature.

The act instead limits the P3 law to DOT projects only. Under the act, eligible projects are those involving transportation systems, including transit-oriented development and related infrastructure.

The act retains existing law’s requirement that a P3 obtain the governor’s approval. As under existing law, the governor

cannot approve the agreement unless he finds it will create jobs and economic growth.

Revenue Generation and State Costs

The act eliminates provisions in prior law restricting P3 projects to revenue-generating facilities and limiting the state's share of project costs. These provisions (1) required that facilities, in order to be eligible for a P3 project, generate estimated revenue that, together with other identified funding sources, would sufficiently fund the facility's development, maintenance, and operating costs and (2) limited state support of the P3 to 25% of the project's cost.

Other Changes

The act makes numerous changes to conform its limitation of the P3 law to DOT projects only. It makes a minor change specifying that DOT must consider the facility's anticipated demand, rather than projected demand, before approving a P3 project.

The act also specifies that the property tax exemption for property developed, operated, or held by a private entity under a P3 applies only to state property.

DEVELOPMENT AND INSPECTION WORK

For any P3, the act requires the DOT commissioner to make best efforts to (1) use DOT employees, if available, for development and inspection services and (2) reduce, and eliminate where possible, the department's reliance on consultants. It also requires that any contract with a consultant to perform development or inspection services for a P3 include a provision providing for the training of DOT employees in the process for bidding and managing P3s.

In addition, the act allows DOT to appoint employees to durational positions to reduce the need for consultants to perform inspection or development services. These employees may be appointed as engineers to fill durational positions without an examination if they meet the education, knowledge, and training requirements in the Department of Administrative Services' job classification.

Under the act, a "consultant" is any (1) registered or licensed architect, professional engineer, landscape architect, land surveyor, or accountant; (2) planner; or (3) environmental, management, or financial specialist. Development services may include the project's size, type, and desired design character; performance specifications; quality of material; equipment; workmanship; preliminary plans; or any other information needed for DOT to issue a request for proposals. Inspection services include construction inspections, surveying, testing, environmental compliance monitoring, quality control inspection, and quality assurance audits.

Similar requirements apply under existing law to DOT projects using alternative delivery methods (i.e., design-build or construction manager at risk) (CGS § 13a-95c).

REPORTING REQUIREMENTS

The act establishes additional DOT reporting requirements related to P3s. The reports must be completed in consultation with representatives selected by department employees' exclusive bargaining agents and submitted to the Transportation Committee.

Specifically, once a P3 is established, DOT must annually submit a report analyzing the P3's progress and consultants' performance of development and inspection work. The report is due each February 1 after a P3 is established. If the report finds that a consultant is unable to complete the services within the timeframe or budget stated in the P3 agreement, DOT may terminate the agreement and exercise any other rights and remedies available to it by law or in equity.

The act also requires DOT to submit a report six months after a P3's completion evaluating the P3's effectiveness and making recommendations about the continued use of P3s.

PA 21-106—sSB 261*Transportation Committee***AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES,
REVISIONS TO THE MOTOR VEHICLE STATUTES AND PEER-TO-PEER CAR SHARING****TABLE OF CONTENTS:**[§§ 1 & 2 — IDENTITY CARDS](#)*Establishes grounds for revoking identity cards and a restoration fee for revoked cards*[§§ 3, 6, 24 & 33 — TECHNICAL CHANGES AND CORRECTIONS](#)*Makes technical changes and corrections, such as updating references to proper departments*[§ 4 — FEE ON FREQUENT FILERS FOR REGISTRATION AND TITLE CERTIFICATES](#)*Imposes a fee on certain people and entities that file seven or more registration or title certificate applications per month and fail to do so electronically*[§ 5 — “SAVE OUR LAKES” PLATES](#)*Establishes fees for Save Our Lakes commemorative plates and allows DMV to retain a portion to defray production and issuance costs*[§ 7 — STUDENT TRANSPORTATION VEHICLE REGISTRATION](#)*Increases the registration fees for student transportation vehicles designed as passenger vehicles to reflect current DMV practice*[§ 8 — COMMERCIAL PASSENGER VEHICLE INSURANCE](#)*Principally, increases the minimum insurance coverage requirements for non-livery service vehicles (e.g., buses) that transport eight or more passengers*[§§ 9 & 41 — DRIVER’S LICENSE AND PERMIT CHANGES](#)*Increases the time period within which individuals must obtain a Connecticut driver’s license after establishing residency in the state; modifies driver testing requirements for applicants with expired licenses; adds a vision exam option towards satisfying license and permit requirements*[§ 9 — COMMERCIAL DRIVER’S LICENSE KNOWLEDGE TESTS FOR ELIGIBLE VETERANS AND SERVICE MEMBERS](#)*Allows the DMV commissioner to waive commercial driver’s license knowledge tests for qualifying veterans and service members*[§ 10 — ISSUING CREDENTIALS WITHOUT APPLICANT’S PERSONAL APPEARANCE](#)*Expands the circumstances under which DMV can renew and duplicate credentials without an applicant’s personal appearance*[§§ 11, 12, 22 & 51 — ONLINE DRIVER EDUCATION](#)*Allows driver’s education courses to be provided fully or partially through interactive distance learning*[§ 13 — DMV CONTRACTORS](#)

Eliminates a restriction requiring DMV contractors to process license and registration transactions at their own facilities

[§ 14 — COMMERCIAL DRIVER'S LICENSE VALIDATION](#)

Requires DMV to check the federal Drug and Alcohol Clearinghouse before validating a commercial driver's license, in accordance with federal regulations

[§§ 15 & 16 — COMMERCIAL DRIVER'S LICENSE LEARNER'S PERMITS](#)

Extends the duration of commercial driver's license learner's permits

[§ 17 — COMMERCIAL DRIVER'S LICENSE DISQUALIFICATIONS](#)

Adds certain human trafficking felonies to the list of offenses resulting in a lifetime disqualification for a commercial driver's license

[§ 18 — ONE-YEAR REGISTRATIONS FOR SENIORS](#)

Allows seniors to renew combination registrations for a one-year period

[§§ 19 & 21 — LICENSE DEPOSITS](#)

Eliminates the cash deposit option for repairer, dealer, leasing or rental, and drivers' school licenses

[§ 20 — DEALER AND REPAIRER LICENSES](#)

Allows (1) the DMV commissioner to consider certain civil judgments against dealer and repairer license applicants and (2) new car dealer, repairer, and limited repairer license applicants to be licensed even if they owe sales tax

[§§ 23, 27 & 28 — OPERATOR RETRAINING AND SCHOOL BUS AND STUDENT TRANSPORTATION VEHICLE SAFETY TRAINING](#)

Allows operator retraining programs and school bus and student transportation vehicle safety training to be provided through interactive distance learning

[§ 25 — EMISSION TESTING DEADLINES](#)

Allows the DMV commissioner to extend the emissions testing deadline after vehicle purchases when DMV or testing stations are closed or have limited operations

[§ 26 — SNOWMOBILE AND ALL-TERRAIN VEHICLE \(ATV\) OPERATORS](#)

Specifically subjects snowmobile and ATV drivers to administrative license suspension penalties for driving with an elevated blood alcohol content or refusing a test

[§ 29 — BOAT REGISTRATIONS AND DECALS](#)

Allows marine dealers to issue permanent boat registrations and decals

[§ 30 — DEALER REGISTRATIONS](#)

Expands the circumstances under which dealers may issue and renew vehicle registrations

[§ 30 — OUT-OF-STATE MOTOR VEHICLE REGISTRATIONS](#)

Extends the grace period during which a resident may drive a vehicle registered out-of-state without penalty and lowers the fine for residents who drive a vehicle registered out-of-state after the grace period

[§ 31 — MOTOR VEHICLE REGISTRATION TASK FORCE](#)

Restarts the motor vehicle registration task force and changes the appointing authorities for task force members

[§ 32 — MUNICIPAL FINE FOR UNREGISTERED VEHICLES](#)

Allows municipalities to impose, by ordinance, a fine of up to \$250 on owners of motor vehicles that are subject to local property tax but not registered with DMV

[§§ 34 & 35 — EMERGENCY VEHICLES](#)

Makes several changes to emergency vehicle definitions, including adding certain DEEP vehicles, and extends the penalty provision for impeding certain emergency vehicles to Department of Correction vehicles responding to emergencies

[§ 36 — ACCESSIBLE PARKING PLACARDS](#)

Enables a parent or guardian of a child of any age with a disability to obtain an accessible parking placard on the child's behalf

[§ 37 — RIGHT-OF-WAY AND BUSES](#)

Requires drivers to yield the right-of-way to a bus traveling in the same direction when the bus appropriately signals

[§ 38 — SCHOOL BUS EQUIPMENT](#)

Allows school buses to be equipped with an extended stop arm

[§ 39 — INSURANCE COMPANY POSSESSION OF VEHICLES](#)

Makes changes related to salvage titles and powers of attorney needed to transfer vehicles that are total losses

[§ 40 — REPLACEMENT VETERANS' PLATES](#)

Establishes a specific \$15 fee for replacing veterans' plates that become mutilated or illegible

[§ 42 — SCHOOL BUS PASSING VIOLATIONS](#)

Extends a deadline and removes a requirement related to school bus passing violations detected by stop arm camera videos

[§ 43 — FIRE APPARATUS SALE AND REPAIR](#)

Requires DMV to report on compliance with the laws regarding fire apparatus sale and repair

[§ 44 — COMMERCIAL DRIVER'S LICENSE TESTING](#)

Requires the DMV commissioner to verify that certain CDL applicants have undergone specific entry level training before the department administers particular tests

[§ 45 — ORGAN AND TISSUE DONORS INFORMATION](#)

Requires DMV and DAS to provide certain organ and tissue procurement organizations with information on individuals holding instruction permits who wish to be donors

[§ 46 — CATALYTIC CONVERTER SALES](#)

Prohibits motor vehicle recyclers from receiving a vehicle's catalytic converter without proof of ownership

[§ 47 — DRIVE ONLY LICENSES](#)

Allows drive only license applicants to use photocopies and other noncertified documents as proof of residency and modifies the fees for drive only licenses

§ 48 — DMV WAIT TIME REPORT

Changes DMV's reporting on wait times at department offices to align with the department's shift to online services and an appointment system

§ 49 — LICENSE PLATES FOR VETERANS AND ARMED FORCES MEMBERS WITH WARTIME SERVICE

Requires DMV to issue special license plates indicating service during a "period of war" at the request of any veteran or armed forces member who received a campaign medal

§ 50 — FEE WAIVER FOR VETERANS

Allows the DMV commissioner to waive driver's license or identity card renewal or duplicate fees for certain veterans attending specific events

§§ 52-65 — PEER-TO-PEER (P2P) CAR SHARING

Imposes regulatory requirements on P2P car sharing, principally concerning insurance, and requires DRS to issue guidance on the sales and use tax treatment of P2P car sharing

§ 66 — STATE AND MUNICIPAL CONTRACT ELIGIBILITY

Repeals a provision that required a specific number of inspections of certain trucking companies and commercial motor vehicle drivers in order to make them ineligible for state or municipal contracts

BACKGROUND§§ 1 & 2 — IDENTITY CARDS

Establishes grounds for revoking identity cards and a restoration fee for revoked cards

The act requires the Department of Motor Vehicles (DMV) commissioner to revoke an identity (ID) card if (1) the holder misrepresents his or her age or otherwise deceives to get the ID card or (2) it is used or exhibited by someone other than the holder. Under existing law, these actions are class D misdemeanors (see [Table on Penalties](#)).

The act also requires a holder of a revoked ID card to pay a \$175 restoration fee in order to obtain a new ID card. Existing law imposes the same fee to restore a suspended or revoked driver's license. By law, a restoration fee must be paid in addition to other applicable fees and the DMV commissioner must deposit \$50 from each fee into the school bus seat belt account within the General Fund.

EFFECTIVE DATE: July 1, 2021

§§ 3, 6, 24 & 33 — TECHNICAL CHANGES AND CORRECTIONS

Makes technical changes and corrections, such as updating references to proper departments

The act makes several technical changes and corrections. Specifically, it:

1. makes updates to properly reflect the current agency names for the emergency services and public protection and energy and environmental protection departments (§ 3);
2. corrects authorizations related to the Connecticut Lakes, Rivers, and Ponds Preservation account so that they apply to the Department of Energy and Environmental Protection (DEEP) commissioner rather than the DMV commissioner (§ 6);
3. adds a cross reference regarding an existing requirement that all vehicles must be emissions compliant when sold by a dealer, even those being registered out of state (§ 24); and
4. corrects a cross reference concerning the limitation on who may use steady blue or red lights (§ 33).

(PA 21-40 § 16 makes the same correction concerning steady lights, effective October 1, 2021.)

EFFECTIVE DATE: July 1, 2021, except the provision on steady lights is effective upon passage.

§ 4 — FEE ON FREQUENT FILERS FOR REGISTRATION AND TITLE CERTIFICATES

Imposes a fee on certain people and entities that file seven or more registration or title certificate applications per month and fail to do so electronically

By law, the DMV commissioner may require any qualified person, firm, or corporation whose business is filing applications for motor vehicle registration or title certificates (e.g., lien and titling service companies) to file them electronically if she finds that they file an average of at least seven per month. The act imposes a \$25 fee on each application submitted by these people and entities if they fail or refuse to do so electronically when requested by the commissioner.

EFFECTIVE DATE: July 1, 2021

§ 5 — “SAVE OUR LAKES” PLATES

Establishes fees for Save Our Lakes commemorative plates and allows DMV to retain a portion to defray production and issuance costs

The act (1) establishes fees of \$60 and \$80 for Save Our Lakes commemorative plates and (2) allows DMV to keep a part of the fees (\$15) to defray plate production and issuance costs. Under the act, the \$60 fee is charged if the DMV commissioner selects the plate's letters and numbers. The act's \$80 fee is for (1) plates with a combination of letters or numbers requested by the registrant or (2) low number plates. Prior law required the commissioner to deposit all plate fees collected into the Connecticut Lakes, Rivers, and Ponds Preservation account. Under the act, only the remainder of each plate fee, after DMV's costs, must be deposited into that account. By law, these plate fees are in addition to other vehicle registration fees.

Correspondingly, the act eliminates requirements that the DMV commissioner establish by regulation the Save Our Lakes plate fees, additional voluntary donations, and standards on the plates' issuance, renewal, and replacement.

Prior law limited the purpose of the plate's design to enhancing public awareness of the state's effort to preserve and protect the state's lakes and ponds from aquatic invasive species and cyanobacteria blooms. The act extends this provision to include the state's rivers, conforming to the account's purpose.

Additionally, the act extends by 18 months the date by which the DMV commissioner must begin issuing Save Our Lakes plates, from January 1, 2020, to July 1, 2021.

EFFECTIVE DATE: July 1, 2021

§ 7 — STUDENT TRANSPORTATION VEHICLE REGISTRATION

Increases the registration fees for student transportation vehicles designed as passenger vehicles to reflect current DMV practice

The act increases the annual registration fee for student transportation vehicles (STVs) designed as passenger vehicles from \$40 to \$44 to reflect DMV's current practice of issuing these vehicles combination plates rather than passenger plates due to their mixed-use nature.

EFFECTIVE DATE: July 1, 2021

§ 8 — COMMERCIAL PASSENGER VEHICLE INSURANCE

Principally, increases the minimum insurance coverage requirements for non-livery service vehicles (e.g., buses) that transport eight or more passengers

The act makes several modifications to the insurance policy and indemnity bond requirements for buses, taxis, livery service vehicles, and STVs. It eliminates the option for these vehicles to select double or split limit of liability policies or bonds and instead requires them to have single limit of liability providing coverage against claims for personal injury or death and property damage for any one accident.

Under the act, non-livery service vehicles designed or used to transport eight to 14 passengers without compensation must have at least \$750,000 in coverage. Under prior law, the minimum coverage requirements for those vehicles ranged from \$150,000 to \$200,000.

For non-livery service vehicles designed or used to transport (1) eight or more passengers for compensation or (2) 15 or more passengers without compensation, the act requires at least the amounts established under federal law, which are

currently \$1.5 million for vehicles with a seating capacity of 15 passengers or fewer, including the driver, and \$5 million for vehicles with a seating capacity of 16 passengers or more, including the driver (49 C.F.R. § 387.33). Under prior law, the minimum coverage requirements for those vehicles ranged from \$150,000 to \$300,000 and \$200,000 to \$300,000, respectively.

EFFECTIVE DATE: October 1, 2021

§§ 9 & 41 — DRIVER'S LICENSE AND PERMIT CHANGES

Increases the time period within which individuals must obtain a Connecticut driver's license after establishing residency in the state; modifies driver testing requirements for applicants with expired licenses; adds a vision exam option towards satisfying license and permit requirements

The act lengthens, from 30 to 60 days, the time period within which a person with an out-of-state driver's license must obtain a Connecticut license after establishing residency here.

Under prior law, driver's license applicants who had not operated a motor vehicle in the preceding two years had to take a driver's test and could have been required to pass a vision screening. The act instead applies these provisions to applicants whose Connecticut licenses expired more than two years prior.

Under prior law, before issuing a (1) driver's license to someone who had not been issued a Connecticut license before or operated a motor vehicle within the last two years or (2) youth instruction permit to a 16- or 17-year old, the DMV commissioner could have required that person to pass a vision screening to determine if he or she satisfied the state's vision standards. (In practice, the agency does require a vision screening.) The act specifies that DMV must conduct a vision screening or, alternatively, the person may submit the results of a vision exam by a licensed medical professional that certifies he or she satisfies the standards. The act also imposes this vision testing as a requirement for obtaining an adult instruction permit. By law and under the act, a "medical professional" is a licensed physician, physician assistant, advanced practice registered nurse, or optometrist (CGS § 14-46b).

Additionally, the act authorizes the DMV commissioner to direct how driver's license applicants must submit supporting documents.

EFFECTIVE DATE: July 1, 2021

§ 9 — COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TESTS FOR ELIGIBLE VETERANS AND SERVICE MEMBERS

Allows the DMV commissioner to waive commercial driver's license knowledge tests for qualifying veterans and service members

The act authorizes the DMV commissioner, in her discretion, to waive commercial driver's license (CDL) knowledge tests for eligible veterans and active duty service members who meet conditions set by federal regulation. By law, unchanged by the act, the commissioner must waive the CDL driving skills test for those applicants who meet similar conditions.

The act specifically applies to:

1. armed forces and National Guard members who currently hold a military operator's license of the same class as the CDL they are applying for; and
2. veterans who (a) apply within two years after their military discharge and (b) before their discharge, held a military operator's license to drive the same class of vehicles allowed under their prospective CDL.

By law, a "veteran" is anyone discharged or released under conditions other than dishonorable from active service in the armed forces (i.e., the U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force and any of their reserve components, including the Connecticut National Guard performing duty under Title 32 of federal law).

For purposes of the knowledge test waiver, under federal regulations an applicant must certify and provide evidence that during the one-year period before applying for the CDL, he or she has not had:

1. more than one license (except for a military license);
2. any license suspended, revoked, or cancelled;
3. any type of motor vehicle conviction that would disqualify an applicant from getting a commercial license (e.g., driving under the influence);
4. more than one conviction for a serious traffic violation (e.g., driving recklessly); or
5. any conviction for violating any military, state, or local law relating to motor vehicle traffic control (other than a parking violation) in connection with any traffic accident or any record of an accident where he or she was at fault.

The applicant must also provide evidence and certify that he or she:

1. is or was regularly employed and designated as an operator of one of eight specific vehicles (e.g., Air Force 2T1 vehicle operator), and
 2. is or was operating a vehicle that is representative of the type he or she expects to operate (49 C.F.R. § 383.77).
- EFFECTIVE DATE: July 1, 2021

§ 10 — ISSUING CREDENTIALS WITHOUT APPLICANT'S PERSONAL APPEARANCE

Expands the circumstances under which DMV can renew and duplicate credentials without an applicant's personal appearance

The act expands the circumstances under which DMV can renew and duplicate credentials without an applicant's personal appearance. Under the act, the DMV commissioner may renew or duplicate a driver's license, CDL, or an ID card without the applicant's personal appearance if:

1. the commissioner has on file the applicant's photo or digital image that (a) meets the standards and specifications the commissioner prescribes (see below) and (b) may be used on a license or ID card;
2. the commissioner has satisfactory evidence of the applicant's identity;
3. the commissioner is satisfied that the applicant is a legal resident of this state;
4. in the case of renewal, the applicant has personally appeared to renew the license or ID card within the time limitations specified in state or federal law; and
5. the applicant meets all other requirements for a renewal or duplicate license.

Under prior law, the commissioner could renew these credentials without the applicant's personal appearance only (1) if the applicant was an armed forces member; (2) if the applicant was temporarily residing out-of-state for business or educational purposes; or (3) in other circumstances where, in the commissioner's judgement, personal appearance would have been impractical or imposed significant hardship. Prior law did not allow the commissioner to issue duplicate credentials without someone's personal appearance.

The act specifies that temporary licenses, instruction permits, and ID cards are not required to contain an applicant's photo. Prior law required that all licenses and ID cards contained the holder's photo or digital image.

The act also repeals the commissioner's authority to adopt regulations on renewing licenses and ID cards by mail or electronic communication with DMV. Instead, if the commissioner elects to renew or issue duplicate credentials without the applicant's personal appearance, she must establish procedures to renew or issue them by mail or electronic communication with DMV.

EFFECTIVE DATE: Upon passage

§§ 11, 12, 22 & 51 — ONLINE DRIVER EDUCATION

Allows driver's education courses to be provided fully or partially through interactive distance learning

Under prior law, driver's education provided by commercial driving schools and secondary schools had to be provided through classroom instruction, which existing regulations generally define as group instruction of students in a classroom or a similar group situation by qualified instructors (Conn. Agencies Regs. §§ 14-36f-1(2) & 14-78-20(2)).

The act allows these courses to be provided fully or partially through distance learning, provided the distance learning has interactive components (e.g., mandatory interactions, participation, or testing). However, it specifies that if the eight-hour safe driving practices course is provided through distance learning, it must be conducted in real-time by an instructor.

It also requires that the regulations for commercial and secondary school driver's education allow classes to be offered fully or partially through distance learning. The law authorizes DMV to adopt regulations about commercial driving schools, including establishing instructional standards and recordkeeping requirements for them. The act requires DMV to update its commercial driving school regulations to include (1) requirements as to the administration of a test at the conclusion of each class and (2) the form in which required student records must be transmitted to the commissioner, when required.

EFFECTIVE DATE: Upon passage

§ 13 — DMV CONTRACTORS

Eliminates a restriction requiring DMV contractors to process license and registration transactions at their own facilities

By law, the DMV commissioner may contract with other entities, including automobile clubs and municipalities, to conduct various license and registration transactions. Under prior law, she could authorize a contractor or municipality to conduct these transactions only at their own office or facilities. The act eliminates this restriction.

EFFECTIVE DATE: Upon passage

§ 14 — COMMERCIAL DRIVER'S LICENSE VALIDATION

Requires DMV to check the federal Drug and Alcohol Clearinghouse before validating a commercial driver's license, in accordance with federal regulations

The act conforms state law to federal regulations by requiring the DMV commissioner, beginning January 6, 2023, to request a CDL applicant's record from the federal Drug and Alcohol Clearinghouse to determine whether he or she is qualified to renew, transfer, or upgrade a CDL (49 C.F.R. § 383.725). In accordance with the federal regulations, the act also prohibits the commissioner from disclosing the information in the applicant's clearinghouse record to any person or entity not directly involved in evaluating the applicant's CDL qualifications (49 C.F.R. § 383.725(c)).

The act also makes a minor change to require applications for CDLs and CDL learner's permits to include the person's gender, rather than sex.

EFFECTIVE DATE: July 1, 2021

§§ 15 & 16 — COMMERCIAL DRIVER'S LICENSE LEARNER'S PERMITS

Extends the duration of commercial driver's license learner's permits

The act (1) modifies the duration of a CDL learner's permit from 180 days with an option to have it reissued or renewed for an additional 180 days within a two-year period, to a single, one-year period and (2) proportionally increases the permit fee from \$10 to \$20.

EFFECTIVE DATE: July 1, 2021

§ 17 — COMMERCIAL DRIVER'S LICENSE DISQUALIFICATIONS

Adds certain human trafficking felonies to the list of offenses resulting in a lifetime disqualification for a commercial driver's license

The act conforms state law to federal regulation by requiring a lifetime CDL disqualification without the possibility of reinstatement for any person who commits certain human trafficking felonies, as defined under federal law, while using a commercial motor vehicle. Specifically, this provision applies to the following felonies:

1. sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under age 18 or
2. the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery (49 C.F.R. § 383.51 & 22 U.S.C. § 7201(11)).

EFFECTIVE DATE: October 1, 2021

§ 18 — ONE-YEAR REGISTRATIONS FOR SENIORS

Allows seniors to renew combination registrations for a one-year period

Existing law allows registrants age 65 or older to renew their passenger motor vehicle registrations for a one-year period instead of a two- or three-year registration period (CGS § 14-49(a)). The act also allows them to renew combination registrations for a one-year period.

EFFECTIVE DATE: October 1, 2021

§§ 19 & 21 — LICENSE DEPOSITS

Eliminates the cash deposit option for repairer, dealer, leasing or rental, and drivers' school licenses

The act eliminates the option to deposit cash with DMV as a condition of obtaining the following licenses: (1) repairer, (2) limited repairer, (3) new car dealer, (4) used car dealer, (5) leasing or rental, or (6) drivers' school. In doing so, it requires those license applicants to submit surety bonds, which was an option under prior law.

EFFECTIVE DATE: October 1, 2021, except the change affecting drivers' school licenses is effective July 1, 2021.

§ 20 — DEALER AND REPAIRER LICENSES

Allows (1) the DMV commissioner to consider certain civil judgments against dealer and repairer license applicants and (2) new car dealer, repairer, and limited repairer license applicants to be licensed even if they owe sales tax

The act authorizes the DMV commissioner to consider certain civil judgments against dealer and repairer license applicants when deciding whether to grant or renew those licenses. Specifically, she may consider judgments involving odometer fraud or operating a dealer, repairer, or motor vehicle recycler business without a license. The act makes a conforming change by requiring licensees to disclose these civil judgments under penalty of false statement when renewing their license. Existing law already allows the commissioner to consider certain criminal convictions against these applicants.

The act requires applicants for dealer and repairer licenses to submit to a national criminal history record check, in addition to the existing requirement to submit to a state criminal history record check. It also allows the commissioner to require that applications for these licenses be submitted electronically.

The act also eliminates prior law's prohibition on new car dealers, repairers, and limited repairers from receiving initial or renewed licenses if they owed sales tax. It maintains the prohibition for used car dealer licenses.

EFFECTIVE DATE: July 1, 2021

§§ 23, 27 & 28 — OPERATOR RETRAINING AND SCHOOL BUS AND STUDENT TRANSPORTATION VEHICLE SAFETY TRAINING

Allows operator retraining programs and school bus and student transportation vehicle safety training to be provided through interactive distance learning

The act specifically allows certain training programs to be offered fully or partially through distance learning, provided the distance learning has interactive components such as mandatory interactions, participation, or testing. It specifically applies to (1) operator retraining programs conducted by DMV or DMV-certified organizations, (2) school bus and STV operator safety training administered by DMV, and (3) school bus operator safety training required by a town or regional school district.

EFFECTIVE DATE: Upon passage

§ 25 — EMISSION TESTING DEADLINES

Allows the DMV commissioner to extend the emissions testing deadline after vehicle purchases when DMV or testing stations are closed or have limited operations

By law, whenever a vehicle's ownership is transferred, the new owner must present the vehicle for an emissions inspection within 30 days after registering the vehicle. The act authorizes the DMV commissioner to extend that deadline for the new owner to comply if circumstances require DMV or emissions inspection stations to close or have limited operations.

EFFECTIVE DATE: July 1, 2021

§ 26 — SNOWMOBILE AND ALL-TERRAIN VEHICLE (ATV) OPERATORS

Specifically subjects snowmobile and ATV drivers to administrative license suspension penalties for driving with an elevated blood alcohol content or refusing a test

By law, drivers implicitly consent to be tested for drugs and alcohol when they drive (or if the driver is a minor, his or her parents or guardians implicitly consent for him or her). The law establishes administrative license suspension procedures for drivers who refuse a test or whose results indicate an elevated blood alcohol content (BAC). (These provisions are called “implied consent” and “administrative per se,” respectively.)

Under prior law, these provisions applied to all motor vehicles used on public roads. The act specifies that “motor vehicle” includes snowmobiles and ATVs for the purposes of these provisions, and, in doing so, aligns them with the state’s criminal DUI laws (CGS §§ 14-227a and 14-227m).

By law, a snowmobile is any self-propelled vehicle designed for travel on snow or ice, except for ones propelled by sail. An ATV is a self-propelled vehicle designed to travel over unimproved terrain, has been determined by the DMV commissioner to be unsuitable for operation on public roads, and is ineligible for registration (CGS § 14-379).

(Effective April 1, 2022, PA 21-1, June Special Session, § 118, expands the administrative per se procedures to include provisions for imposing license suspension on drivers who do not have an elevated BAC but are found to be driving under the influence based on behavioral impairment. It additionally expands the implied consent law so that drivers also consent to the nontestimonial portions of drug influence evaluations and face administrative license suspension for refusing one.)

EFFECTIVE DATE: July 1, 2021

§ 29 — BOAT REGISTRATIONS AND DECALS

Allows marine dealers to issue permanent boat registrations and decals

The act permits the DMV commissioner to allow marine dealers to issue boat registration and decal certificates. Under prior law, authorized marine dealers could issue only temporary boat registrations and decals.

Additionally, the act allows, rather than requires, the DMV commissioner to adopt regulations about these transactions.

EFFECTIVE DATE: Upon passage

§ 30 — DEALER REGISTRATIONS

Expands the circumstances under which dealers may issue and renew vehicle registrations

Existing law allows the DMV commissioner to appoint licensed and qualified dealers to issue new registrations for vehicles they sell that fall into one of the following categories: passenger motor vehicles, motorcycles, campers, camp trailers, commercial trailers, service buses, school buses, trucks, and other vehicle types determined by the commissioner. Under the act, the commissioner may also allow these dealers, for the same vehicle categories, to (1) process registration renewals and (2) issue new registrations for vehicles they did not sell.

By law, registration applicants must pay to the dealer the registration fee for their vehicles as well as any other applicable fees. The act allows the DMV commissioner to authorize dealers to charge a service fee as part of their registration transactions. The commissioner must establish the maximum service fee that these dealers may charge. The act also eliminates a requirement that the DMV commissioner impose a \$10 fee for each new dealer issue form furnished to dealers.

Additionally, the act requires the commissioner to allow these appointed dealers to electronically register vehicles with a gross vehicle weight rating exceeding 26,000 pounds that are operated in intrastate commerce. Under the act, these dealers must pay all applicable registration and title fees for the registrations.

EFFECTIVE DATE: October 1, 2021

§ 30 — OUT-OF-STATE MOTOR VEHICLE REGISTRATIONS

Extends the grace period during which a resident may drive a vehicle registered out-of-state without penalty and lowers the fine for residents who drive a vehicle registered out-of-state after the grace period

The act extends, from 60 to 90 days after establishing residency, the grace period during which a resident may drive a vehicle registered out-of-state without penalty.

It also lowers the fine, from \$1,000 to \$250, for residents who drive a vehicle registered out-of-state after the grace period and requires that the fine be suspended for first-time violators who provide proof that they registered their vehicle after the violation but before the fine is imposed.

EFFECTIVE DATE: October 1, 2021

§ 31 — MOTOR VEHICLE REGISTRATION TASK FORCE

Restarts the motor vehicle registration task force and changes the appointing authorities for task force members

The act reconstitutes and modifies the motor vehicle registration task force, which never met. The task force is charged with studying compliance with motor vehicle registration laws and making recommendations to prevent Connecticut residents from registering their motor vehicles out-of-state.

The act modifies the appointing authorities for the task force's appointed members, generally changing them from the legislative leaders to the Transportation Committee leaders, as shown in the table below. As under prior law, the task force also includes two gubernatorial appointees and the DMV and emergency services and public protection commissioners, or their designees.

Appointment Authority Changes

Number and Qualifications	Appointing Authority	
	Prior Law	Act
Two members, one of whom is a municipal tax assessor association member	House speaker	Transportation Committee House chairperson
Two members, one of whom is a municipal police chief	Senate president pro tempore	Transportation Committee Senate chairperson
One member who is a municipal tax assessor serving a municipality with at least 75,000 residents	House majority leader	Transportation Committee House vice-chairperson
One member who is a member of a police department serving a municipality with at least 75,000 residents	Senate majority leader	Transportation Committee Senate vice-chairperson
One member who is a member of a police department serving a municipality with less than 75,000 residents	House minority leader	Transportation Committee House ranking member
One member who is a municipal tax assessor serving a municipality with less than 75,000 residents	Senate minority leader	Transportation Committee Senate ranking member

Under the act, appointing authorities must make appointments to the task force by September 1, 2021. The act requires the Transportation Committee chairpersons, rather than the House Speaker and Senate President Pro Tempore, to jointly select the task force's chairpersons from among its members. The selected chairpersons must schedule and hold the first meeting by October 1, 2021.

The act requires the task force to (1) submit a report on its findings and recommendations to the Transportation Committee by January 1, 2022, and (2) terminate when it submits the report or January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

§ 32 — MUNICIPAL FINE FOR UNREGISTERED VEHICLES

Allows municipalities to impose, by ordinance, a fine of up to \$250 on owners of motor vehicles that are subject to local property tax but not registered with DMV

The act allows municipalities to impose, by ordinance, a fine of up to \$250 on owners of motor vehicles that are subject to local property tax in the municipality but not registered with DMV. Municipalities may only impose this fine on vehicles eligible for registration and required to be registered under the state's motor vehicle laws.

Under the act, police officers or anyone authorized by the municipality's chief executive officer may issue a citation to any person who fails to register a motor vehicle. Municipalities imposing the fine must (1) adopt a citation hearing

procedure, in accordance with state law, through which the fine must be imposed and (2) suspend fines for first-time violators who provide proof that they registered their vehicle with DMV after the violation but before the fine is imposed. The act prohibits municipalities from imposing a penalty for failing to pay the fine that is more than 25% of the fine.

The act's authorization to impose a fee by ordinance applies regardless of any provisions of the general statutes or a special act, municipal charter, or ordinance.

EFFECTIVE DATE: July 1, 2021

§§ 34 & 35 — EMERGENCY VEHICLES

Makes several changes to emergency vehicle definitions, including adding certain DEEP vehicles, and extends the penalty provision for impeding certain emergency vehicles to Department of Correction vehicles responding to emergencies

The act modifies the statutory definitions of the terms “emergency vehicle” and “authorized emergency vehicle” as used in the laws establishing those vehicles’ rights and motorists’ responsibilities with respect to them (e.g., generally, emergency vehicle drivers may exceed the posted speed limits and motorists must pull to the right when an emergency vehicle is using its siren or lights).

The act expands the definition of “emergency vehicle” to include (1) any ambulance or vehicle operated by an emergency medical service organization member taking a patient to a hospital and (2) any DEEP vehicle operated by an authorized DEEP employee while in the course of his or her employment and while going to a fire or responding to an emergency call, but not returning from one.

The act also removes a public service company or municipal department ambulance or emergency vehicle designated or authorized by the DMV commissioner from the definition of “authorized emergency vehicle” and instead simply specifies that an ambulance is an authorized emergency vehicle.

Existing law subjects people who willfully or negligently obstruct or impede certain emergency vehicles or state or local police vehicles to fines up to \$250. The act extends this penalty provision to apply to Department of Correction vehicles driven by department officers while in the course of their employment and while responding to an emergency call.

EFFECTIVE DATE: Upon passage

§ 36 — ACCESSIBLE PARKING PLACARDS

Enables a parent or guardian of a child of any age with a disability to obtain an accessible parking placard on the child's behalf

By law, a parent or guardian of a child with a disability may apply for an accessible parking windshield placard on the child's behalf. The law requires DMV to issue a placard to each parent or guardian who applies, up to two placards per eligible child. Under prior law, these provisions only applied if the child was under age 18. The act eliminates this age limit.

EFFECTIVE DATE: October 1, 2021

§ 37 — RIGHT-OF-WAY AND BUSES

Requires drivers to yield the right-of-way to a bus traveling in the same direction when the bus appropriately signals

The act requires drivers to yield the right-of-way to a bus traveling in the same direction when the bus appropriately signals (i.e., by using a hand and arm, signal lamp, or mechanical signal device) to reenter the flow of traffic. A violation is an infraction.

EFFECTIVE DATE: October 1, 2021

§ 38 — SCHOOL BUS EQUIPMENT

Allows school buses to be equipped with an extended stop arm

The act allows school buses to be equipped with an extended stop arm. Under the act, an “extended stop arm” is a device attached to a stop semaphore that when activated displays a stop sign and extends between three and six feet from the left side of a school bus.

EFFECTIVE DATE: October 1, 2021

§ 39 — INSURANCE COMPANY POSSESSION OF VEHICLES

Makes changes related to salvage titles and powers of attorney needed to transfer vehicles that are total losses

The act creates a process for insurance companies that take possession of a vehicle as a result of a damage or theft claim settlement to apply to DMV for certain title documents if they are unable to obtain them from the insured or lienholder. The companies may specifically apply for regular, SALVAGE, or SALVAGE-PARTS ONLY title certificates. (By law, if a vehicle has been declared a total loss and offered for sale by certain insurance entities, the title certificates must be stamped with (1) “SALVAGE” or (2) “SALVAGE-PARTS ONLY” if the company determines the vehicle has at least 10 major component parts that are damaged beyond repair and must be replaced.)

Under the act, applications must be on a DMV commissioner-prescribed form and include documents the commissioner requires. They must also include evidence satisfactory to the commissioner that the company (1) provided at least two notices by certified mail, return receipt requested, to the insured and any lienholder of record for the vehicle indicating the company’s intention to apply for a title certificate as the owner of the vehicle and (2) made payment to the insured or lienholders in full settlement of the claim involving the vehicle. The act prohibits the commissioner from issuing these title certificates until at least 30 days after the settlement payment is made.

The act also makes changes to powers of attorney used to support an insurance company’s application for, or transfer of, title certificates. Under existing law, the Connecticut Uniform Power of Attorney Act generally, with certain exceptions, applies to all powers of attorney and requires, among other things, a principal’s signature be witnessed by two people and acknowledged before a notary, Connecticut-licensed attorney, or other person authorized to take acknowledgements (CGS §§ 1-350b & 1-350d). Notwithstanding that law, the act requires that a power of attorney used to support an insurance company’s application for, or transfer of, a title certificate only needs a signature or electronic signature of the insured who has received or will receive a total loss settlement from the company.

Additionally, the act authorizes, rather than requires as under prior law, the DMV commissioner to adopt regulations about these applications and related law.

EFFECTIVE DATE: October 1, 2021

§ 40 — REPLACEMENT VETERANS’ PLATES

Establishes a specific \$15 fee for replacing veterans’ plates that become mutilated or illegible

Under existing law, the DMV commissioner generally must charge a \$20 fee to replace vehicle plates (CGS § 14-50a(a)). Regardless of this, the act establishes a specific \$15 fee for replacing veterans’ plates that become mutilated or illegible.

EFFECTIVE DATE: July 1, 2021

§ 42 — SCHOOL BUS PASSING VIOLATIONS

Extends a deadline and removes a requirement related to school bus passing violations detected by stop arm camera videos

The act changes the process for issuing tickets for school bus passing violations based on evidence from a school bus violation detection video monitoring system (i.e., stop arm cameras). Specifically, it (1) extends, from 10 to 30 days, the deadline for law enforcement to issue a ticket after a violation is recorded and (2) removes the requirement for a signed affidavit from the person who witnessed the violation live.

EFFECTIVE DATE: October 1, 2021

§ 43 — FIRE APPARATUS SALE AND REPAIR

Requires DMV to report on compliance with the laws regarding fire apparatus sale and repair

The act requires the DMV commissioner to study compliance with the laws regarding the sale and repair of fire apparatus in Connecticut and submit a report with her findings and recommendations to the Transportation Committee by February 1, 2022. Under the act, the study must include:

1. the number of times in the last five years the commissioner (a) imposed a civil penalty under CGS § 14-51a for violating certain dealer, repairer, and manufacturer laws or (b) conducted investigations and held hearings under

- CGS § 14-65k on fire apparatus sales or repairs;
2. the number of times in the last five years the commissioner requested that the attorney general apply to Superior Court for a temporary or permanent restraining order enjoining a person or entity selling or repairing fire apparatus from violating certain related laws;
 3. a summary of all complaints received on fire apparatus sales or repairs; and
 4. any recommendations for legislation to ensure fire apparatus sellers and repairers are properly licensed by DMV.
- EFFECTIVE DATE: Upon passage

§ 44 — COMMERCIAL DRIVER’S LICENSE TESTING

Requires the DMV commissioner to verify that certain CDL applicants have undergone specific entry level training before the department administers particular tests

Existing law prohibits the DMV commissioner from issuing a CDL unless the person has, among other things, passed a knowledge and skills test that complies with specific minimum federal standards. Beginning February 7, 2022, the act requires the commissioner to verify with the Federal Motor Carrier Safety Administration that the person has undergone the entry level driver training required under federal regulations before the department administers a (1) CDL skills test to someone applying for or upgrading to a class A or class B CDL or applying for a “P” (passenger) or “S” (school bus) endorsement or (2) CDL knowledge test to someone applying for an “H” (hazardous materials) endorsement. The act provides that these requirements do not apply to anyone exempt under federal regulations.

EFFECTIVE DATE: October 1, 2021

§ 45 — ORGAN AND TISSUE DONORS INFORMATION

Requires DMV and DAS to provide certain organ and tissue procurement organizations with information on individuals holding instruction permits who wish to be donors

By law, the DMV and Department of Administrative Services commissioners must enter into an agreement with at least one organ and tissue procurement organization to provide the organization access to information on driver’s license and identity card holders who intend to be donors. The act requires the departments to also provide the procurement organization with information on individuals holding instruction permits who wish to be donors.

EFFECTIVE DATE: October 1, 2021

§ 46 — CATALYTIC CONVERTER SALES

Prohibits motor vehicle recyclers from receiving a vehicle’s catalytic converter without proof of ownership

The act prohibits motor vehicle recyclers from receiving a vehicle’s catalytic converter unless the seller provides proof that he or she owns the vehicle or is an authorized agent of the vehicle’s owner. The act also requires motor vehicle recyclers to keep copies of the proof with their records. By law, their records must be available for inspection by the DMV, State Police, and any organized local police department.

EFFECTIVE DATE: October 1, 2021

§ 47 — DRIVE ONLY LICENSES

Allows drive only license applicants to use photocopies and other noncertified documents as proof of residency and modifies the fees for drive only licenses

The act specifies the fees for drive only licenses. By law, original drive only licenses must expire three to six years after the date of issuance and may be renewed every three years afterwards. In practice, DMV currently charges \$72 for both original and renewal licenses. The act specifies that the fee for (1) an original drive only license is \$72 for a six-year period, or a prorated amount for shorter periods, and (2) a renewal license is \$36 dollars. These fees are proportional to existing driver’s license fees.

Additionally, the act allows drive only license applicants to use photocopies, notarized photocopies, or noncertified documents as proof of residency, conforming to current department practice for other types of licenses.

EFFECTIVE DATE: Upon passage

§ 48 — DMV WAIT TIME REPORT

Changes DMV's reporting on wait times at department offices to align with the department's shift to online services and an appointment system

Under prior law, DMV had to submit monthly and annual reports to the Transportation Committee on wait times at department offices. The act eliminates the monthly reporting requirement and changes the content that must be in its annual report, aligning the report with the department's shift to online services and an appointment system for in-person services.

Under prior law, DMV had to report annually to the Transportation Committee, (1) identifying specific goals for acceptable wait times at its offices, (2) summarizing steps it took in the previous year to achieve those goals, and (3) including a strategy to achieve or exceed those goals in the coming year. Under the act, DMV must instead, by February 1, 2022, and annually thereafter, submit a report that includes the following from the preceding year:

1. the average number of days between the date a person scheduled an appointment on DMV's website and the date of the scheduled appointment,
2. a list of the transactions that were available to be conducted by scheduling an appointment on DMV's website,
3. a list of the transactions that were available to be conducted on DMV's website,
4. the number of transactions conducted on DMV's website, and
5. a summary of DMV's efforts to increase the types of transactions available to be conducted on its website.

The act also eliminates the specific authorization for the committee to hold a public hearing within 30 days of receiving the annual report, and a requirement that the DMV commissioner, or her designee, testify at the hearing.

EFFECTIVE DATE: Upon passage

§ 49 — LICENSE PLATES FOR VETERANS AND ARMED FORCES MEMBERS WITH WARTIME SERVICE

Requires DMV to issue special license plates indicating service during a "period of war" at the request of any veteran or armed forces member who received a campaign medal

The act requires DMV to issue special license plates indicating service during certain statutorily-defined periods of war (see below) at the request of any veteran or armed forces member who received a campaign medal. The request must be accompanied by proof from the Department of Veterans Affairs (DVA) that the requestor served in the armed forces during a qualifying period of war.

The plates must be designed in consultation with the DVA commissioner, bear the name of the relevant war before "Veteran," and only be used as official license plates. The DMV commissioner must charge a fee for the plates that covers the plate's entire production costs, which will be in addition to other vehicle registration fees. The plates must expire and be renewed in the same manner as other existing license plates.

Under the act, a veteran's or armed forces member's surviving spouse may keep the plates for his or her lifetime or until he or she remarries. If an armed forces member is dishonorably discharged he or she must return the plates to DMV within 30 days after his or her discharge date and DMV may not renew them.

Definitions

By law and under the act, "armed forces" is the U.S. Armed Forces or their reserve components, including the Connecticut National Guard performing duty under Title 32 of the U.S. Code (e.g., certain Homeland Security missions) (CGS § 27-103).

Under the act, a "veteran" is anyone who was (1) honorably discharged or released from active service in the armed forces or (2) discharged under conditions other than dishonorable or for bad conduct and has a "qualifying condition" (i.e., a diagnosis of post-traumatic stress disorder or traumatic brain injury or a disclosed military sexual trauma) (CGS § 27-103).

(PA 21-79 § 1 expands the meaning of "qualifying condition" to also include a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the other than honorable discharge.)

The table below shows the qualifying periods of war for which DMV must issue special license plates.

Periods of War

Operation	Dates
World War II	12/07/41-12/31/46

Operation	Dates
Korean War	06/27/50-01/31/55
Lebanon Conflict	07/01/58-11/01/58 or 09/29/82-03/30/84
Vietnam Era	02/28/61-07/01/75
Grenada Invasion	10/25/83-12/15/83
Operation Earnest Will (escort of Kuwaiti tankers flying U.S. flag in Persian Gulf)	07/24/87-08/01/90
Panama Invasion	12/20/89-01/31/90
Persian Gulf War	08/02/90 until a date prescribed by the President or law

EFFECTIVE DATE: January 1, 2022

§ 50 — FEE WAIVER FOR VETERANS

Allows the DMV commissioner to waive driver's license or identity card renewal or duplicate fees for certain veterans attending specific events

The act authorizes the DMV commissioner to waive driver's license and identity card renewal or duplication fees for certain veterans while attending a one-day event that offers services, supplies, or assistance to veterans and is hosted by DVA.

Under the act, a "veteran" is (1) anyone honorably discharged or released from active service in the U.S. Armed Forces or their reserve components, including the Connecticut National Guard performing duty under Title 32 of the U.S. Code (e.g., certain Homeland Security missions); (2) any former service member entitled to military retirement pay under federal law, regardless of age (10 U.S.C. ch. 1223); or (3) anyone discharged under conditions other than dishonorable or for bad conduct that has a qualifying condition (i.e., a diagnosis of post-traumatic stress disorder or traumatic brain injury or a disclosed military sexual trauma). Additionally, to qualify for a waiver under the act, the person or member must have verification from DVA that he or she is a veteran.

(PA 21-79 § 1 expands the meaning of "qualifying condition" to also include a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the other than honorable discharge. PA 21-79 § 23 also expands the meaning of "veteran" to include anyone released with an other than honorable discharge based on a qualifying condition (i.e., adding people with qualifying conditions who were dishonorably discharged or discharged for bad conduct). These changes under PA 21-79 are effective as of October 1, 2021.)

EFFECTIVE DATE: Upon passage

§§ 52-65 — PEER-TO-PEER (P2P) CAR SHARING

Imposes regulatory requirements on P2P car sharing, principally concerning insurance, and requires DRS to issue guidance on the sales and use tax treatment of P2P car sharing

The act imposes regulatory requirements on peer-to-peer (P2P) car sharing companies (e.g., Turo and Getaround) and on individuals who share their vehicles through the companies' car sharing platforms (i.e., P2P car sharing).

The act establishes insurance requirements for P2P car sharing, including requiring P2P car sharing companies to:

1. ensure that vehicle owners and drivers participating in P2P car sharing are covered under a primary insurance policy that meets minimum requirements and recognizes that the vehicle is available on a car sharing platform and
2. provide coverage for claims if a vehicle owner's or driver's policy has lapsed.

The act establishes certain consumer protections, including requiring (1) shared vehicle owners to repair their vehicles when they receive safety recall notices and (2) P2P companies to disclose certain information to shared vehicle owners and drivers. It also addresses liens, vicarious liability, driver's license verification, and responsibility for equipment.

The act also requires the Department of Revenue Services (DRS) to issue guidance on the applicability of the sales and use tax to P2P car sharing by December 1, 2021 (§ 65).

Under the act, a P2P car sharing company is prohibited from allowing P2P car sharing at Bradley International Airport unless it enters into an agreement with the Connecticut Airport Authority (CAA). CAA may charge and collect reasonable fees from a P2P company for the privilege of operating P2P car sharing at the airport (§ 64).

EFFECTIVE DATE: January 1, 2022, except that the provision on DRS guidance is effective upon passage.

P2P Car Sharing Definitions (§ 52)

Car Sharing. The act defines “P2P car sharing” as the authorized use of a “shared vehicle” for consideration by a person other than the “shared vehicle owner” through a car sharing platform.

A “car sharing platform” is a physical or electronic place that allows a shared vehicle owner to make a shared vehicle available for P2P car sharing and connect a shared vehicle owner with a shared vehicle driver. It includes a store, booth, catalog, website, or dedicated software application.

A “P2P car sharing company” is any person, corporation, limited partnership, or other legal entity that operates a car sharing platform to enable P2P car sharing in Connecticut. P2P car sharing companies exclude motor vehicle rental or leasing companies.

Shared Vehicles. Under the act, a “shared vehicle” is a vehicle that is available for sharing on a car sharing platform. It excludes passenger motor vehicles used by licensed rental companies for rental purposes.

A “shared vehicle owner” is the shared vehicle’s registered owner or a person or entity the registered owner designates. A “shared vehicle driver” is a person authorized by the shared vehicle owner to drive the shared vehicle under a car sharing agreement.

Car Sharing Agreements. The act defines “car sharing agreement” as the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver governing a shared vehicle’s use. The act also defines the following, which are related to terms and conditions included in agreements:

1. “car sharing period,” which is the period that begins at the car sharing delivery period or, if there is no such period, at the car sharing start time, and ends at the car sharing termination time;
2. “car sharing delivery period,” which is the period during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the car sharing agreement; and
3. “car sharing start time,” which is the time when a shared vehicle driver takes possession and control of the shared vehicle at or after the time the shared vehicle reservation is scheduled to begin under a car sharing agreement.

Under the act, the “car sharing termination time” is whenever one of the following events occurs:

1. the period established under a car sharing agreement for using a shared vehicle expires, if the shared vehicle is delivered to the location agreed upon in the agreement;
2. the shared vehicle is returned to a location the shared vehicle owner and shared vehicle driver alternatively agree on as communicated through a car sharing platform and incorporated into the car sharing agreement; or
3. the shared vehicle owner or the owner’s authorized designee takes possession and control of the shared vehicle.

Insurance Provisions (§§ 53, 55, 56, 58 & 59)

Assumption of Liability (§ 53(a) & (b)). The act requires P2P car sharing companies to assume a shared vehicle owner’s liability for bodily injury or property damage to third parties, or uninsured and underinsured motorist or personal injury protection losses, during the car sharing period in the amount stated in the car sharing agreement. It must be for at least as much as the state’s minimum auto insurance coverage amounts (see BACKGROUND).

However, the act exempts P2P car sharing companies from assuming this liability when a shared vehicle owner (1) makes an intentional or fraudulent material misrepresentation or omission to the company or on the car sharing platform before the car sharing period in which the liability arose or (2) acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the car sharing agreement.

Required Coverage (§ 53 (c), (d), (f) & (h)). The act requires P2P car sharing companies to ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under an auto insurance policy that:

1. provides insurance coverage in at least the minimum amounts required by state law for auto insurance policies and
2. either (a) recognizes that the shared vehicle insured under the policy is made available and used through a car sharing platform or (b) does not exclude the use of a shared vehicle by a shared vehicle driver.

The required insurance coverage may be maintained by a shared vehicle owner, a shared vehicle driver, a P2P car sharing company, or all three.

If a claim occurs in another state that requires higher minimum auto insurance coverage than Connecticut does, then the insurance policy must provide coverage to satisfy the minimum amounts required by the other state up to the applicable policy limits.

The act prohibits coverage under the P2P car sharing company's auto insurance policy from being contingent on another auto insurance company first denying a claim or requiring an initial claim denial.

Primary Liability (§ 53(e)). The insurance required under the act must assume primary liability for a claim:

1. during each car sharing period;
2. when there is a dispute over who controlled the shared vehicle at the time of loss and the P2P car sharing company did not retain or fails to provide records on the vehicle's use (see *Records (§ 56)* below); or
3. when there is a dispute over whether the shared vehicle was returned to the alternatively agreed upon location, as communicated through the car sharing platform and incorporated into the car sharing agreement.

Lapsed Policies (§ 53(g)). If a shared vehicle owner's or shared vehicle driver's auto insurance policy has lapsed or does not provide the required coverage, the act requires that the P2P car sharing company's policy provide the coverage from the first dollar of the claim. The insurance company issuing the P2P car sharing company's policy has the duty to defend a claim, except under certain circumstances (see *Assumption of Liability (§§ 53(a) & (b))* above).

Other Provisions (§ 53(i)). The act provides that nothing in its insurance provisions limits a P2P car sharing company's:

1. liability for any act or omission of the company that results in bodily injury to any person as a result of using a shared vehicle through a car sharing platform or
2. ability to contract for indemnification from a shared vehicle owner or a shared vehicle driver for economic loss the company sustains due to a breach of the car sharing agreement's terms and conditions.

Insurable Interest (§ 59). Under the act, a P2P car sharing company has an insurable interest in the shared vehicle during the car sharing period. However, the act specifies that this provision does not make the P2P car sharing company liable for failure to maintain the act's required coverage.

A P2P car sharing company may own and maintain, as the named insured, one or more auto liability insurance policies that covers (1) liability assumed by the P2P car sharing company under a car sharing agreement, (2) any liability of the shared vehicle owner, (3) damage or loss to the shared vehicle, or (4) any liability of the shared vehicle driver.

Exclusions of P2P Car Sharing in Auto Policies (§ 55). The act explicitly allows insurance companies offering auto insurance policies in the state to offer policies that exclude any or all coverage and the duty to defend or indemnify any claim afforded under a shared vehicle owner's liability insurance policy. The exclusions may include (1) liability coverage for bodily injury and property damage, (2) personal injury protection coverage, (3) uninsured and underinsured motorist coverage, (4) medical payments coverage, (5) comprehensive physical damage coverage, or (6) collision physical damage coverage.

The act specifies that nothing in the provision allowing these exclusions (1) invalidates or limits an exclusion in an auto liability insurance policy, including any policy that excludes coverage for motor vehicles made available for rent, sharing, hire, or business use, or (2) invalidates, limits, or restricts an insurance company that offers auto liability insurance coverage to underwrite, cancel, or not renew an insurance policy.

Right to Seek Recovery (§ 58). Under the act, an insurance company that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its auto insurance policy has the right to seek recovery against the P2P car sharing company's insurance company if the claim is (1) made against the shared vehicle owner or shared vehicle driver for loss or injury that occurs during the car sharing period and (2) excluded under the policy's terms.

Records (§ 56). The act requires P2P car sharing companies to collect and verify records pertaining to a shared vehicle's use, including the (1) times used, (2) location of the car sharing start time and car sharing termination time, (3) car sharing period fees paid by the shared vehicle driver, and (4) revenue received by the shared vehicle owner. The company must retain the records for a time period that at least equals the applicable personal injury statute of limitations (i.e., two years from the date when the injury is first sustained or discovered or, in the exercise of reasonable care, should have been discovered (CGS § 52-584)).

P2P car sharing companies must provide these records at the following times:

1. upon request to the shared vehicle owner, the shared vehicle owner's insurance company, or the shared vehicle driver's insurance company to facilitate a claim coverage investigation, settlement, negotiation, or litigation or
2. as required under an agreement with the CAA for airport access.

Notice Regarding Liens (§ 54)

The act requires P2P car sharing companies to notify shared vehicle owners that, if the shared vehicle has a lien against it, the use of a shared vehicle through a car sharing platform (including without physical damage coverage) may violate the terms of a contract with the lien holder. The company must provide this notice when the vehicle owner registers with the P2P car sharing company as a shared vehicle owner but before the shared vehicle is made available on the car sharing platform.

Vicarious Liability (§ 57)

The act exempts P2P car sharing companies and shared vehicle owners from vicarious liability, in accordance with the federal Graves Amendment (see BACKGROUND), under any state law or municipal ordinance that imposes liability solely based on vehicle ownership.

Required Disclosures (§ 60)

The act requires that car sharing agreements disclose at least the following to a shared vehicle owner and shared vehicle driver:

1. the P2P car sharing company's right to seek indemnification from the shared vehicle owner or the shared vehicle driver for any economic loss it sustains from a breach of the car sharing agreement's terms and conditions;
2. that the shared vehicle owner's auto insurance policy for the shared vehicle or the shared vehicle driver's auto policy does not provide a defense or indemnification for any claim asserted by the P2P car sharing company;
3. that the P2P car sharing company's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during the car sharing period and that, if the shared vehicle driver uses the shared vehicle after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;
4. the daily rate, fees and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;
5. that the shared vehicle owner's auto insurance may not provide coverage for a shared vehicle;
6. an emergency telephone number to personnel capable of answering calls for roadside assistance and other customer service inquiries; and
7. if there are conditions under which a shared vehicle driver must maintain an auto insurance policy with certain applicable coverage limits on a primary basis to book a shared vehicle.

Driver's License Verification (§ 61)

The act prohibits P2P car sharing companies from entering into a car sharing agreement with a shared vehicle driver unless the driver holds a driver's license authorizing him or her to operate a vehicle of the same class as the shared vehicle. P2P companies must keep a record of the shared vehicle driver's name, address, and driver's license number and place of issuance.

Responsibility for Equipment (§ 62)

Under the act, a P2P car sharing company is responsible for any equipment (e.g., GPS systems) that is put in or on the shared vehicle to monitor or facilitate the car sharing transaction. The company must indemnify and hold harmless shared vehicle owners for any equipment damage or theft during the car sharing period unless the owner caused it. The P2P company has the right to seek indemnification from the shared vehicle driver for any equipment loss or damage that occurs during the car sharing period.

Recalls (§ 63)

The act requires shared vehicle owners, when they receive notice of a safety recall for their shared vehicle, to get the required repairs made before making the vehicle available on a P2P car sharing platform. If the shared vehicle is already available on a car sharing platform when a shared vehicle owner receives a recall notice, he or she must remove the vehicle as soon as possible and keep it off until repairs are made. If the shared vehicle owner receives a recall notice during the car sharing period, the owner must notify both the P2P car sharing company and the shared vehicle driver as soon as possible.

The act requires P2P car sharing companies to (1) verify that a shared vehicle is not subject to a safety recall for which repairs have not been made and (2) notify shared vehicle owners of their obligations related to recalls. The company must do this when the shared vehicle owner registers a shared vehicle with the company but before the shared vehicle is available on the car sharing platform.

§ 66 — STATE AND MUNICIPAL CONTRACT ELIGIBILITY

Repeals a provision that required a specific number of inspections of certain trucking companies and commercial motor vehicle drivers in order to make them ineligible for state or municipal contracts

Under prior law, certain motor carriers (e.g., trucking companies) and people driving specific commercial motor vehicles (e.g., buses or large trucks) could not be found ineligible for state or municipal contracts based on safety inspection results unless at least 10 safety inspections of the motor carrier or motor vehicle had been conducted during the 24 months before the contract's starting date. The act eliminates this provision.

EFFECTIVE DATE: Upon passage

BACKGROUND

Minimum Auto Insurance Requirements

Connecticut law requires a driver to maintain a minimum amount of auto insurance, including liability and uninsured and underinsured motorist (UI/UM) coverage. The law requires minimum coverage of \$25,000 per person and \$50,000 per accident for bodily injury and \$25,000 per accident for property damage (CGS §§ 38a-335 and 14-112(a)). UI/UM coverage covers bodily injury to the vehicle owner, relatives living with the owner, and passengers injured in an accident caused by (1) an uninsured driver, (2) a driver whose bodily injury liability limits are insufficient, or (3) a hit-and-run driver. The law requires at least \$25,000 per person and \$50,000 per accident (CGS § 38a-336).

Federal Graves Amendment

The Graves Amendment (49 U.S.C. § 30106) protects car rental companies from vicarious liability claims by providing that a rental company cannot be held liable under state law for damages or injuries that occur during the rental period simply because the company owns the vehicle. The amendment does not protect companies from negligence or criminal wrongdoing. (A Connecticut law making rental companies liable for such damages (CGS § 14-154a) is preempted by the Graves Amendment.)

PA 21-175—sHB 6484

Transportation Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION

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Updates a special act regarding payments for state police security services at Bradley International Airport

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Establishes marking requirements for meteorological evaluation towers and civil penalties for those who fail to comply with them

§ 57 — ALL-TERRAIN VEHICLE (ATV) SEIZURE BY ORDINANCE

Allows all municipalities that regulate ATV use by ordinance, rather than just municipalities with populations of 20,000 or more that do so, to provide for their seizure and forfeiture by ordinance

SUMMARY: This act makes numerous changes to transportation-related statutes. Among other things, it:

1. requires all motor vehicle occupants to wear seat belts, not just drivers, front seat passengers, and certain back seat passengers (§§ 15 & 16);
2. establishes the Office of Innovative Finance and Project Delivery within the Department of Transportation (DOT) (§ 22);
3. makes permanent DOT's authority to use consultants for projects using an alternative delivery method, subject to certain conditions under existing law (§ 6);
4. prohibits crossing a bridge with a vehicle that exceeds the posted weight limit and establishes a fine for doing so, increases the fine for driving under bridges while exceeding the posted clearance, and clarifies the liability of overweight trucks for damage to bridges (§§ 2 & 3); and
5. establishes marking requirements for meteorological evaluation towers ((METs), § 56).

EFFECTIVE DATE: Upon passage, unless otherwise noted below.

§ 1 — STATE PROPERTIES REVIEW BOARD THRESHOLD

Increases, from \$5,000 to \$10,000, the threshold under which certain DOT property transactions are exempt from State Properties Review Board approval

By law, the State Properties Review Board must review and approve (1) matters dealing with the initial acquisition of any existing mass transit system or the purchase or sale of real property (i.e., land and buildings and any estate, interest, or right in land) in connection with state highways or mass transit and (2) all surplus property sales or exchanges by DOT.

However, acquisitions and administrative settlements related to these properties that involve sums of money that fall below a certain threshold must be reported to the board but do not require its review and approval. The act increases this threshold from \$5,000 to \$10,000.

§§ 2 & 3 — OVERWEIGHT VEHICLES ON BRIDGES

Prohibits crossing a bridge with a vehicle that exceeds the posted weight limit; increases the fine for driving under bridges while exceeding the posted clearance and extends the fine to vehicles exceeding the weight limit; and clarifies the applicability of a statute on the liability of overweight trucks for damage to bridges

Existing law prohibits driving over, on, through, or under any bridge or structure if the vehicle's height or load exceeds the height of the posted clearance or load shown on a sign. The act additionally prohibits doing so when the weight of the vehicle or the vehicle and load exceeds the posted weight limit.

The act also (1) increases the penalties for violating the height or load limits and (2) extends the same penalties to violations of its weight limit. Under the act, a first violation is punishable by a fine of up to \$1,000 and a subsequent offense is punishable by a fine of up to \$2,500. Previously, a violation of the height or load limit was an infraction (see [Table on Penalties](#)).

The act also makes a minor change to the application of a law that makes vehicle owners liable for damage to bridges caused by overweight vehicles. It specifies that the law applies when the vehicle has a gross weight that exceeds the posted weight limit, rather than the stated maximum safe load. It also deletes an obsolete reference to reckless driving, which is primarily a speed-related offense addressed in the motor vehicle statutes (CGS § 14-222).

EFFECTIVE DATE: October 1, 2021, for the overweight vehicle prohibition and the penalty increase.

§§ 4 & 5 — CHANGES TO CONSULTANT DEADLINES

Moves up the annual deadline for consultant prequalification applications from November 15 to October 15 and reduces the frequency of consultant performance evaluations from once every six months to once a year

Consultant Prequalification (§ 4)

By law, consultants who wish to provide services to DOT in any year must prequalify by submitting information, in the preceding calendar year, on their qualifications. The act moves up the deadline for these prequalification submissions from November 15 to October 15 of the preceding calendar year.

As under existing law, the DOT commissioner must annually (1) publish notice sometime between September 1 and October 1 that entities wishing to provide consultant services must submit prequalification applications to the department and (2) review and determine which consultants are qualified to perform services by January 1.

Consultant Evaluation (§ 5)

The law requires DOT to conduct performance evaluations of all consultants who have active agreements with the department. The act reduces the required frequency of these evaluations from once every six months to at least annually.

§ 6 — CONSULTANTS FOR PROJECTS USING ALTERNATIVE DELIVERY METHODS

Makes permanent DOT's authority to use consultants for projects using alternative delivery methods, subject to certain existing conditions

The law allows DOT to use the "construction manager at risk" or "design-build" processes as alternatives to the traditional "design-bid-build" construction process. This authorization is subject to certain conditions, including limits on the department's use of consultants for these projects. Generally, the law seeks to have DOT gradually reduce the use of these consultants and, where possible, have its own employees perform development and inspection work.

More specifically, the law requires that DOT use its employees to perform all development and inspection work after the first two alternative delivery projects are performed. The administrative services commissioner must place positions required for this work on continuous recruitment, and employees may be appointed to durational positions to reduce the need for consultants to perform inspection or development work, including employees who have met engineering education and training requirements, but not taken an examination.

Regardless of these restrictions on consultants, prior law established a "transition period" during which DOT could continue using consultants to complete projects using alternative delivery methods. This period previously expired (1) January 1, 2022, or (2) January 1, 2025, if the governor certified that the continued use of consultants was necessary to

complete alternative delivery projects. The act eliminates the expiration date and transition period language, making this authority to use consultants permanent.

Existing law's capacity building requirements and restrictions on consultant use continue to apply, including, among other things, requirements that DOT:

1. establish a program to train DOT employees to support alternative delivery methods and
2. annually report to the governor on progress made in training employees on the alternative delivery methods, improving the diversity of employees' technical expertise, and building internal project delivery capacity.

§ 7 — TAXI CERTIFICATE HEARINGS

Eliminates the three-month waiting period for hearings on taxi certificate applications

By law, DOT authorizes taxi services by issuing certificates of convenience and necessity allowing them to accept and solicit rides within a specified territory. The law sets a number of applicant qualification and procedural requirements, including that the department hold a hearing on certificate applications. Prior law required the department to wait at least three months after receiving a certificate application before holding a hearing. The act eliminates this waiting period, allowing DOT to hold hearings at any time after receiving an application.

Existing law, unchanged by the act, requires DOT, upon receiving a certificate application, to schedule a hearing and promptly give notice of it to the applicant, the chief elected official of each municipality in the proposed territory, and any common carriers operating within the territory.

§ 8 — STAGNANT LIVERY PERMITS

Establishes a process for revoking stagnant livery service permits

The act sets conditions under which DOT may, without a hearing, revoke a stagnant livery service permit (e.g., limousines). Specifically, it allows DOT to revoke a livery permit without a hearing if:

1. DOT sends a revocation notice to the permit holder at the address the department has on file and (a) the notice is returned undeliverable or could not be delivered or (b) the permit holder fails to respond within the timeframe in the notice;
2. DOT conducts a physical inspection of the address it has on file for the permit holder and determines that no livery service operates at the address; and
3. no motor vehicle is registered to the permit holder with the Department of Motor Vehicles (DMV) for use under the permit.

EFFECTIVE DATE: October 1, 2021

§§ 9-11 & 58 — HOUSEHOLD GOODS CARRIER CERTIFICATES

Eliminates requirements that DOT, before permitting an applicant to operate a moving company, hold a hearing and consider highway condition

The act eliminates the requirement for the DOT commissioner, before issuing a household goods carrier (i.e., moving company) certificate, to hold a hearing on the application. It also eliminates the requirement for the commissioner, in determining whether to issue a certificate, to consider the condition of the involved highways and how the issuance will affect highway condition and public safety.

Existing law, unchanged by the act, requires the commissioner to consider the following when issuing a certificate:

1. the applicant's suitability, or the suitability of management if the applicant is a corporation;
2. the applicant's financial responsibility, financial stability, and ability to efficiently perform the service;
3. the applicant's criminal history; and
4. existing motor transportation facilities and how granting a certificate will affect them.

The act also eliminates obsolete language referring to recommendations the commissioner must take into consideration.

EFFECTIVE DATE: October 1, 2021

§§ 12 & 21 — SMOKING PROHIBITION AT RAIL PLATFORMS AND BUS SHELTERS

Prohibits smoking in any area of a platform or shelter at bus and rail facilities, not just in those that are partially enclosed

The act prohibits smoking and using e-cigarettes in any area of a platform or shelter at a rail, busway, or bus station that is owned or leased and operated by the state or any political subdivision. Prior law prohibited smoking (but not e-cigarette use) only in partially enclosed shelters on these rail platforms or in bus shelters.

EFFECTIVE DATE: October 1, 2021

§ 13 — PORTLAND STREET RAIL CROSSING IN MIDDLETOWN

Allows all vehicles to use the Portland Street rail crossing in Middletown

The act allows all vehicles, not just emergency vehicles, to use an at-grade crossing at the east end of Portland Street and Bridge Street in Middletown.

§ 14 — AMENDMENTS TO NEGOTIATED CONTRACTS

Specifies that an amendment to a negotiated contract is considered a new and separate contract and is subject to a three-year books and record retention requirement

By law, state contracting agencies may audit the books and records of a contractor or subcontractor under any negotiated contract or subcontract to the extent that they relate to the performance of the contract or subcontract. The contractor must maintain the books and records for three years after the final payment under the prime contract and the subcontractor must maintain them for three years after the subcontract expires.

The act specifies that, if a state contracting agency enters into an amendment to a negotiated contract or subcontract, the amendment is considered a new and separate negotiated contract for the purposes of the above provisions. The contractor or subcontractor must maintain its books and records related to performing the amendment for at least three years after the date of final payment under the amendment, or the date the amendment expires, whichever is later.

By law, a “state contracting agency,” with certain exceptions, is an executive branch agency, board, commission, department, office, institution, or council.

§§ 15 & 16 — BACK SEAT PASSENGER SEAT BELT USE

Requires, with some exceptions, all motor vehicle occupants to wear seat belts, not just drivers, front seat passengers, and certain back seat passengers

The act requires all occupants in a motor vehicle or fire-fighting apparatus to wear a seat belt while the vehicle is moving. Prior law required only the driver, front seat passenger, and certain back seat passengers (i.e., passengers under age 16 and passengers of drivers under age 18) to do so.

The act makes the failure to wear a seat belt by any back seat passenger age 16 or older a secondary offense, prohibiting officers from stopping a vehicle unless another offense has occurred. Under prior law, back seat passengers of drivers under age 18 who failed to wear a seat belt committed a primary offense, which allows a law enforcement officer to stop the vehicle solely for that offense. As under existing law, a driver or front seat passenger who fails to wear a seat belt commits a primary offense.

The act exempts bus passengers from the seat belt use requirement. As under existing law, the following are also exempt:

1. children under age 8, who must instead be secured in an appropriate car seat or booster seat;
2. any person with a physical disability or impairment that would prevent restraint in a seat belt;
3. authorized emergency vehicles (other than firefighting apparatus) responding to an emergency call;
4. a motor vehicle operated by a rural letter carrier of the U.S. postal service while performing official duties; and
5. a person delivering newspapers.

As under existing law, failure to wear a seat belt is not probable cause for law enforcement to search a vehicle and its contents. Violators commit an infraction (see [Table on Penalties](#)) and are subject to existing fines of (1) \$50 if the vehicle driver is age 18 or older or (2) \$75 if the vehicle driver is under age 18.

EFFECTIVE DATE: October 1, 2021

§ 17 — SERVICE SIGNS ON LIMITED ACCESS HIGHWAYS

Combines two limited access highway sign programs into one Specific Service Sign program, in conformance with federal regulations, and requires DOT to adopt implementing regulations

DOT previously administered two programs for signs on limited access highways: (1) the Specific Information Signs on Limited Access Highways Program (i.e., food, gas, lodging, and camping logo signs), which was established in state law (see below), and (2) the Tourist Attraction Guide Sign Program for Limited Access Highways (see BACKGROUND).

The act appears to combine these programs into one statutory Specific Service Sign program to conform to the federal Manual on Uniform Traffic Control Devices (see BACKGROUND). It allows the DOT commissioner to enter into an agreement with a qualifying person or company for the erection, maintenance, and removal of a specific service sign within the rights-of-way of state-maintained limited-access highways, other than parkways. It requires DOT to adopt regulations on:

1. specific service sign design and installation requirements,
2. the minimum qualifications and application process for a person or company to get a specific service sign,
3. the financial responsibility of the person or company, and
4. terms for specific service sign removal or agreement revocation.

The act repeals the specific information sign program and the corresponding authority to adopt regulations. In doing so, it eliminates the statutory requirements that people or companies seeking to erect signs (1) obtain encroachment permits from DOT and (2) file with the commissioner a bond or recognizance with the state. It also eliminates a statutory requirement that a person or company be reimbursed for a portion of the sign's costs by subsequent permittees on the same sign.

§ 18 — DISTRIBUTION OF SURPLUS RAIL MATERIAL

Modifies the process for distributing surplus rail material to freight railroad companies

By law, DOT must offer rail and other track material to freight railroad companies for upgrading state-owned rights-of-way before directly or indirectly selling, transferring, or otherwise disposing of this material. The act (1) requires DOT to also do so before it salvages this material and (2) specifies that the requirement applies to material that is surplus and includes rail sections up to 200 feet in length, ties, and tie plates.

The act modifies the process for notifying and selecting recipients, requires that material be made available for inspection, and modifies the process for distributing material to selected recipients. It also allows DOT to enter into agreements with salvage companies for salvaging or disposing of surplus rail material that is not distributed to freight rail companies.

EFFECTIVE DATE: October 1, 2021

Notification and Selection of Recipients

The act establishes a more specific process for notifying and selecting freight railroad companies to receive the material. It requires DOT to offer surplus material in writing and send the offer by first class mail or e-mail. Within 30 days after receiving an offer, an interested freight railroad company must submit, in a manner the commissioner prescribes, a notice of interest and a statement on why it needs the material and how it intends to use it. If more than one company submits a notice, the commissioner may choose a company based on the prior distribution of surplus material and the best intended use of the material on state property, as determined by the commissioner. The commissioner must notify the company it has selected by first class mail or e-mail.

By law, DOT must offer any remaining material to freight rail companies to upgrade other rail lines in the state. The act requires DOT to do so using the process outlined above.

Availability for Inspection

The act requires that DOT make surplus rail material available for inspection at a designated location in a rail yard or along a siding track in the state.

Distribution of Material

The act also modifies the process for distributing the surplus material to selected companies. Prior law required DOT to transfer the material to the recipient's designated material site and charge the recipient for doing so. The amount charged depended on whether the material would be used to upgrade a state-owned right-of-way. If it would, the charge could not exceed the value, as scrap, of the materials replaced by those the commissioner transferred. If the transferred materials would be used to upgrade non state-owned rights-of-way, the charge could not exceed the value, as scrap, of the materials transferred.

The act instead requires selected freight railroad companies to:

1. arrange and pay for handling and delivering the material from a specific location in a rail yard or along a siding track;
2. accept the material in "as-is" condition;
3. acknowledge that the commissioner assumes no responsibility for the material's quality or fitness; and
4. install the material in accordance with the statement of intended use that it submitted to DOT, unless the commissioner approves a different use in writing.

The act prohibits the selected company from salvaging the surplus material and obtaining reimbursement for the handling and delivery costs but allows it to salvage any material the surplus material replaces in order to offset the costs.

Under the act, the selected company must accept delivery of the surplus material within 30 days after receiving notice of selection. If the company does not do so, DOT may (1) select another company that sent a notice of interest or (2) salvage or dispose of the material.

§ 19 — METRO NORTH BRANCH LINE REPORTS

Requires DOT to report on the status of installing side rail on the New Canaan line and increasing direct service to New York on the Danbury line

The act requires DOT, by January 1, 2022, to report to the Transportation Committee on the status of (1) installing a side rail on the New Canaan branch line and (2) increasing direct service to New York on the Danbury branch line.

§ 20 — EASTERN CONNECTICUT TRANSPORTATION STUDY

Requires the DOT commissioner to conduct a feasibility study on rail and ground transportation in eastern Connecticut

The act requires the DOT commissioner to study the feasibility of (1) extending the Shore Line East rail line to Rhode Island, (2) establishing a new passenger rail service from New London to Norwich, (3) establishing new passenger train stations in Groton and Stonington, and (4) extending ground transportation systems in the eastern region of the state and connecting the systems to the rail lines. The act explicitly allows him to seek and use available federal funds for the study.

The commissioner must report the study's results to the Transportation Committee by January 1, 2023.

§ 22 — OFFICE OF INNOVATIVE FINANCE AND PROJECT DELIVERY

Establishes the Office of Innovative Finance and Project Delivery within DOT

The act establishes the Office of Innovative Finance and Project Delivery within DOT and requires the DOT commissioner to assign personnel to the office as needed to fulfill the act's requirements. It charges the office with the following:

1. evaluating opportunities to use innovative financing and risk management to deliver transportation projects,
2. focusing on effective and accelerated delivery of transportation projects to assure the development and maintenance of a safe and efficient transportation system, and
3. recommending public-private partnerships (P3) opportunities to the commissioner.

§ 23 — STREET RACING

Modifies the definition of illegal street racing, specifying that it means driving on a public road for any race, contest, or demonstration of speed or skill

Prior law prohibited driving a motor vehicle on a public road for purposes of betting, racing, or making a speed record. It also prohibited (1) possessing a motor vehicle under circumstances showing an intent to use it in one of these prohibited races or events; (2) acting as a starter, timekeeper, judge, or spectator at one; or (3) betting on the race's or event's outcome. The act instead applies these prohibitions specifically to races, contests, or demonstrations of speed or skill (i.e., street racing). (Existing law prohibits driving a motor vehicle in any race, contest, or demonstration of speed or skill as a public exhibition except in specific circumstances (CGS § 14-164a).)

By law and under the act, a first offense for driving a motor vehicle on a public road for any race, contest, or demonstration of speed or skill is punishable by a fine of \$150 to \$600, up to one year in prison, or both; and any subsequent offense is punishable by a fine of \$300 to \$1,000, up to one year in prison, or both. Additionally, anyone convicted of this must attend an operator's retraining program (CGS § 14-111g(a)). Also, a court may (1) order the motor vehicle driven by the offender to be impounded for up to 30 days if it is registered to the offender or (2) if the vehicle is registered to someone else, fine the offender up to \$2,000 for a first offense and up to \$3,000 for any subsequent offense. By law, the impounded vehicle's owner is responsible for all fees or costs resulting from the impoundment.

By law and under the act, a first offense for the other prohibited conduct (e.g., possessing a vehicle with intent to race, acting as a starter or spectator, or betting on a race) is punishable by a fine of \$75 to \$600, up to one year in prison, or both; and any subsequent offense is punishable by a fine of \$100 to \$1,000, up to one year in prison, or both.

EFFECTIVE DATE: October 1, 2021

§§ 24-52 — BRIDGE AND ROAD NAMING

Names various roads and bridges

The act names 15 state highway segments and 14 state highway bridges as follows:

1. Route 113 traveling in a southeasterly direction from the intersection of Access Road to the intersection of Oak Bluff Road in Stratford, the "State Representative Terrance E. Backer Memorial Highway" (§ 24);
2. Bridge No. 01708 on Route 2 eastbound passing over West Road in Marlborough, the "Theodore J. May, Jr. Memorial Bridge" (§ 25);
3. Bridge No. 05751 on Route 162 passing over the Oyster River in Milford, the "State Representative Richard "Dick" Roy Memorial Bridge" (§ 26);
4. Bridge No. 00908 on Route 202 passing over the Bantam River in Litchfield, the "Corporal Rodger "Dodge" Doyle Memorial Bridge" (§ 27) (PA 21-2, June Special Session (JSS), § 478, corrects the spelling to "Roger");
5. Route 14A traveling in an easterly direction from Newport Road to Sterling Memorial School at 1183 Plainfield Pike in Sterling, the "Russel M. Gray Memorial Highway" (§ 28);
6. Bridge No. 03207 on Highland Avenue passing over I-84 eastbound and westbound in Waterbury, the "Avenue of Heroes Bridge" (§ 29);
7. Bridge No. 04318 on Baldwin Street No. 1 passing over I-84 eastbound and westbound, as well as other city roads and the Mad River, in Waterbury, the "Roberto Clemente Memorial Bridge" (§ 30);
8. Route 2A from Route 12 to Route 2 in Preston, the "Parke Spicer Memorial Highway" (§ 31)
9. Route 171 traveling in an easterly direction from the junction with Route 198 to the junction with Route 169 in Woodstock, the "Francis J. Kraynick Memorial Highway" (§ 32);
10. Bridge No. 02197 on Route 17A passing over the Carr Brook in Portland, the "Sgt. First Class John Bednarz Memorial Bridge" (§ 33);
11. State Road 505 traveling in a westerly direction from the intersection of Fenn Road and Holly Drive to the terminus of State Road 505 at the intersection of the ramp servicing Route 9 southbound in Newington, the "Frank Zuraski Memorial Highway" (§ 34);
12. Route 150 traveling in a northerly direction from the River Road to Route 68 in Wallingford, the "American Legion John M. Siedlicki Post 187 Memorial Highway" (§ 35);
13. Route 63 from the intersection of Bunker Hill Avenue in Watertown to the intersection of Route 64 in Middlebury, the "Robert J. Kane Memorial Highway" (§ 36);
14. Bridge No. 01062 on Route 67 passing over the Naugatuck River in Seymour, the "State Police Captain Jerome Drugonis Memorial Bridge" (§ 37);

15. Bridge No. 00022 on Harvard Avenue passing over I-95 northbound and southbound in Stamford, the “Board of Representative Elaine Mitchell Memorial Bridge” (§ 38);
16. Route 104 from the intersection of Riverbank Road to the New York state line in Stamford, the “Dudley Williams Memorial Highway” (§ 39);
17. Bridge No. 00067 on Hills Point Road passing over I-95 in Westport, the “Khaliq Sanda Memorial Bridge” (§ 40);
18. Bridge No. 01076 on I-84 eastbound over Route 70 (Waterbury Road) in Waterbury, the “Brigadier General John P. Lawlor, Jr. Bridge” (§ 41);
19. Bridge No. 00840 on Route 74 passing over I-84 in Tolland, the “Trooper First Class Kevin Miller Memorial Bridge” (§ 42);
20. Route 30 from the Governor’s Highway to Route 194 in South Windsor, the “Major General James Throwe Memorial Highway” (§ 43);
21. Route 21 from the intersection of Route 44 to the Putnam-Thompson town line in Putnam, the “Calvin William Heath Silver Star Recipient Memorial Highway” (§ 44) (PA 21-2, JSS, § 187 makes corrections to the location and renames it the “Silver Star Recipient Calvin William Heath Memorial Highway”);
22. Route 193 from Route 200 (Quaddick Road) to Chase Road in Thompson, the “John J. Lindley Memorial Highway” (§ 45) (PA 21-2, JSS, § 188, renames it the “Joseph J. Lindley Memorial Highway”);
23. Bridge No. 01664 on Route 123 overpassing the Norwalk River in Norwalk, the “Sgt. Horton A. Duff and Tech 5 Alan S. Duff Memorial Bridge” (§ 46);
24. Route 123 from the intersection of Ponus Avenue to the intersection of Barlett Avenue in Norwalk, the “Private Richard H. Ireland Memorial Highway” (§ 47);
25. Route 61 from Route 6 to the Woodbury-Bethlehem town line in Woodbury, the “Danny Logue Memorial Highway” (§ 48);
26. Route 316 from the intersection of U.S. Route 6 to Monument Lane near the location of Andover Veterans Memorial Park in Andover, the “Agent Orange Memorial Highway” (§ 49);
27. Route 3 from the intersection of West Street southerly to the intersection of Brook Street in Rocky Hill, the “Lou Romeo Memorial Highway” notwithstanding existing law (§ 50)
28. Bridge No. 05686 carrying I-384 westbound over I-84 westbound in Manchester, the “John A. Brunalli Bridge” (§ 51); and
29. Bridge No. 03922 on Route 7 northbound passing over Grays Bridge Road and the Still River in Brookfield, the “Governor M. Jodi Rell Bridge” (§ 52).

§ 53 — VEHICLE IDENTIFICATION NUMBER (VIN) MARKING

Modifies DMV’s authorization to adopt regulations on marking VINs on vehicle component parts

By law, new or used dealers selling motorcycles must offer buyers the service of marking the motorcycle’s VIN on its component parts. The law allows the DMV commissioner to adopt regulations providing (1) standards for marking motor vehicle and motorcycle component parts in a secure manner; (2) standards for telephone or online access to a secure database of vehicles, including motorcycles and parts that have been marked and registered in the database; and (3) for the lawful marking of replacement parts by licensed repairers.

The act specifies that the standards for marking component parts in a secure manner may include the use of a “covert application,” which means a latent brushed chemical that embeds the marking over a vinyl stencil so that when the stencil is removed, the marking is only visible with the assistance of an ultraviolet light. The act also specifies that “component parts” include a motor vehicle’s hood, trunk, wheels and door or a motorcycle’s frame or steering column.

EFFECTIVE DATE: July 1, 2022

§ 54 — NONPROFIT VEHICLES ON PARKWAYS PILOT PROGRAM

Requires DOT to establish a pilot program to allow vehicles owned by or under contract with a nonprofit organization and transporting people with a disability or who are elderly to use the Merritt and Wilbur Cross parkways, subject to certain requirements

Existing law, with specific exceptions, generally prohibits commercial vehicles from using the Merritt and Wilbur Cross parkways (CGS § 13a-26; Conn. Agencies Regs. § 14-298-1 et seq.). Regardless of this prohibition, the act requires the DOT commissioner to establish a pilot program to allow service vehicles and motor vehicles with a combination

registration to use the parkways if they are owned by or under contract with a nonprofit organization and meet specific conditions. (Neither existing law nor the act defines the term “service vehicle.”)

Specifically, the act requires the following:

1. the service vehicles must not be more than seven feet high, six feet wide, and 19 feet long;
2. the nonprofit must be located within one mile of either parkway and provide transportation services to people in the state with disabilities or who are elderly; and
3. the service vehicles and motor vehicles must have a permit from the Office of State Traffic Administration (OSTA) to use the parkways in accordance with the above regulations.

The act requires that the pilot program begin by January 1, 2022, and end on January 1, 2024. It limits OSTA to issuing no more than two permits per nonprofit location.

By February 1, 2024, the commissioner must submit a report to the Transportation Committee on the program’s implementation, the number of permits issued under the program, and any recommendations for legislation on the use of the parkways.

EFFECTIVE DATE: October 1, 2021

§ 55 — SECURITY SERVICES AT BRADLEY INTERNATIONAL AIRPORT

Updates a special act regarding payments for state police security services at Bradley International Airport

The act updates a 2009 special act provision on state police security services at Bradley International Airport that required DOT to enter into a memorandum of understanding providing that all costs incurred by the Department of Public Safety for state police security services be paid from the Bradley Enterprise Fund. However, federal airport revenue diversion laws allow airport funds to only pay for security services required under federal law.

The act (1) updates agency references to the Connecticut Airport Authority (CAA) and the Department of Emergency Services and Public Protection; (2) requires CAA to enter into a contract, rather than a memorandum of understanding, for these security services; (3) extends the date by which they must enter into the contract to December 1, 2021; and (4) requires payments under the contract to be made in compliance with all applicable federal laws, regulations, and guidelines. This conforms to agency practice.

§ 56 — METEOROLOGICAL EVALUATION TOWER MARKING

Establishes marking requirements for meteorological evaluation towers and civil penalties for those who fail to comply with them

Overview

The act establishes marking requirements for “meteorological evaluation towers” (METs) that are 50 to 200 feet above ground level. These towers are not subject to the Federal Aviation Administration’s (FAA) air hazard evaluation process, or any compulsory marking, because they are below the height threshold (see BACKGROUND). The act’s marking requirements correspond to FAA guidance on the voluntary marking of METs.

Under the act, anyone who owns, operates, or erects an MET and does not mark or erect it as the act requires is subject to the following civil penalties: (1) up to \$500 if the violation does not result in physical injury, (2) up to \$1,000 if it results in physical injury to another person, (3) up to \$5,000 if it results in serious physical injury to another person, and (4) up to \$10,000 if it results in another person’s death.

METs Defined

Under the act, an MET is a structure that (1) is self-standing or supported by guy wires or anchors; (2) is six feet or less in diameter at the base; and (3) has accessory facilities on which an antenna, sensor, camera, meteorological instrument, or other equipment is mounted to document whether a site has enough wind resources to operate a wind turbine generator.

METs do not include (1) structures adjacent to a building, including a barn, electric utility substation, or a residence’s curtilage; (2) a tower regulated by the Federal Communications Commission (FCC); or (3) a tower used primarily to support telecommunications equipment or provide commercial mobile radio service or commercial mobile data service, as defined under FCC regulations.

MET Marking Requirements

Under the act, METs must:

1. be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower;
2. have aviation orange marker balls installed and displayed in accordance with FAA regulations and advisory circulars; and
3. not be supported by guy wires, unless the wires have, at each anchor point, a seven-foot-long safety sleeve that extends from the anchor point along each attached wire.

These marking requirements correspond to those recommended in the FAA's Obstruction Lighting and Marking advisory circular (70/7460-1L).

EFFECTIVE DATE: October 1, 2021

§ 57 — ALL-TERRAIN VEHICLE (ATV) SEIZURE BY ORDINANCE

Allows all municipalities that regulate ATV use by ordinance, rather than just municipalities with populations of 20,000 or more that do so, to provide for their seizure and forfeiture by ordinance

The act allows all municipalities that regulate ATV use by ordinance, rather than just municipalities with populations of 20,000 or more that do so, to also provide for their seizure and forfeiture by ordinance. Under existing law, unchanged by the act, only municipalities that meet this population threshold may provide for the seizure and forfeiture of ATVs (CGS § 14-390m).

By law, if a municipality confiscates an ATV used in violation of an ordinance, it must sell it at a municipally conducted public auction. The sale proceeds must be paid to the municipal treasurer for deposit into the municipality's general fund.

Existing law's forfeiture provisions are subject to any bona fide lien, lease, or security interest (including a lien for towing and storing a vehicle). The law protects an owner or lienholder's interest when forfeiture is due to someone else's act or omission if the owner or lienholder did not know, and could not have reasonably known, that the ATV was used or was intended to be used in violation of a municipal ordinance.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Manual on Uniform Traffic Control Devices (MUTCD)

The MUTCD is a handbook published by the Federal Highway Administration that specifies standards and guidance for the design, installation, and use of traffic control devices (e.g., signs, traffic signals, and road markings). Federal regulations make the MUTCD the national standard for all traffic control devices installed on any street, highway, or bicycle trail open for public travel. The regulations also require state regulations and manuals on traffic control devices to substantially conform to the MUTCD and give states two years to adopt changes to the MUTCD (23 C.F.R. § 655.603).

Connecticut has incorporated the MUTCD into its traffic control device regulations by reference (e.g., Conn. Agencies Regs. § 14-298-500).

Tourist Attraction Guide Sign Program for Limited Access Highways

DOT currently administers a program that allows qualifying attractions to be included on an "attractions" sign near highway exits. Qualifying attractions are those that (1) primarily aim to satisfy the needs of visitors from outside the immediate area for recreational, educational, scientific, environmental, natural, cultural, historical, or entertainment activities and (2) meet other designated criteria (e.g., operating hours). This program is administered separately from the Specific Information Signs program.

FAA Air Hazard Review

FAA regulations require anyone proposing to construct or alter a structure greater than 200 feet high to file notice with the FAA. The FAA reviews notices to determine if the proposed construction is hazardous to air navigation and, if applicable, determine appropriate mitigation measures, such as marking and lighting requirements (14 C.F.R. § 77.5 et seq.). Although METs, as defined in the act, are not required to be reported to the FAA, agency policy recommends the voluntary markings, according to its guidance (76 Fed. Reg. 36983).

Regulating Dirt Bikes, Mini Motorcycles, ATVs, and Snowmobiles by Ordinance

By law, municipalities may adopt ordinances on the operation and use of (1) dirt bikes and mini motorcycles on public property, including hours of use, and (2) ATVs and snowmobiles, including hours and zones of use. An ordinance may set fines of up to:

1. \$1,000 for a first violation,
2. \$1,500 for a second violation, and
3. \$2,000 for subsequent violations (CGS §§ 14-390 & -390m).

Related Act

PA 21-2, JSS, §§ 187, 188 & 478, makes minor corrections to three road and bridge namings.

PA 21-179—sSB 241

Transportation Committee
Appropriations Committee

AN ACT CONCERNING OVERSIGHT AND TRANSPARENCY AT THE CONNECTICUT PORT AUTHORITY

SUMMARY: This act makes the following changes related to the Connecticut Port Authority (CPA):

1. increases the number of members on the CPA board of directors from 15 to 21 and makes other changes to appointments, including adding officials from the three cities with deep water ports (Bridgeport, New Haven, and New London) and two municipalities with small harbors (§ 2);
2. requires the attorney general to provide legal services to the Connecticut Pilot Commission and exempts the commission's directors, officers, and employees from personal liability under certain conditions (§§ 5 & 6);
3. by January 1, 2022, requires CPA to submit to the Transportation Committee a plan for ensuring that the process for selecting and distributing Small Harbor Improvement Projects Program (SHIPP) grants is transparent and equitable (see BACKGROUND) (§ 3); and
4. requires the authority to report certain information on its operations, finances, contracts, and projects, and the Department of Administrative Services (DAS) commissioner and Office of Policy and Management (OPM) secretary to review and comment on the reports (§§ 1 & 4).

EFFECTIVE DATE: Upon passage, and the board changes are applicable to appointments made on or after July 12, 2021.

§§ 1 & 4 — REPORTING

Beginning October 1, 2021, the act requires CPA's executive director to submit quarterly reports to the Transportation Committee on the status of (1) pending and current contracts, (2) small harbor projects, and (3) the construction project at the State Pier in New London.

The act also modifies requirements for the authority's annual report, which it must submit to the governor and Transportation Committee. It requires the report to include (1) descriptions of CPA's finances and the projects it undertook in the prior year and (2) recommendations for legislation to promote its purpose.

Lastly, the act requires the DAS commissioner and OPM secretary to jointly review and comment on each quarterly report and annual report before it is submitted.

§ 2 — BOARD OF DIRECTORS

The act adds six additional members to the CPA board of directors, increasing its membership from 15 to 21. It does so by (1) increasing the governor's board appointments from four to seven and (2) adding as ex-officio members the chief elected officials of Bridgeport, New Haven, and New London (i.e., the locations of the state's three deep water ports), or the officials' designees.

The act also requires that two board seats be filled by chief elected officials of municipalities with small harbors, or the officials' designees. It does so by specifying that the House majority leader's appointment and one of the governor's appointments must be one of these officials. The act correspondingly eliminates requirements that the board include an

elected or appointed municipal official from each of (1) a coastal municipality with a population of 100,000 or less and (2) a coastal community with a population of 50,000 or less.

The act specifies that the Senate president pro tempore's appointment must be a local port authority member or employee. Prior law required that the board include one such member or employee but did not specify who had to make the appointment.

Finally, the act also makes technical and conforming changes.

§§ 5 & 6 — CONNECTICUT PILOT COMMISSION

The act makes two changes regarding legal services and liability for the Connecticut Pilot Commission.

First, it adds the Connecticut Pilot Commission to the list of state entities the attorney general must defend and provide legal services to. By doing so, it requires the attorney general to, among other things, appear for the Pilot Commission in all suits and civil proceedings (except upon criminal recognizances and bail bonds) in which (1) the state is a party or is interested or (2) the officers' official acts and doings are called in question.

The act also specifically (1) gives the Pilot Commission's directors, officers, and employees immunity from personal liability for damage or injury caused while performing their duties within the scope of their employment or appointment, provided the damage or injury was not due to wanton, reckless, willful, or malicious actions, and (2) requires it to save harmless and indemnify them from financial loss and expense, including legal fees, arising out of certain claims, demands, suits, or judgements (e.g., alleged negligence) when they are found to have been acting within the scope of employment. This protection applies under existing law to directors, officers, and employees of the states' quasi-public agencies, including CPA.

By law, the nine-member Connecticut Pilot Commission assists and advises CPA on licensing marine pilots, safely conducting vessels, and protecting the state's ports and waters (CGS § 15-13c). It is within CPA for administrative purposes only.

BACKGROUND

Small Harbor Improvement Projects Program (SHIPP)

SHIPP is a competitive grant program, established and administered by CPA, that provides funds for harbor improvement projects that are not related to the deep water ports in Bridgeport, New Haven, and New London. Harbor improvement projects generally must be within, near, or on an active navigational channel and include dredging, marina repair, boat ramp facilities improvement, harbor management plans, and feasibility studies. SHIPP is capitalized by state general obligation bonds.

PA 21-195—sSB 983

Transportation Committee

AN ACT CONCERNING SERVICE VEHICLES AND AGRICULTURAL TRACTORS

SUMMARY: This act expands the state's vulnerable user law to include people operating a (1) commercial motor vehicle equipped with a garbage compactor, detachable container, or curbside recycling body; (2) tank vehicle; (3) vehicle the U.S. government authorizes to carry mail; or (4) vehicle an express delivery carrier operates (collectively, "service vehicles").

The act also requires a driver, when passing a service vehicle or agricultural tractor on the left, to pass at a distance of at least three feet. It does so by extending the definition of "safe distance" in the state's passing law.

Under existing law and the act, a "tank vehicle" is a commercial motor vehicle with a permanently or temporarily attached tank designed to transport liquid or gaseous material, but not a vehicle with a portable tank that has a rated capacity of 1,000 gallons or less (CGS § 14-1(97)). Additionally, an "agricultural tractor" is a tractor or other form of non-muscular motive power used for (1) transporting, hauling, plowing, cultivating, planting, harvesting, reaping, or other agricultural purposes on a farm or other private property or (2) transporting, from one farm to another, agricultural implements and farm products, provided the tractor is not used on any public road for transporting a payload or for some other commercial purpose (CGS § 14-1(2)).

EFFECTIVE DATE: October 1, 2021

VULNERABLE USER LAW

By law, a driver operating a motor vehicle on a public way faces a penalty of up to \$1,000 if he or she fails to exercise reasonable care and causes substantial bodily harm to, or the serious physical injury or death of, a “vulnerable user” who exercised reasonable care in using the public way.

The act expands the list of vulnerable users to include people operating specified service vehicles. The other vulnerable users under existing law are:

1. pedestrians;
2. highway workers;
3. people riding or driving animals;
4. people riding a bicycle, electric bicycle, or electric foot scooter;
5. skateboarders and in-line or roller skaters;
6. people riding or driving agricultural tractors;
7. people using wheelchairs or motorized chairs; and
8. people who are blind and their service animals.

PASSING LAW

Existing law generally requires a driver of a vehicle passing another vehicle traveling in the same direction to (1) pass on the left at a safe distance and (2) not move right until safely clear of the overtaken vehicle. Prior law only specified that in the case of a vehicle overtaking and passing a person riding a bicycle, electric bicycle, or electric foot scooter, a “safe distance” is at least three feet (CGS § 14-232). The act extends this specification to passing service vehicles and agricultural tractors. Under existing law, a violation of this statute is an infraction.

By law, these requirements do not apply in situations when the driver is lawfully passing on the right or in a no-passing zone (CGS §§ 14-233 & 14-234).

PA 21-51—sSB 914

Veterans' Affairs Committee

AN ACT CONCERNING MEMBERS OF THE HMONG LAOTIAN SPECIAL GUERRILLA UNITS

SUMMARY: This act extends certain veterans' benefits to members of the Hmong Laotian special guerilla units that served in the U.S. secret war in the Kingdom of Laos during the Vietnam War. Specifically, the act extends eligibility for the following benefits to these individuals:

1. veterans' license plates, including for vehicles used exclusively for farming (§ 1);
2. veteran status on a driver's license or identity card (§ 2);
3. \$1,800 toward funeral expenses or cremation for certain indigent veterans (§ 3); and
4. veterans' service ribbon and medal (i.e., the Connecticut Veterans Wartime Service Medal) (§ 5).

The act also allows these Hmong veterans to be buried in a veterans' cemetery, which conforms with existing federal law and Department of Veterans Affairs policy (§ 4) (see BACKGROUND).

Under the act, to claim these benefits, the member (or other applicant, as applicable) must submit a request to the Department of Veterans Affairs and provide the department with (1) an affidavit stating when and where the member served and the unit and capacity in which they served; (2) corroborating witness affidavits, if available; (3) any available official service documentation; and (4) any other supporting documents.

EFFECTIVE DATE: October 1, 2021

VETERANS' LICENSE PLATES

The law allows qualifying veterans, armed forces members, or their surviving spouses to request a special registration certificate and veterans' license plates for any motor vehicle they own or have leased for at least one year, including any motor vehicle they use exclusively for farming if they engage in agricultural production as a trade or profession (CGS § 14-20b). In addition, the act allows Hmong Laotian special guerilla unit members or their surviving spouses to request the special registration and plates by (1) submitting a request to the Department of Veterans Affairs to be listed as a veteran based on their service for purposes of this benefit and (2) providing the required documentation described above.

The department must, within 30 days after receiving the request, verify whether the person was a Hmong Laotian special guerilla unit member and, if so, notify the Department of Motor Vehicles (DMV) commissioner about the request and verification.

As under existing law, the DMV commissioner must charge a fee that covers the cost of making the plates, in addition to the motor vehicle registration fee.

VETERAN STATUS ON DRIVER'S LICENSE OR IDENTITY CARD

Existing law requires the DMV commissioner to include a person's status as a veteran on his or her driver's license or identity card. Qualifying veterans must submit a request to the Department of Veterans Affairs, which must verify the veteran's status to the DMV commissioner.

The act allows Hmong Laotian special guerilla unit members to also request this status on their licenses or identity cards by submitting a request to the Department of Veterans Affairs and providing the required documentation. The department must, within 30 days after receiving the request, verify whether the person was a Hmong Laotian special guerilla unit member and, if so, notify the DMV commissioner about the request and verification.

As under existing law, the DMV commissioner must indicate the member's veteran status on any license or identification card when originally issued, renewed, or issued as a duplicate.

BACKGROUND

Hmong Veterans' Eligibility for Burial in the State Veterans Cemetery

Eligibility for burial in the State Veterans Cemetery is based on the federal eligibility requirements for burial in national veterans' cemeteries. Under federal law, Hmong veterans are eligible for burial in Department of Veterans Affairs national cemeteries if they (1) died on or after March 23, 2018; (2) resided in the U.S. at the time of their death; and (3) were naturalized citizens under the Hmong Veterans' Naturalization Act of 2000 (38 U.S.C. § 2402(a)(10)). Under this law, existing state Department of Veterans Affairs policy establishes a procedure by which the families of these eligible veterans may apply to the department to determine burial eligibility in the State Veterans' Cemetery in Middletown.

Related Act

PA 21-112 defines the expenses eligible for the state burial benefit for indigent veterans.

PA 21-79—sHB 5592*Veterans' Affairs Committee***AN ACT REDEFINING “VETERAN” AND ESTABLISHING A QUALIFYING REVIEW BOARD**

SUMMARY: This act expands the general definition of “veteran” under state law to include those released with an other than honorable (OTH) discharge based on specified qualifying conditions (i.e., a diagnosis of post-traumatic stress disorder (PTSD) or traumatic brain injury or a disclosed military sexual trauma). It also adds to the list of qualifying conditions a determination that sexual orientation or gender identity or expression was more likely than not the primary reason for the OTH discharge.

The act applies the new definition across veterans benefit programs and, in doing so, extends state-based benefits to certain veterans who were previously ineligible. Under prior law’s general definition of veteran, an honorable discharge or discharge under honorable conditions was required, and only specific benefits were extended to individuals with an OTH discharge and a qualifying condition.

Additionally, for veterans who believe their OTH discharge is due to one of the new qualifying conditions, the act establishes a process for them to apply to a Qualifying Review Board to determine their eligibility.

The act also makes many conforming changes, including changes to agency reporting requirements (§§ 2 & 45) and provisions requiring veterans to submit their discharge papers (or other qualifying documents) as proof of their eligibility for veteran’s property tax exemptions (§§ 17 & 18).

Lastly, to conform to existing practice, the act changes the definition of “Healthcare Center,” which under the prior law is the Department of Veterans Affairs (DVA)-maintained hospital in Rocky Hill. The act instead designates it as a long-term care facility (i.e., a facility federally certified as a skilled nursing facility or “intermediate care facility”).

EFFECTIVE DATE: October 1, 2021, and the property tax-related provisions are applicable to assessment years beginning on or after that date.

VETERANS BENEFITS AND PROGRAMS ELIGIBILITY

Under prior law, the general definition of “veteran” was any person honorably discharged, or released under honorable conditions, from active service in the U.S. Armed Forces. By law, unchanged by the act, the general definition applies to all statutes and benefits that reference veterans except those that specify otherwise. For certain benefits, prior law defined a veteran as anyone:

1. who met the general definition of veteran or anyone with an OTH discharge who had a qualifying condition (i.e., a diagnosis of PTSD or traumatic brain injury or a disclosed military sexual trauma) or
2. discharged or released under conditions other than dishonorable from active service in the armed forces.

The act applies one general definition across the various benefit programs. Under the act, a “veteran” is anyone honorably discharged or released under honorable conditions from active duty in the armed forces or anyone with an OTH discharge based on the following qualifying conditions:

1. a PTSD or traumatic brain injury diagnosed by a licensed health care professional at a U.S. Department of Veterans Affairs (VA) facility;
2. a military sexual trauma experience disclosed to such a health care professional; and
3. a determination by the Qualifying Review Board that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the OTH discharge (see below) (see BACKGROUND).

In doing so, it extends eligibility for certain benefits that were previously unavailable to (1) any veteran with an OTH discharge, regardless of a qualifying condition or (2) veterans with an OTH discharge and one of the new qualifying conditions. The tables below group these benefits according to the veterans to whom the act extends them.

The act’s definition change also applies to other existing statutory provisions not listed in these tables that reference the general definition of veteran amended by the act. As under existing law, some of these benefits are limited to veterans with wartime service and some are also available to eligible surviving parents, spouses, or minor children.

Eligibility Extended to Veterans With a Qualifying Condition as Defined Under Prior Law

The act extends the benefits listed under the table below to veterans who have an OTH discharge that is based on a qualifying condition, as defined under existing law (i.e., a diagnosis of PTSD or traumatic brain injury or disclosed military sexual trauma) or added by the act (i.e., a determination that the OTH discharge was due to the veteran's sexual orientation or gender identity or expression).

Under prior law, benefits listed under the table below were only available to veterans with an honorable discharge or released under honorable conditions.

**Benefits Extended to Veterans With an OTH Discharge Based
on a Qualifying Condition as Defined Under Prior Law**

Act §	Description
<i>Benefits That Were Limited to Those Who Met the Previous General Definition of Veteran</i>	
13	Institutional aid for qualifying veterans without legal immigration status to attend a state public higher education institution (CGS § 10a-161d)
19	Qualifying employee for purposes of the job expansion tax credit program (which is obsolete) (CGS § 12-217pp)
32	Burial in state veterans' cemetery (CGS § 27-122b)
41	Credit for military service for retirement purposes for judges, family support magistrates, or compensation commissioners (CGS § 51-49h)
Act §	Description
<i>Benefits Previously Limited to Veterans With an "Other Than Dishonorable" Discharge</i>	
5	Police officer certification for eligible veterans with qualifying military training (provided the applicant passes the examination or evaluation) (CGS § 7-294d)
12	College credit at the state's public higher education institutions for enrolled veterans with military occupational specialty training (CGS § 10a-149d)
22	Motor vehicle license examination waivers for qualifying veterans (CGS § 14-36)
27	Exemption from training and testing requirements for emergency medical technician (EMT) licensure and certification for veterans with appropriate military training (CGS § 19a-179)
28	Exemption from written or practical exemption for EMT certification for qualified veterans (CGS § 20-206mm)
35	Security guard training waiver (CGS § 29-161q)
37	Inclusion in the labor department's clearinghouse for veterans and armed forces members with specialized training (CGS § 31-3zz)
40	Eligibility for military training evaluation that waives all or part of an apprenticeship program's requirements (CGS § 31-22u)
42-44	Eligibility for certain pretrial diversionary programs (CGS §§ 54-56e, -56i & -56l)

Eligibility Extended to Veterans With a Qualifying Condition Determination Based on Sexual Orientation, Gender Identity, or Gender Expression

The act extends the benefits under the table below to veterans with an OTH discharge that is based on one of the act's new qualifying conditions (i.e., a determination that the OTH discharge was more likely than not because of the veteran's sexual orientation or gender identity or expression). Under prior law, these benefits were only available to veterans with (1) an OTH discharge and qualifying condition based on a diagnosis of PTSD or traumatic brain injury or a disclosed military sexual trauma or (2) an honorable discharge or release under honorable conditions.

**Benefits Extended to Veterans With an OTH Discharge Based
on a Qualifying Condition**

Act §	Description
3	Price preference for certain Department of Administrative Services open market orders or contracts for veteran-owned micro-businesses (CGS § 4a-59)
4	Bonus points on state civil service examinations for original appointments (CGS § 5-224)
4	Special service credit for state employee retirement (CGS § 5-180)
4	Inclusion of time served in war in the length of state employment for veterans who were reinstated as state employees after returning from military service (CGS § 5-255)
6	Preference for certain state-funded moderate-income rental housing projects (CGS § 8-75)
7	Fee waiver for taking or retaking the examination for state high school diploma (CGS § 10-5)
8	Honorary high school diploma for veterans who withdrew from high school for military service in World War II, the Korean Hostilities, or during the Vietnam era (CGS § 10-221a)
9-11	Tuition waivers for the state's public colleges and universities (CGS §§ 10a-77, -99 & -105)
14	Basic veteran's property tax exemption (CGS § 12-81(19))
15	Property tax exemption for a veteran's surviving spouse or minor child (CGS § 12-81(22))
16	Property tax exemption for the sole surviving parent, spouse, or minor child of a veteran (CGS § 12-81(25))
20	Tax incentive to encourage certain veterans to start a farming business (CGS § 12-412(63))
21	Special veteran's license plates (CGS § 14-20b)
23	Veterans status on state driver's license or identity card (CGS § 14-36h)
24	Motor vehicle operator's license and registration fee waiver for one licensing period for qualifying veterans (CGS § 14-50)
25	Special license plates for qualifying disabled wartime veterans (CGS § 14-254)
26	Income disregard for federal Aid and Attendance pension benefits for purposes of specified means-tested public assistance programs (CGS § 17b-28i)
29	Admission to the Veterans Residential Services facility or Healthcare Center (CGS § 27-108)
30	Preference for admission into any hospital, upon the Veterans Affairs commissioner's request, at the state's expense unless other means of payment are available (CGS § 27-109)
31	\$1,800 toward funeral expenses or cremation for indigent veterans (CGS § 27-118)
33	Temporary financial assistance for qualifying wartime veterans at the commissioner's discretion (CGS § 27-125)
34	Temporary aid (such as food, clothing, and medical and surgical aid) from the Soldiers, Sailors and Marines Fund (CGS § 27-140)
36	Eligibility for specified employment and workforce development information from the Department of Labor (CGS § 31-3w)
38-39	Specified veterans' workforce development pilot programs in the workforce development board for the state's southwest region (CGS §§ 31-11ss & -11tt)

QUALIFYING REVIEW BOARD

Purpose

The act requires the DVA commissioner, by October 1, 2021, to establish a Qualifying Review Board as an executive branch board. Under the act, veterans who receive an OTH discharge and believe that it was based on their sexual orientation or gender identity or expression, may apply to this board for a review and recommendation to the commissioner for state-based veterans benefits approval.

Composition

The board is composed of five voting members, all of whom must be knowledgeable of veterans benefits and programs and have a demonstrated interest in veterans issues. The DVA commissioner appoints four members, one of whom must be a member of the DVA Board of Trustees appointed in consultation with the board's chairperson. The remaining member is the department's Office of Advocacy and Assistance manager, or his or her designee. At least three of the members must be veterans. Members are not compensated for their service.

Terms

The initial appointments must be made by December 1, 2021. The initial members serve staggered terms: the Board of Trustees member and Office of Advocacy and Assistance manager, or the manager's designee, serve three-year terms and the remaining members serve two-year terms. The initial terms end on November 31, 2023, or 2024, as applicable, regardless of when the members are first appointed.

Subsequently appointed members serve four-year terms. Members hold office until a successor is appointed and may be reappointed. The DVA commissioner must fill any vacancy for the balance of a member's unexpired term.

Meetings and Procedures

The commissioner must select the board's chairperson from among its members, who must schedule its first meeting by January 1, 2022. The board must meet at least monthly or as often as the chairperson deems necessary based on the number of pending applications.

A majority of board members constitutes a quorum for transacting any of the board's business.

Application Review Process

The commissioner must prepare standardized application forms for veterans seeking to apply for state benefits or filing a request for reconsideration, as described below. The application forms must (1) list the required documents necessary for filing and (2) be available on the department's website, along with filing instructions.

The act allows veterans requesting reconsideration to include with their applications documents supporting the claim that the discharge characterization was based on their sexual orientation or gender identity or expression.

The board must review each application and make a recommendation to the commissioner as to whether the veteran's sexual orientation or gender identity or expression was more likely than not the primary reason for the OTH discharge.

The board must review each application within 30 days after receiving it and make its written recommendation within 30 days after its review. The commissioner then has up to 10 days after receiving the board's recommendation to issue his written decision to approve or deny the application.

Appeals

Any veteran aggrieved by the commissioner's decision may (1) file a request for reconsideration with the commissioner within 15 days after receiving the decision and (2) include additional documents in support of his or her request. No later than 10 days after receiving the request, the commissioner must consider it and issue the department's final decision. A person aggrieved by the final decision may appeal under the Uniform Administrative Procedure Act (UAPA). (Generally, under the UAPA, aggrieved parties have 45 days to appeal final agency decisions to the Superior Court.)

BACKGROUND

Veterans Discharged Under "Don't Ask, Don't Tell"

Regardless of their discharge classification, veterans who were or would have been denied federal benefits solely based on their sexual orientation under any federal policy prohibiting homosexual personnel from serving in the military (e.g., "Don't Ask, Don't Tell") are eligible for state benefits if their federal benefits have been restored (CGS § 27-102q).

PA 21-86—sHB 6483

Veterans' Affairs Committee

Appropriations Committee

AN ACT CONCERNING THE ENROLLMENT OF CHILDREN OF MEMBERS OF THE ARMED FORCES IN PUBLIC SCHOOLS AND THE ESTABLISHMENT OF A PURPLE STAR SCHOOL PROGRAM

SUMMARY: This act requires local and regional boards of education to accept, as proof of residency for any child of an armed forces member who is seeking enrollment in a public school, the military orders directing the member to the state or any other armed forces' documents indicating the member's transfer to the state. By law and under the act, "armed forces" means the U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force and any of their reserve components, including the Connecticut National Guard when under federal service.

The act also requires the State Board of Education (SBE), within available appropriations, to establish a Purple Star School Program to designate schools that provide specific support services, assistance, and initiatives for military-connected students and their families. Under the act, a "military-connected student" is a public-school student who (1) is a dependent of a current or former armed forces member or (2) was a dependent of a member killed in the line of duty.

EFFECTIVE DATE: July 1, 2021

PURPLE STAR SCHOOL PROGRAM

Eligible Schools

Under the act, SBE must establish the Purple Star School program within available appropriations and award a Purple Star School designation to any public school that does the following:

1. employs a staff member as the school's military liaison, as described below;
2. compiles and posts on its website specified information and resources available to military-connected students and their families;
3. provides a transition program for military-connected students that is student-led, where appropriate;
4. provides in-service training or professional development for staff members on issues related to military-connected students; and
5. offers at least one of the initiatives described below.

School Military Liaison. Under the act, the school's military liaison's duties must include (1) identifying military-connected students enrolled there, (2) serving as the point of contact between the school and these students and their families, (3) identifying appropriate school services available to military-connected students, and (4) assisting in coordinating school programs relevant to military-connected students.

Website Information and Resources. To qualify for the designation, a school must post on its website, at a minimum:

1. the registration process for enrolling and transferring student records to the school;
2. academic planning, including curriculum and advanced placement classes offered at the school;
3. counseling and other support services available for military-connected students enrolled there; and
4. the school's military liaison's contact information.

Initiatives. To qualify for the designation, the school must provide at least one of the following:

1. a resolution showing support for military-connected students and families;
2. recognition of the Month of the Military Child or Military Family Month, with relevant school-hosted events; or
3. a partnership with a local military installation providing opportunities for active duty armed forces members to volunteer at the school, speak at an assembly, or host a field trip.

Application Process

Under the act, boards of education may apply to SBE for the designation for any school under their jurisdiction that meets the eligibility requirements described above.

Partnership with the State Department of Education (SDE)

The act allows boards of education to partner with SDE to provide assistance or materials for the initiatives or in-service training and professional development described above.

PA 21-105—HB 5737

Veterans' Affairs Committee

AN ACT ESTABLISHING A VETERANS AND MILITARY TOURISM TRAIL

SUMMARY: This act allows the Department of Veterans Affairs (DVA), in consultation with the Department of Economic and Community Development, to establish a Veterans and Military Tourism Trail that links museums, memorials, battleground sites, and other historic sites related to veterans and the U.S. Armed Forces. It also allows DVA to publicize the trail. If DVA does so, the act requires it to publish an informational brochure on the trail sites' locations and histories, provided the DVA commissioner solicits sufficient private donations to cover the costs of the publicity and brochure.

EFFECTIVE DATE: July 1, 2021

PA 21-112—sHB 6480

Veterans' Affairs Committee

AN ACT CONCERNING THE FUNERAL EXPENSES OF CERTAIN VETERANS

SUMMARY: This act defines the funeral expenses eligible for the state burial benefit for indigent veterans.

By law, when a veteran dies and does not leave enough money to pay burial expenses, as determined by the veterans commissioner after consulting with the appropriate probate court, the state must pay \$1,800 toward his or her funeral expenses for burial or cremation. Under the act, "funeral expenses" mean the cost of (1) cash advances paid by the funeral director, funeral services, and funeral merchandise (e.g., alternate containers, caskets, urns, vaults, and outer burial containers); (2) burial, cremation, or disposition; and (3) publishing an obituary. The act also makes technical and conforming changes.

By law, a veteran qualifies for this benefit if he or she was (1) discharged or released under honorable conditions from active service in the U.S. Armed Forces or (2) had a qualifying condition (i.e., post-traumatic stress disorder, traumatic brain injury, or military sexual trauma) and received a discharge that was not dishonorable or for bad conduct.

EFFECTIVE DATE: October 1, 2021

BACKGROUND

Related Acts

PA 21-79 extends eligibility for the state burial benefit for indigent veterans (and other specified veterans programs and benefits) to veterans released with an other than honorable discharge based on specified qualifying conditions.

PA 21-51 similarly extends eligibility for this and other veterans' benefits to members of the Hmong Laotian special guerilla units that served during the Vietnam war in the U.S. secret war in the Kingdom of Laos.

PA 21-158—HB 6427

Veterans' Affairs Committee

AN ACT CONCERNING THE ORGANIZATIONAL STRUCTURE AND BYLAWS OF THE MILITIA UNITS

SUMMARY: This act eliminates the requirement that each organization of the state's armed forces adopt bylaws. Under prior law, these bylaws were binding on the members once approved by the adjutant general and regimental or corresponding commander.

The act instead requires the governor, as commander-in-chief of the state's militia, to configure and administer the state's militia units like National Guard or federal military units of similar composition, size, and purpose. It also allows the adjutant general to issue bylaws, regulations, orders, and circulars to administer the militia units.

The act also eliminates provisions related to the bylaws, including those on the (1) collection of fines and dues imposed by the bylaws, (2) leadership of associations created in the bylaws, and (3) election and bond requirements of the organization's treasurer.

EFFECTIVE DATE: October 1, 2021

PA 21-1, June 2021 Special Session—SB 1201
Emergency Certification

AN ACT CONCERNING RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS

TABLE OF CONTENTS:

[§§ 1 & 141-142 — DEFINITIONS](#)

Defines numerous terms such as cannabis and cannabis product, consumer, cannabis establishment, equity, and social equity applicant

[§§ 2-3, 115, 153 & 159-160 — CANNABIS POSSESSION AND USE](#)

Allows people age 21 or older to possess or use cannabis, up to a specified possession limit; establishes various penalties for possession by underage individuals or possession exceeding the act's limit; requires POST to issue guidance on how police officers must determine whether someone's cannabis possession exceeds the act's limit

[§§ 4, 115 & 154 — CANNABIS PARAPHERNALIA](#)

Eliminates penalties for drug paraphernalia actions related to cannabis

[§ 5 — DELINQUENCY ADJUDICATIONS AND SERIOUS JUVENILE OFFENSES](#)

Prohibits minors from being adjudicated delinquent for certain cannabis possession offenses and removes most cannabis sale offenses from the list of serious juvenile offenses

[§ 6 — VIOLATIONS SUBJECT TO INFRACTION PROCEDURES](#)

Allows people to pay certain cannabis-related fines by mail without making a court appearance

[§ 7 — MEDICAL ASSISTANCE FOR CANNABIS-RELATED DISTRESS](#)

Generally prohibits prosecuting someone for cannabis possession or certain related offenses if evidence was obtained through efforts to seek medical assistance for cannabis-related medical distress

[§§ 8 & 9 — CRIMINAL RECORD ERASURE](#)

Allows for petitions to erase records for cannabis-related convictions within a certain period, including for possessing up to four ounces, using or possessing drug paraphernalia, or selling, manufacturing, or related actions involving up to four ounces or up to six plants grown in the person's home for personal use; provides for automatic erasure of convictions within a certain period for possessing less than four ounces of cannabis or any quantity of non-narcotic or non-hallucinogenic drugs

[§ 10 — RECORD PURCHASERS AND DISCLOSURE](#)

Extends certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch; sets a 30-day deadline for these purchasers to update their records after receiving information on certain records' erasure

[§ 11 — LEGAL PROTECTIONS FOR ESTABLISHMENTS, EMPLOYEES, AND BACKERS](#)

Provides legal protections for cannabis establishments, and their employees and backers, who comply with the act's requirements

[§ 12 — PROFESSIONAL LICENSING DENIALS](#)

Limits when the state can deny a professional license because of certain cannabis-related activity

[§§ 13, 15 & 155-158 — PENALTIES FOR ILLEGALLY SELLING CANNABIS](#)

Lowers the penalties for (1) illegally selling cannabis and related actions and (2) before July 1, 2023, growing up to six cannabis plants at home for personal use

§ 14 — CANNABIS GIFTS

Allows consumers to give cannabis to other consumers for free, within the act's possession limit

§ 16 — PAROLE, SPECIAL PAROLE, OR PROBATION

Limits when cannabis possession or use can be grounds to revoke parole, special parole, or probation

§ 17 — CONDITIONS OF RELEASE

Limits when bail commissioners or IAR specialists may prohibit someone, as a condition of release, from the lawful use of intoxicating substances

§ 18 — SEARCHES AND MOTOR VEHICLE STOPS

Limits when cannabis odor or possession can justify a search or motor vehicle stop

§ 19 — BOARD OF EDUCATION POLICIES AND PROCEDURES

Prohibits school board disciplinary policies and procedures from setting stricter penalties for violations involving cannabis than for those involving alcohol

§ 20 — DOMESTICATED ANIMALS

Establishes penalties for feeding cannabis to domesticated animals

§ 21 — GENERAL RESTRICTIONS ON CANNABIS SALES AND DELIVERIES

Restricts who may sell or deliver cannabis to (1) consumers and (2) qualifying medical marijuana patients and their caregivers

§ 22 — SOCIAL EQUITY COUNCIL

Establishes a Social Equity Council to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition

§ 23 — CANNABIS ARREST AND CONVICTION DATA

Requires the Social Equity Council to report on cannabis arrest and conviction data

§ 24 — AGE REQUIREMENTS

Requires individuals to be at least (1) age 21 to hold any cannabis establishment license or be a backer or key employee and (2) age 18 to be employed by a cannabis establishment or medical marijuana licensee

§ 24 — REGISTRATION OR LICENSE REQUIRED

Generally requires all cannabis establishment employees, key employees, and backers to obtain a DCP registration or license, as applicable

§ 25 — ADVERSE ACTION DUE TO FEDERAL LAW PROHIBITED

Generally prohibits agencies or political subdivisions of the state from relying on a federal law violation related to cannabis as the sole basis for taking an adverse action against a person unless federal law requires it; prohibits law enforcement officers from assisting a federal operation if the activity complies with the act's provisions; specifies that it is Connecticut's public policy that contracts related to operating cannabis establishments are enforceable

§ 26 — MEDICAL MARIJUANA PRODUCER EXPANDED ACTIVITIES

Allows medical marijuana producers, with DCP's authorization, to expand their license so that they may engage in certain recreational cannabis-related activities; requires producers, among other things, to either contribute \$500,000 to the Social

Equity Council or provide a social equity partner with at least 5% of its expanded grow space for a new social equity business

§§ 27 & 145 — EQUITY JOINT VENTURES

Requires producers and dispensaries to create equity joint ventures in order to pay a lower license expansion authorization fee or hybrid retailer conversion fee; sets minimum ownership, application, and license requirements; prohibits certain ownership changes in an equity joint venture's first seven years; and limits where certain ventures may be located

§ 28 — PAYMENT FOR PROMOTION AND EXCLUSIVE CONTRACTS PROHIBITED

Prohibits retailers from (1) accepting compensation from certain entities to place or promote their product or (2) entering into exclusive contracts

§ 28 — SALES OF CANNABIS INTENDED FOR ANIMAL USE PROHIBITED

Prohibits cannabis establishments from preparing or selling cannabis intended for animal use

§ 28 — TRANSACTION LIMITS FOR CANNABIS

Limits the amount a customer may buy to one ounce per day; sets the limit at five ounces per day for a qualifying patient or caregiver; allows the DCP commissioner to set lower limits

§ 28 — CANNABIS ESTABLISHMENTS PROHIBITED FROM HAVING LIVE CANNABIS PLANTS

Generally prohibits cannabis establishments from having live plants unrelated to their licensed operations

§ 28 — CREDENTIAL ASSIGNMENT PROHIBITED

Generally prohibits the assignment or transfer of a cannabis credential or obtaining or moving cannabis from outside Connecticut if it violates federal law

§ 29 — REGISTRATION OR LICENSE REQUIRED

Requires (1) cannabis establishment, laboratory, and research program employees to be registered and (2) backers or key employees to be licensed; specifies certain crimes that disqualify prospective licensees; requires certain licensees to notify DCP within 48 hours after an arrest or conviction for certain offenses

§§ 30 & 31 — CRIMINAL HISTORY CHECKS

Requires all individuals listed on an application to submit to criminal history checks before getting their license; allows DCP to require criminal history checks for license renewals

§ 32 — IMPLEMENTING REGULATIONS AND POLICIES AND PROCEDURES

Requires the DCP commissioner to adopt regulations, policies, and procedures on various cannabis issues (e.g., appropriate serving size limits, labeling and packaging, consumer health materials, laboratory standards, certain prohibitions for minors, certain supply requirements, and product registration)

§ 33 — CERTAIN ADVERTISEMENTS PROHIBITED

Prohibits cannabis establishments and anyone advertising cannabis products or services from advertising in certain ways (e.g., targeting those under age 21, representing that cannabis has therapeutic effects, sponsoring certain events, and advertising near elementary or secondary schools); requires a warning regarding under age 21 cannabis use; deems violations CUTPA violations

§ 33 — BRAND NAME REGISTRATION PROHIBITED

Prohibits DCP from registering certain cannabis brand names if they are similar to existing or unlawful products or previously approved cannabis brands

§ 34 — LICENSE APPLICATION AND FEES

Establishes when DCP can accept license applications; sets license fees, which are generally reduced 50% for social equity applicants

§ 35 — LICENSE APPLICATION PROCESS, LOTTERY, PROVISIONAL LICENSES, AND FINAL LICENSE

Requires DCP to determine the maximum number of licenses, with 50% reserved for social equity applicants; sets procedures for a license lottery, which must be conducted by a third-party lottery operator; requires the Social Equity Council to confirm applicants qualify as social equity applicants and DCP and the council to review applications for disqualifying conditions; requires DCP to issue provisional and final licenses

§ 36 — CHANGE IN OWNERSHIP REGULATIONS

Requires the Social Equity Council to adopt regulations and policies and procedures to prevent changes of social equity ownership within three years of license issuance

§ 37 — GROW SPACE REGULATIONS

Requires DCP to adopt policies, procedures, and regulations to establish the maximum grow space a cultivator or micro-cultivator may use

§ 38 — CANNABIS BUSINESS ACCELERATOR PROGRAM

Requires the Social Equity Council to develop a cannabis business accelerator program to provide technical assistance to accelerator participants

§ 39 — WORKFORCE TRAINING PROGRAM

Requires the Social Equity Council to develop a workforce training program

§ 40 — LICENSE AND OWNERSHIP LIMIT

Limits certain individuals to holding or backing two licenses until June 30, 2025

§§ 41-49 — DCP ISSUED CANNABIS LICENSES

Starting July 1, 2021, allows DCP to administer cannabis licenses for retailers, hybrid retailers, food and beverage manufacturers, product manufacturers, product packagers, delivery services or transporter, cultivators, and micro-cultivators; prohibits anyone from acting or representing themselves as one of these licensees without obtaining a license; establishes licensure requirements; allows dispensaries to convert to hybrid retailers and vice versa

§ 50 — RELOCATION FOR DISPENSARY OR HYBRID RETAILER

Temporarily allows DCP to deny a change of location for a dispensary facility or hybrid retailer because of patient needs and prohibits the department from approving a relocation that is further than 10 miles from the current location

§ 51 — CONFLICT OF INTEREST AND REVOLVING DOOR PROVISION

Prohibits (1) DCP employees who carry out certain functions and Social Equity Council members and employees from having management or financial interests in the cannabis industry and (2) former council members and employees, former DCP employees, General Assembly members, and statewide elected public officials from being eligible for a cannabis establishment license for two years after leaving state service

§ 52 — PROTECTION FOR CANNABIS EMPLOYEES

Protects cannabis establishments and their employees from seizures and forfeitures due to cannabis activities related to their jobs

§ 53 — DISPLAY PROHIBITIONS

Prohibits cannabis establishments from displaying cannabis that is visible to the general public from a public road or on DEEP-managed property

§ 54 — CANNABIS ESTABLISHMENT POLICIES AND PROCEDURES

Requires each cannabis establishment to establish, maintain, and comply with written policies and procedures on, among other things, handling recalls and crises, ensuring adulterated cannabis is destroyed, and ensuring the oldest cannabis is sold first

§ 55 — ALLOWABLE PURCHASES BY MEDICAL MARIJUANA PATIENTS AND CAREGIVERS

Allows qualifying patients and caregivers to purchase cannabis with higher potency and larger per-transaction or per-day amounts, as the commissioner determines

§ 56 — RECORDKEEPING AND ELECTRONIC TRACKING SYSTEM

Requires each cannabis establishment to maintain specified records through an electronic tracking system and establishes narrow conditions under which the records may be released

§ 57 — FINANCIAL RECORDKEEPING AND DCP ENFORCEMENT

Requires cannabis establishments to maintain records of their business transactions for the current tax year and the three prior years in an auditable format; gives the DCP commissioner certain powers to supervise and enforce the act's provisions; exempts certain information from FOIA disclosure (e.g., security plans)

§ 58 — DCP DISCIPLINARY ACTIONS

Allows the DCP commissioner, for sufficient cause, to take certain disciplinary actions, including suspending or revoking a credential or issuing fines; generally exempts information from DCP inspections and investigations from FOIA disclosure

§ 59 — DCP REGULATIONS, POLICIES, AND PROCEDURES

Allows the DCP commissioner to adopt (1) implementing regulations and (2) policies and procedures before adopting regulations

§ 60 — DCP RECOMMENDATIONS ON ON-SITE CONSUMPTION AND EVENTS

Requires DCP to make written recommendations to the governor and the legislature on whether to allow on-site consumption or events that allow cannabis usage

§ 61 — MATERIAL CHANGE

Requires anyone who enters into a transaction that results in a material change to a cannabis establishment to file a written notice with the attorney general and serve a waiting period

§ 62 — ELECTRICITY USAGE REPORT AND RENEWABLE ENERGY

Requires a cannabis establishment to annually report its electricity usage and purchase renewable energy to the extent possible

§ 63 — DEPARTMENT OF BANKING REPORTING REQUIREMENT

Requires the banking commissioner to report legislative recommendations to the governor and legislature on cannabis establishments' use of electronic payments and access to banking institutions

§ 64 — INSURANCE REPORT

Requires the Insurance Commissioner to report to the governor and Insurance and Real Estate Committee on cannabis establishments' access to insurance

§ 65 — ALCOHOL AND DRUG POLICY COUNCIL REPORT

Requires the Alcohol and Drug Policy Council to make recommendations to the governor and legislature on (1) efforts to promote certain cannabis-related public health initiatives and (2) data collection for certain reviews

§§ 66-71 & 77 — MEDICAL MARIJUANA PATIENTS, CAREGIVERS, AND HEALTH CARE PROVIDERS

Allows medical marijuana patients age 18 or older to grow cannabis plants in their homes under specified conditions; allows patients and caregivers to possess up to five ounces of marijuana; eliminates the requirement for patients to select a dispensary; eliminates the requirement that caregivers only obtain marijuana from dispensaries; broadens conflict of interest restrictions on physicians or APRNs who certify patients for medical marijuana

§§ 66, 72, 73 & 82 — DISPENSARY FACILITIES

Makes various minor, technical, and conforming changes transferring many of prior law's requirements for a licensed dispensary to a dispensary facility; expands the types of entities from whom a dispensary facility may acquire marijuana; requires a dispensary facility or hybrid retailer employee to transmit dispensing information in real-time or within one hour

§§ 66 & 76 — MEDICAL MARIJUANA QUALIFYING CONDITIONS AND BOARD OF PHYSICIANS

Allows the DCP commissioner to add to the list of qualifying medical marijuana conditions without adopting regulations; specifies that she has the discretion to accept or reject the physician board's recommendations; eliminates the requirement for the board to hold hearings at least twice a year

§§ 66, 78 & 80 — LABORATORIES

Specifies that a laboratory analyzing marijuana must have a specific license to do so, separate from the general licensure for controlled substances laboratories and limits them to analyzing marijuana; requires marijuana laboratories to (1) be independent from all parties involved in the marijuana industry and (2) maintain all minimum security and safeguard requirements for storing and handling controlled substances

§§ 66, 79 & 81 — MEDICAL MARIJUANA RESEARCH PROGRAMS

Expands the list of entities that may oversee or administer medical marijuana research programs; expands the list of entities from whom these programs may acquire marijuana, or to whom they may deliver it; requires research program employees to be registered rather than licensed

§ 74 — PRODUCERS

Expands the entities a producer or its employee may sell to and immunizes them when acting within the scope of employment

§ 75 — DEPARTMENT OF CONSUMER PROTECTION (DCP) MEDICAL MARIJUANA REGULATIONS

Requires the DCP commissioner to adopt or amend regulations, as applicable, to implement the act's changes to the medical marijuana laws and requires her to adopt policies and procedures before the regulations are finalized

§§ 83 & 84 — MUNICIPAL AUTHORITY

Addresses various issues on municipalities' authority to regulate cannabis, such as (1) requiring them, upon petition of 10% of their voters, to hold a local referendum on whether to allow the recreational sale of marijuana; (2) barring them from prohibiting the delivery of cannabis by authorized persons; (3) allowing them to charge retailers for certain initial public safety expenses; and (4) allowing them to prohibit cannabis smoking in outdoor sections of restaurants

§§ 85, 161, 166, 169 & 171-172 — PRETRIAL DRUG INTERVENTION AND COMMUNITY SERVICE PROGRAM

Sunsets an existing pretrial program, but establishes a similar program for people charged with drug possession and paraphernalia crimes

§§ 85, 161, 167, 168 & 170-172 — PRETRIAL IMPAIRED DRIVING INTERVENTION PROGRAM

Sunsets an existing pretrial program, but establishes a similar program for people charged with DUI or impaired boating

§§ 86 & 87 — CLEAN INDOOR AIR ACT

Extends existing law's prohibition on smoking and e-cigarette use in certain establishments and public areas to include cannabis, hemp, and electronic cannabis delivery systems (ECDS); expands the locations where the prohibition applies; extends existing signage requirements and penalties for smoking and e-cigarette use to smoking cannabis and hemp and using ECDS

§ 88 — WORKPLACE SMOKING BAN

Generally bans smoking (whether tobacco, cannabis, or hemp) and e-cigarette use in workplaces, regardless of the number of employees

§ 89 — HOTELS AND CANNABIS

Requires hotels and motels to ban the smoking or vaping of cannabis, but otherwise prohibits them from banning its use or possession in non-public areas

§ 90 — TENANTS AND CANNABIS

Restricts when landlords and property managers can refuse to rent to an individual due to convictions, or take certain other actions, related to cannabis

§ 91 — CANNABIS USE BANNED ON STATE LANDS OR WATERS

Establishes penalties for using cannabis on state lands or waters managed by DEEP

§ 92 — DEPARTMENT OF CORRECTION AUTHORITY TO BAN CANNABIS

Authorizes DOC to ban cannabis possession in DOC facilities or halfway houses

§ 93 — POSITIVE DRUG TEST

Prohibits a positive drug test result that solely indicates a specified metabolite of THC from being proof that an individual is impaired by cannabis without other additional evidence

§ 94 — MEDICAL PATIENTS, PARENTS, AND PREGNANT WOMEN

Provides certain protections for medical patients, parents, and pregnant women if cannabinoid metabolites are detected in their bodily fluids

§ 95 — POSITIVE STUDENT THC TESTS

Prohibits, with some exceptions, a positive drug test result that only indicates a specified metabolite of THC from being the only basis for school discipline

§ 96 — BAN ON REVOKING FINANCIAL AID OR EXPELLING HIGHER EDUCATION STUDENTS

Generally, bans higher education institutions from (1) revoking financial aid or student loans or (2) expelling a student, only for use or possession of small amounts of cannabis

§§ 97-101 — EMPLOYMENT RELATED PROVISIONS

Sets rules for permitted and prohibited employer actions regarding employee cannabis use; specifies it does not limit an employer's ability to require employees to submit to drug testing; creates a civil action for employees aggrieved by a violation of the act's employer limitations

§ 102 — LABOR PEACE AGREEMENTS

Requires each cannabis establishment licensee to enter into a labor peace agreement with a bona fide labor organization as a condition of its final license approval or other license changes; requires that each agreement include binding arbitration as the exclusive remedy for any agreement violation; permits civil action in Superior Court to enforce arbitration awards

§ 103 — PROJECT LABOR AGREEMENTS

Requires that cannabis establishment facility construction or renovation projects costing \$5 million or more have a project labor agreement between the project contractors and the establishment and provides for enforcement through civil action in Superior Court

§ 104 — HOSPITAL POLICIES ON CANNABIS USE

Allows hospitals to restrict patients' cannabis use

[§ 105 — PENALTIES FOR SALES TO UNDERAGE PERSONS](#)

Establishes misdemeanor penalties for cannabis establishments and employees who sell to people under age 21

[§ 106 — PHOTO IDENTIFICATION](#)

Allows cannabis establishments and their employees to require customers to have their photos taken or show IDs to prove their age and provides an affirmative defense for relying on these documents; limits other use of these photos or information; allows DCP to require cannabis establishments to use an online age verification system

[§ 107 — PENALTIES FOR INDUCING UNDERAGE PERSONS TO BUY CANNABIS](#)

Establishes misdemeanor penalties for inducing someone under age 21 to buy cannabis

[§ 108 — IDENTIFICATION USE AND PENALTIES FOR ATTEMPTED PURCHASES BY UNDERAGE PERSONS](#)

Allows driver's licenses and non-driver ID cards to be used to prove age for buying cannabis; establishes penalties for underage persons who misrepresent their age or use someone else's license in an attempt to buy cannabis

[§ 109 — PENALTIES FOR ALLOWING UNDERAGE PERSONS TO POSSESS CANNABIS AT A PERSON'S PROPERTY](#)

Makes it a class A misdemeanor for someone in control of a home or private property to allow someone under age 21 to possess cannabis there

[§ 110 — PROHIBITION ON ALLOWING UNDERAGE PERSONS TO LOITER AT CANNABIS RETAILERS](#)

Establishes penalties for cannabis retailers or hybrid retailers who allow underage individuals to loiter or enter certain parts of the establishment

[§ 111 — UNDERAGE PERSONS POSSESSING ALCOHOL AT A PERSON'S PROPERTY](#)

Narrows the existing crime of allowing underage persons to possess alcohol at a property by eliminating criminal negligence as a sufficient mental state for this crime

[§§ 112 & 113 — CANNABIS USE IN MOTOR VEHICLES](#)

Makes it a (1) class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and (2) class D misdemeanor to do so as a passenger in a motor vehicle; prohibits police from stopping a vehicle solely for these violations

[§ 114 — DRUG RECOGNITION EXPERTS AND ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT](#)

Requires POST and DOT to determine the number of drug recognition experts needed; requires certain officers to be trained in advanced roadside impaired driving enforcement; and requires related training plans

[§ 116 — DRIVING UNDER THE INFLUENCE \(DUI\)](#)

Modifies the state's DUI law, including allowing a defendant's refusal of a drug influence evaluation to be admitted as evidence and allowing courts to take judicial notice of THC's effects

[§ 117 — ALCOHOL EDUCATION AND TREATMENT PROGRAM](#)

Allows the court to require people convicted of DUI to participate in the pretrial impaired driving intervention program (see § 167)

[§ 118 — ADMINISTRATIVE PER SE LICENSE SUSPENSION FOR DUI](#)

Makes changes to the administrative per se law, including (1) expanding it to include procedures for imposing penalties on drivers without an elevated BAC, but found to be driving under the influence based on behavioral impairment evidence,

and (2) applying the existing per se process to operators who refuse the nontestimonial portion of a drug influence evaluation

[§ 119 — PROCEDURES FOR ACCIDENTS RESULTING IN DEATH OR SERIOUS INJURY](#)

Modifies intoxication testing procedures for accidents resulting in death or serious injury, including by requiring drug influence evaluations of surviving operators

[§ 120 — COMMERCIAL VEHICLE DRIVING DISQUALIFICATION](#)

Extends existing commercial motor vehicle driving disqualification penalties to drivers who refused a drug influence evaluation or drove under the influence of alcohol, drugs, or both

[§ 121 — EDUCATIONAL MATERIALS ON DRE PROGRAM AND DRUG INFLUENCE EVALUATIONS](#)

Requires the Traffic Safety Resource Prosecutor to develop educational materials and programs about the DRE program and drug influence evaluations

[§ 122 — ADMINISTRATIVE PENALTIES FOR BOATING UNDER THE INFLUENCE](#)

Makes changes to DEEP's administrative sanctions process for boating under the influence that are substantially similar to the act's changes to DMV's administrative per se process

[§ 123 — BOATING UNDER THE INFLUENCE](#)

Makes changes to the boating under the influence law that are substantially similar to those the act makes to the DUI law

[§ 124 — DOT RECOMMENDATIONS ON IMPAIRED DRIVING DATA COLLECTION AND PILOT PROGRAMS](#)

Requires DOT to make recommendations on impaired driving data collection and pilot programs on electronic warrants and oral fluid testing in impaired driving investigations

[§§ 125 & 127 — STATE CANNABIS TAX](#)

Establishes a state tax on retail sales of cannabis, cannabis plant material, and cannabis edible products by cannabis retailers, hybrid retailers, and micro-cultivators; directs the tax revenue to the General Fund, a new General Fund account, and two new appropriated funds, according to a specified schedule

[§§ 126 & 127 — MUNICIPAL CANNABIS TAX](#)

Imposes a 3% municipal sales tax on the sale of cannabis that applies in addition to the state's 6.35% sales tax and the state cannabis tax established under the act; specifies the purposes for which municipalities may use the tax revenue

[§§ 127 & 129 — STATE SALES TAX ON CANNABIS](#)

With certain exceptions, prohibits exemptions under the state's sales and use tax law from applying to cannabis sales; prohibits refunds to purchasers and businesses for sales and use taxes paid on cannabis

[§ 128 — NEWLY ESTABLISHED GENERAL FUND ACCOUNTS AND APPROPRIATED FUNDS](#)

Establishes two new General Fund accounts (the cannabis regulatory and investment account and social equity and innovation account), directs specified fee and tax revenue to the accounts for FY 22, and requires OPM to allocate the account funds to state agencies for specified purposes; beginning in FY 23, establishes two new appropriated funds (the Social Equity and Innovation Fund and Prevention and Recovery Services Fund), and requires that money in the funds be appropriated for specified purposes

[§§ 130-132 & 173 — MARIJUANA AND CONTROLLED SUBSTANCES TAX](#)

Repeals the marijuana and controlled substances tax

[§ 133 — ANGEL INVESTOR TAX CREDITS FOR SOCIAL EQUITY APPLICANTS](#)

Extends the angel investor tax credit program to eligible cannabis businesses owned and controlled by social equity applicants; allows investors to claim a 40% income tax credit for credit-eligible investments in these businesses; imposes a \$15 million per fiscal year cap on these credits and increases the total credits allowed under the program to \$20 million per fiscal year; and extends the program's sunset date by four years to 2028

[§§ 134 & 135 — CANNABIS-RELATED FINANCIAL ASSISTANCE AND WORKFORCE TRAINING PROGRAMS](#)

Authorizes up to \$50 million in state general obligation bonds for DECD and the Social Equity Council to use for specified financial assistance and workforce training programs

[§§ 136-139 & 173 — REPEAL OF OBSOLETE PROVISIONS](#)

Repeals obsolete provisions on medical marijuana patient temporary registration certificates

[§ 140 — DEPUTY DCP COMMISSIONER](#)

Requires the governor to appoint a deputy DCP commissioner who is responsible for cannabis regulation

[§ 143 — CANNABIS CULTIVATION EXCLUDED FROM FARMING DEFINITION](#)

Specifies that the statutory definitions of "agriculture" and "farming" do not include cannabis cultivation

[§ 144 — REPORT ON CANNABIS ESTABLISHMENT LOCATIONS](#)

Requires the Social Equity Council to report on where cannabis establishments are located, including whether they are predominantly in communities of color

[§ 146 — DPH PROGRAM ON CANNABIS-RELATED PUBLIC HEALTH INFORMATION](#)

Establishes a DPH program to collect, abstract, and report timely public health information on the impact of cannabis use (e.g., cannabis-associated illness, adverse events, injuries, and poisoning); requires the program to (1) share statewide data to inform policy makers and citizens on the impact of cannabis legalization and (2) work with other specified state agencies to disseminate public health alerts

[§ 147 — HEMP](#)

Allows certain cannabis establishment entities to manufacture, market, cultivate, or store hemp and hemp products and get these products from other legal sources; requires these purchased products to be tracked throughout the manufacturing process

[§ 148 — MUNICIPAL ZONING AUTHORITY AND APPROVAL REQUIREMENTS](#)

Authorizes municipalities to enact certain zoning regulations or ordinances for cannabis establishments; temporarily prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one of each for every 25,000 residents; allows the DCP commissioner to set a cap in the future

[§ 149 — CULTIVATOR LICENSE](#)

Allows social equity applicants, for a limited time, to receive a cultivator license without participating in a lottery for facilities located in a disproportionately impacted area

[§ 150 — AGREEMENTS WITH TRIBES](#)

Authorizes the governor to enter into agreements with the Mashantucket Pequot and Mohegan tribes regarding cannabis businesses and the adult use market; deems the agreements approved without further action by the legislature

[§ 151 — LEGISLATIVE COMMISSIONERS' OFFICE \(LCO\) TECHNICAL FIXES](#)

Requires LCO to make any necessary technical fixes during codification

[§ 152 — CONNECTICUT INNOVATIONS \(CI\) INVESTMENTS IN CANNABIS ESTABLISHMENTS](#)

Authorizes CI to provide financial aid to, and make equity investments in, cannabis establishments

§ 162 — HOME GROW

Starting in July 2023, allows individuals age 21 or older to grow up to three mature and three immature cannabis plants at home

§ 163 — PENALTY FOR SALES TO YOUNGER PERSONS

Makes it a class A misdemeanor for people age 23 or older to sell or give cannabis to people they know are underage

§ 164 — OPM TRAFFIC STOP REPORT

Requires OPM's annual report on traffic stop data to include stops conducted on suspicion of DUI violations

§ 165 — DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION (DESPP) STUDY ON POLICE PHLEBOTOMY PROGRAM AND CANNABIS IMPAIRMENT TRAINING FACILITY

Requires DESPP to study the feasibility of establishing a phlebotomy program for police departments and a facility for cannabis impairment training

BACKGROUND

§§ 1 & 141-142 — DEFINITIONS

Defines numerous terms such as cannabis and cannabis product, consumer, cannabis establishment, equity, and social equity applicant

The act defines numerous terms, including those in the categories below. (The definitions for certain other terms are explained further below in context.)

EFFECTIVE DATE: Upon passage, except July 1, 2021, for provisions on the definitions for marijuana, THC, total THC, manufactured cannabinoid, and synthetic cannabinoid.

Cannabis and Related Terms

Under the act, “cannabis” means marijuana as defined in state law. Prior law defined “marijuana” as all parts of a plant or species of the genus *cannabis*, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabinon, cannabinol, cannabidiol (CBD), and similar compounds unless derived from hemp as defined in state law (state law’s definition of hemp ties to the federal definition). The act expands the definition of marijuana to include any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids. It excludes from the definition CBD derived from hemp (but not similar substances derived from hemp as under prior law).

Existing law’s definition excludes a plant’s mature stalks; fiber made from the stalks; oil or cake made from the seeds; a compound, manufacture, salt, derivative, mixture, or preparation made from the stalks, except the extracted resin; sterilized seeds which are incapable of germination; and hemp. The act expands the exclusions to cover (1) any substance the federal Food Drug Administration (FDA) approves as a drug and that is reclassified in any controlled substance schedule, or that the federal Drug Enforcement Administration (DEA) unschedules and (2) synthetic cannabinoids that the Department of Consumer Protection (DCP) commissioner designates as controlled substances and classifies in the appropriate schedule through regulations.

“Cannabis flower” is the flower of a plant of the genus *cannabis* (including abnormal and immature flowers) that has been harvested, dried, and cured, and before it is processed and transformed into a cannabis product, but not including the plant’s leaves or stem. “Cannabis trim” includes all parts (including abnormal or immature parts) of the cannabis plant, other than cannabis flower, that have been harvested, dried, and cured, and before it is processed and transformed into a cannabis product. Both terms exclude hemp.

“Cannabis product” is cannabis in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. It does not include the raw cannabis plant.

“Cannabis concentrate” is any form of concentration extracted from cannabis, such as extracts, oils, tinctures, shatter, and waxes.

“Manufactured cannabinoid” means cannabinoids naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to marijuana-derived cannabinoids, but that are derived by a chemical

or biological process.

A “medical marijuana product” is cannabis that (1) dispensary facilities and hybrid retailers (see below) may exclusively sell to qualifying patients and caregivers and (2) DCP designates on its website as reserved for sale to those individuals.

“Synthetic cannabinoid” means any material, compound, mixture, or preparation containing any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that is produced artificially and not derived from an organic source that naturally contains cannabinoids, unless listed in another controlled substance schedule.

The act defines “THC” as tetrahydrocannabinol, including delta-7; delta-8-, delta-9-, and delta-10-tetrahydrocannabinol; and any material, compound, mixture, or preparation containing their salts, isomers, and salts of isomers, whenever the existence of these substances are possible within the specific chemical designation. The definition applies regardless of the source of these substances. THC does not include (1) Dronabinol substituted in sesame oil and encapsulated in a soft gelatin capsule in an FDA-approved product or (2) any tetrahydrocannabinol product that (a) the FDA approves for a medical use and (b) has been reclassified in any controlled substances schedule or that the DEA unscheduled.

“Total THC” is the sum of the percentage by weight of tetrahydrocannabinolic acid, multiplied by 0.877, plus the percentage of weight of tetrahydrocannabinol.

Consumer, Cannabis Establishment, and Related Terms

Under the act, a “consumer” is someone at least 21 years old.

A “cannabis establishment” is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer, product packager, delivery service, or transporter.

Under the act, an “employee” is generally:

1. someone employed by a cannabis establishment or who otherwise has access to it or the vehicles used to transport cannabis, including an independent contractor with routine access to the premises or the establishment’s cannabis, or
2. a board member of a company with an ownership interest in a cannabis establishment.

A “backer” is not considered an employee. A backer is an individual with a direct or indirect financial interest in a cannabis establishment. This does not include someone who (1) has an investment interest of up to 5% of the establishment’s total ownership or interest rights (alone or combined with the interest of the person’s spouse, parent, or child) and (2) does not participate in the establishment’s control, management, or operation.

A “financial interest” is a right to ownership, an investment, or a compensation arrangement with another person, directly, through business, investment, or family. It does not include owning investment securities in a publicly-held corporation that is traded on a national exchange or over-the-counter market if the person (alone or combined with the shares owned by the person’s spouse, parent, or child) does not own more than 0.5% of the corporation’s shares.

Generally, a “key employee” is a cannabis establishment’s president or chief officer, financial manager, compliance manager, or someone with an equivalent title.

Equity, Social Equity Applicant, and Related Terms

The act defines “equity” and “equitable” as efforts, regulations, policies, programs, standards, processes, and any other government functions or principles of law and governance intended to:

1. identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender, and sexual orientation;
2. ensure that these intentional or unintentional patterns are not reinforced or perpetuated; and
3. prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities on these bases.

A “social equity applicant” is an applicant for a cannabis establishment license, where the applicant is at least 65% owned and controlled by an individual or individuals, or the applicant is an individual, who meets the following criteria. First, their average household income must have been less than 300% of the state median over the three tax years immediately before the application. In addition, they must have been residents of a disproportionately impacted area for at least (1) five of the 10 years immediately before applying for the license or (2) nine years before they turned age 18.

A “disproportionately impacted area” is a U.S. census tract in the state that has, as determined by the Social Equity Council, (1) a historical conviction rate for drug-related offenses greater than one-tenth or (2) an unemployment rate greater than 10%.

Under the act, the “historical conviction rate for drug-related offenses” is, for a given area, the historical conviction count for these offenses divided by the area’s population, as determined by the five-year estimates of the U.S. Census Bureau’s most recent American Community Survey. The historical conviction count is the number of drug manufacture, sale, possession, and paraphernalia convictions among residents for arrests between January 1, 1982, and December 31, 2020, that are recorded in databases maintained by the Department of Emergency Services and Public Protection (DESPP).

An “equity joint venture” is a business entity that is at least 50% owned and controlled by an individual or individuals, or the applicant is an individual, who meets the income and residency criteria noted above for social equity applicants.

§§ 2-3, 115, 153 & 159-160 — CANNABIS POSSESSION AND USE

Allows people age 21 or older to possess or use cannabis, up to a specified possession limit; establishes various penalties for possession by underage individuals or possession exceeding the act’s limit; requires POST to issue guidance on how police officers must determine whether someone’s cannabis possession exceeds the act’s limit

The act allows individuals age 21 or older (consumers) to possess, use, or otherwise consume cannabis, up to a specified possession limit. Specifically, the amount of cannabis must not exceed:

1. (a) 1.5 ounces of cannabis plant material and (b) five ounces of such material if it is in a locked container in the person’s residence or locked glove box or trunk in the person’s motor vehicle,
2. an equivalent amount of cannabis products, or
3. an equivalent combined amount of cannabis and cannabis products.

Starting July 1, 2023, the possession limit does not include any live plants or cannabis plant material derived from live plants that the person cultivated in accordance with the act’s home-grow provisions (see § 162).

Generally, the act defines “cannabis plant material” as the cannabis flower, trim, and all parts of the cannabis plant or species, excluding (1) a growing plant and its seeds or (2) hemp as defined under state law. Under the act, 1.5 ounces of cannabis plant material is equivalent to 7.5 grams of cannabis concentrate or any other cannabis products with up to 750 milligrams of THC. Five ounces is equivalent to 25 grams of cannabis concentrate or any other cannabis products with up to 2,500 milligrams of THC.

Prior law prohibited the possession of cannabis, except as authorized by law for medical purposes, and imposed civil fines and other penalties for possession of under ½ ounce and criminal penalties for the possession of larger amounts. The following table describes the prior penalties.

Penalties for Cannabis Possession Under Prior Law

Possession of less than ½ ounce: • First offense: \$150 fine • Subsequent offenses: \$200 to \$500 fine (third-time violators had to attend drug education, at their own expense) • Violators followed the law’s procedures for infractions (e.g., they could pay the fine by mail) • 60-day suspension of the driver’s license or nonresident operating privileges of anyone under age 21 who was convicted of a violation (if the person did not have a license, he or she was ineligible for one for 150 days) • Burden of proof was preponderance of the evidence (rather than beyond a reasonable doubt)
Possession of ½ ounce or more: • Class A misdemeanor (see Table on Penalties) • Second offense: court had to evaluate the defendant and could suspend prosecution and order substance abuse treatment if it determined that the person was drug dependent • Subsequent offenses: court could find the person to be a persistent offender for controlled substance possession and impose the prison term that applies to class E felonies (i.e., up to three years)
Possession of ½ ounce or more within 1,500 feet of the property comprising (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed child care center as

identified by a sign posted in a conspicuous place:

- Class A misdemeanor
- Court had to sentence the person to a prison term and probation. The conditions of probation had to include community service.

As explained below, the act establishes a range of penalties for cannabis possession (1) by underage individuals or (2) that exceeds the act's possession limit. In all cases, these penalties do not apply if the possession is authorized under the state's medical marijuana law. The act also specifies that the penalties for persons age 21 or older do not apply to possession otherwise authorized under the act (e.g., by cannabis establishments).

For determining the act's possession limit or other amounts, one ounce of cannabis plant material is equivalent to (1) five grams of cannabis concentrate or (2) any other cannabis products with up to 500 milligrams of THC. Also, the amount of cannabis possessed is calculated by converting any quantity of cannabis products to its equivalent quantity of plant material and taking the sum of these quantities.

The act also makes conforming changes. For example, it specifies that, as under prior law, if someone is sentenced to prison for criminal cannabis possession under the act, the Department of Correction (DOC) may release the person to home confinement under specified conditions (§ 159).

For any of the provisions below setting fines for illegal cannabis possession, if the person attests to his or her indigency, the person may complete community service instead of paying the fine. Specifically, the person must complete one hour of community service with a private nonprofit charity or other nonprofit organization for each \$25 of the fine that would otherwise apply. The person must attest to completing the community service and present confirming documentation from the nonprofit entity.

EFFECTIVE DATE: July 1, 2021, except (1) the POST guidance provision is effective January 1, 2022, and (2) the driver's license suspension provision is effective April 1, 2022.

Penalties for Possession by Individuals Under Age 18 (§ 3(b))

The act prohibits the police from arresting anyone under age 18 for possessing cannabis. It establishes the following penalties for these individuals who possess under five ounces of cannabis plant material, an equivalent amount of cannabis products, or an equivalent combined amount of plant material and products:

1. first offense: a written warning and possible referral to a youth services bureau or other appropriate services;
2. second offense: mandatory referral to a youth services bureau or other appropriate services; and
3. subsequent offense: adjudicated as delinquent in juvenile court.

By law, youth services bureaus coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths referred to them by schools, police, and juvenile courts, among others (CGS § 10-19m).

For individuals under age 18 possessing at least five ounces of cannabis plant material (or an equivalent product amount or combined amount), the act requires a delinquency adjudication in juvenile court, for a first or subsequent offense.

Penalties for Possession by Individuals Age 18 to 20 (§ 3(c))

The act establishes the following penalties for 18- to 20-year-olds possessing under five ounces of cannabis plant material or equivalent product amounts or combined amounts:

1. first offense: \$50 fine, and
2. subsequent offense: \$150 fine.

For possession of larger amounts (e.g., five ounces or more of plant material), the act establishes the following penalties:

1. first offense: \$500 fine, and
2. subsequent offense: class D misdemeanor (see [Table on Penalties](#)).

In addition, for any quantity of cannabis, whether it is a first or subsequent offense, the act requires these individuals to view and sign a statement acknowledging the health effects of cannabis on young people.

Penalties for Illegal Possession by Individuals Age 21 or Older (§ 3(d), (e))

Above Possession Limit and up to Certain Amounts. Under the act, someone age 21 or older is subject to fines for possessing more than the act's possession limit, but less than (1) five ounces of cannabis plant material and eight ounces if it is in a locked container in the person's residence or locked glove box or trunk in the person's vehicle, or (2) an equivalent amount of cannabis products or combined amount of cannabis and cannabis products. The act establishes a \$100 fine for a first offense and \$250 fine for a subsequent offense.

Larger Amounts. The act establishes the following penalties for anyone age 21 or older possessing larger amounts of cannabis (e.g., at least five ounces of plant material or eight ounces in a locked container at home):

1. first offense: \$500 fine and
2. subsequent offense: class C misdemeanor.

In addition, the court must evaluate the person and if it determines that the person is drug dependent, it may suspend prosecution and order the person to undergo a treatment program.

The act requires referral to a drug education program for anyone who for a third time enters a no contest plea to, or is found guilty after trial of, possessing these larger amounts. The person must pay for the program.

Driver's License Suspension for Underage People (§ 115)

In addition to the penalties listed above, the act requires the motor vehicles commissioner to impose a 60-day suspension of the driver's license or nonresident operating privilege for anyone under age 21 convicted of possessing any amount of cannabis. Prior law required this for underage people convicted of possessing less than ½ ounce of cannabis.

POST Guidance (§ 153)

The act requires the Police Officer Standards and Training Council (POST), by January 1, 2022, to issue guidance on how police officers must determine whether the cannabis possessed by a person exceeds the act's possession limit.

§§ 4, 115 & 154 — CANNABIS PARAPHERNALIA

Eliminates penalties for drug paraphernalia actions related to cannabis

The act eliminates prior penalties for the use, possession with intent to use, manufacture, and other specified actions related to drug paraphernalia in connection with cannabis. Under prior law, in general, these actions were infractions if they related to less than one-half ounce of cannabis or misdemeanors if they related to larger amounts.

EFFECTIVE DATE: July 1, 2021, except a conforming change is effective April 1, 2022.

§ 5 — DELINQUENCY ADJUDICATIONS AND SERIOUS JUVENILE OFFENSES

Prohibits minors from being adjudicated delinquent for certain cannabis possession offenses and removes most cannabis sale offenses from the list of serious juvenile offenses

Under existing law, minors may be adjudicated delinquent for, among other things, violating most state laws. The act prohibits minors from being adjudicated delinquent for a first or second offense of possessing under five ounces of cannabis or equivalent product amounts or combined amounts.

Under existing law, illegal drug sales are classified as serious juvenile offenses. The act removes most cannabis sales from the list of serious juvenile offenses. Certain sales of large quantities are still classified as such offenses; specifically, those under CGS § 21a-278(b).

By law, among other things, serious juvenile offenders (1) are barred from certain court diversion programs and (2) generally must keep the juvenile conviction on their record for a longer period than other juvenile offenders.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 6 — VIOLATIONS SUBJECT TO INFRACTION PROCEDURES

Allows people to pay certain cannabis-related fines by mail without making a court appearance

For certain cannabis-related violations punishable by non-criminal fines, the act generally subjects the violations to the same procedures as those governing infractions. Thus, someone who does not wish to contest the fine may pay it by mail without a court appearance.

This applies to non-criminal offenses for:

1. cannabis possession (various offenses, see § 3);
2. sales and related actions (e.g., a first offense for someone age 18 or older selling under eight ounces, see § 13);
3. using cannabis on state lands or waters managed by the Department of Energy and Environmental Protection (DEEP) (§ 91);
4. a first offense for someone misrepresenting his or her age or using someone else's license to obtain cannabis (§ 108); or
5. a first offense for cannabis retailers or hybrid retailers who allow underage individuals to loiter or enter certain parts of the establishment (§ 110).

EFFECTIVE DATE: July 1, 2021

§ 7 — MEDICAL ASSISTANCE FOR CANNABIS-RELATED DISTRESS

Generally prohibits prosecuting someone for cannabis possession or certain related offenses if evidence was obtained through efforts to seek medical assistance for cannabis-related medical distress

The act generally prohibits prosecuting a person for illegal cannabis possession or certain related offenses (e.g., sales or possession with intent to sell or allowing underage people to use cannabis at a residence) based on discovery of evidence arising from efforts to seek medical assistance for cannabis-related medical distress.

Specifically, it prohibits prosecuting someone who seeks or receives medical assistance in good faith under the following scenarios:

1. when a person seeks assistance for someone else based on a reasonable belief that the person is experiencing cannabis-related medical distress (the act applies to either individual) or
2. when a person seeks medical attention for himself or herself based on a reasonable belief that he or she is experiencing that distress.

“Good faith” does not include seeking medical assistance while law enforcement officers are executing an arrest or search warrant or conducting a lawful search.

EFFECTIVE DATE: July 1, 2021

§§ 8 & 9 — CRIMINAL RECORD ERASURE

Allows for petitions to erase records for cannabis-related convictions within a certain period, including for possessing up to four ounces, using or possessing drug paraphernalia, or selling, manufacturing, or related actions involving up to four ounces or up to six plants grown in the person's home for personal use; provides for automatic erasure of convictions within a certain period for possessing less than four ounces of cannabis or any quantity of non-narcotic or non-hallucinogenic drugs

Under existing law, offenders convicted of acts that are later decriminalized may petition to have their records erased (CGS § 54-142d, as amended by PA 21-32). This includes convictions for possessing less than ½ ounce of cannabis, which was decriminalized under state law in 2011 (PA 11-71; see *State v. Menditto*, 315 Conn. 861 (2015)). If petitioned, the court must order the physical destruction of all related police, court, and prosecutor records.

The act allows anyone with certain cannabis-related convictions to file a court petition for the records' erasure, as shown in the following table.

Cannabis-Related Convictions Eligible for Erasure Petition Under the Act

Date of Conviction	Offense
Before January 1, 2000, or October 1, 2015, through June 30, 2021	Possession of four ounces or less of cannabis
Before July 1, 2021	Use or possession with intent to use drug paraphernalia in connection with cannabis use

Date of Conviction	Offense
Before July 1, 2021	Manufacturing, selling, possessing with the intent to sell, and similar actions involving (1) four ounces or less of cannabis or (2) six or fewer plants grown in the person's primary residence for personal use

The act provides for automatic erasure of convictions that occurred from January 1, 2000, through September 30, 2015, for possessing less than four ounces of cannabis or any amount of certain other drugs. This automatic erasure provision does not apply to (1) narcotics (e.g., heroin or cocaine) or (2) non-marijuana hallucinogens. (Effective October 1, 2015, PA 15-2, § 1, June Special Session, replaced the prior penalty for drug possession crimes, which punished most types of illegal drug possession as felonies. It created a new structure that generally punished possession of half an ounce or more of cannabis, or any amount of another illegal drug, as a class A misdemeanor.)

Because PA 11-71, effective July 1, 2011, decriminalized the possession of up to one-half ounce of marijuana, possessing less than that amount since then is not a crime and is not covered by the act's erasure provisions. PA 11-71 similarly decriminalized paraphernalia-related actions involving less than one-half ounce of marijuana, so these actions since then are also not crimes and not covered by the act.

The act specifies that these erasure provisions do not apply to court records and transcripts prepared by official court reporters, court reporting monitors, or any other entity designated by the Chief Court Administrator.

EFFECTIVE DATE: July 1, 2022, except for the automatic erasure provisions, which are effective January 1, 2023.

Petitions for Erasure of Certain Cannabis Possession, Paraphernalia, Sale, and Related Convictions (§ 8)

Under the act, a person seeking this erasure must file the petition with the Superior Court (1) where the person was convicted, (2) that has the conviction records, or (3) where venue would currently exist if the conviction took place in a court that no longer exists (e.g., the Court of Common Pleas). The act bars the court from charging any fees for these petitions.

The act specifies that the erasure occurs as provided under existing procedures (CGS § 54-142a). Among other things, that law provides that anyone whose records are erased is deemed to have never been arrested for those charges under law and may swear to that under oath.

The petitioner must include a copy of the arrest record or an affidavit supporting that the conviction meets the act's requirements listed above (e.g., for possession convictions, that the amount was four ounces or less). If the petition includes the required documentation, the court must order the erasure of all related police, court, and prosecutor records.

Under the act, these provisions do not apply if the criminal case is pending. If the person was charged with multiple counts, these provisions do not apply unless all counts are entitled to erasure. But when the case is concluded, electronic records, or portions of them, released to the public must be erased to the extent they reference charges entitled to erasure.

Automatic Erasure of Certain Possession Convictions (§ 9)

The act also provides for automatic erasure of the police, court, and prosecutor records for certain drug possession convictions from January 1, 2000, through September 30, 2015, as specified above. Under the act, if these records are electronic, they must be erased; if they are not electronic, they are deemed erased by operation of law. In either case, the erasure occurs under existing law's applicable procedures. The act specifies that scanned copies of physical documents are not considered electronic records.

Under the act, someone whose records are erased under these provisions may represent to any entity, other than a criminal justice agency, that he or she has not been arrested or convicted for the erased conviction.

If the person was charged with multiple counts, these provisions do not apply unless all counts are entitled to erasure, except that electronic records, or portions of them, released to the public must be erased to the extent they reference charges entitled to erasure.

The act specifies that these provisions do not (1) limit any other procedure for erasure of criminal history record information or (2) prohibit someone from participating in those procedures, even if that person's records have been erased under the act's procedure.

The act specifies that it does not require the Department of Motor Vehicles (DMV) to erase criminal history record information from operators' driving records. It requires DMV, when applicable, to make this information available through the Commercial Driver's License Information System.

These provisions also do not require criminal justice agencies to partially redact any of their internal physical

documents or scanned copies of them.

Background — Related Act

Starting in 2023, PA 21-32, as amended by PA 21-33 (§ 10), establishes a process to erase records of certain criminal convictions after a specified period following the person's most recent conviction. Among other things, the act also includes provisions similar to this act regarding purchasers of public criminal records.

§ 10 — RECORD PURCHASERS AND DISCLOSURE

Extends certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch; sets a 30-day deadline for these purchasers to update their records after receiving information on certain records' erasure

Existing law establishes certain requirements that those who purchase public criminal records from the judicial branch must meet before disclosing these records. The act expands these provisions to also cover records purchased from other criminal justice agencies (e.g., the State Police, Department of Motor Vehicles, or DOC). It also specifies that these requirements apply to background screening providers and similar data-based services or companies, in addition to consumer reporting agencies as under existing law.

Under existing law, the judicial branch must make information (such as docket numbers) on erased records available to these purchasers, to allow them to identify and permanently delete these records. Before disclosing the records, the person must purchase from the judicial branch any updated public criminal records or information available to comply with the law, either on a monthly basis or on another schedule the judicial branch establishes. As noted above, the act extends these provisions to other criminal justice agencies.

Existing law also requires these purchasers to update their records before disclosing them, to permanently delete any erased records. The act requires them to do this within 30 days after receiving information on erased records.

As under existing law, the purchaser may not further disclose erased records.

EFFECTIVE DATE: January 1, 2023

§ 11 — LEGAL PROTECTIONS FOR ESTABLISHMENTS, EMPLOYEES, AND BACKERS

Provides legal protections for cannabis establishments, and their employees and backers, who comply with the act's requirements

The act provides legal protections for cannabis establishments, and their employees and backers, for various cannabis-related actions if they comply with the act's requirements and related regulations for that person's license or registration type. These protections apply regardless of conflicting statutes.

Specifically, the protections apply when these people or entities acquire, distribute, possess, use, or transport cannabis or related paraphernalia in their capacity as a cannabis establishment, employee, or backer. They may not be arrested, prosecuted, or otherwise penalized, including being subject to civil penalties, or denied any right or privilege (including discipline by a professional licensing board) for these actions under the conditions described above.

EFFECTIVE DATE: July 1, 2021

§ 12 — PROFESSIONAL LICENSING DENIALS

Limits when the state can deny a professional license because of certain cannabis-related activity

Subject to the exceptions below, the act prohibits state entities from denying a professional license because of someone's (1) employment or affiliation with a cannabis establishment, (2) cannabis possession or use that is legal under the act or the medical marijuana law, or (3) conviction for possessing or using under four ounces of cannabis.

This does not apply if denying a license is required due to (1) federal law, (2) an agreement between the federal government and the state, or (3) a substantial risk to public health or safety.

EFFECTIVE DATE: July 1, 2021

§§ 13, 15 & 155-158 — PENALTIES FOR ILLEGALLY SELLING CANNABIS

Lowers the penalties for (1) illegally selling cannabis and related actions and (2) before July 1, 2023, growing up to six cannabis plants at home for personal use

Under prior law, illegally manufacturing, selling, possessing or transporting with intent to sell, or engaging in similar actions related to cannabis was generally punishable (1) for a first offense, by up to seven years in prison, a fine of up to \$25,000, or both or (2) for a subsequent offense, by up to 15 years in prison, a fine of up to \$100,000, or both.

The act establishes lower penalties for these illegal actions, as explained below. (These penalties do not apply to lawful actions under the act or the existing medical marijuana laws.)

Existing law, unchanged by the act, imposes felony penalties for illegal sales (or related actions) of one kilogram or more of cannabis by someone who is not drug-dependent, with enhanced penalties if the (1) seller is at least two years older than the buyer who is under age 18 or (2) crime occurs within a certain distance of a school, public housing project, or child care center (CGS §§ 21a-278(b) and 21a-278a as amended by PA 21-102, § 23).

EFFECTIVE DATE: July 1, 2021

Individuals Under Age 18

The act requires that individuals under age 18 be adjudicated delinquent for illegal cannabis sales and related actions.

Individuals Age 18 or Older

Less Than Eight Ounces. The act establishes the following penalties for individuals age 18 or older for illegal sales or related actions involving less than eight ounces of cannabis plant material, an equivalent amount of cannabis product, or an equivalent combined amount:

1. first offense: up to a \$500 fine, and
2. subsequent offense: class C misdemeanor (see [Table on Penalties](#)).

Eight Ounces or More. For illegal sales or related actions involving larger amounts, the act's penalties are as follows:

1. first offense: class B misdemeanor, and
2. subsequent offense: class A misdemeanor.

Home Grow for Personal Use. The act sets the following penalties for someone age 18 or older who, before July 1, 2023, grows up to three mature and three immature cannabis plants at the person's home for personal use:

1. first offense: a written warning,
2. second offense: up to \$500 fine, and
3. subsequent offense: class D misdemeanor.

The act prohibits evidence of such a violation from being admissible in any criminal proceeding unless that evidence was discovered during police investigation of a cannabis possession or sale crime or certain other illegal drug sales.

Conforming and Other Changes (§§ 155-158)

The act extends to these illegal cannabis sale provisions certain existing laws that apply to illegal drug sales and related actions. So, as is the case for existing laws on illegal drug sales:

1. under specified circumstances, violations are subject to the laws on public nuisances (§ 155) and racketeering (§ 156); and
2. a state's attorney may apply for a court order to authorize wiretapping to investigate these offenses (§ 158).

Under existing law, property from drug sale proceeds and certain related property are subject to forfeiture under specific procedures, separate from procedures for most other types of criminal activity. The act exempts property from illegal cannabis sales under the above provisions from forfeiture (§ 157).

§ 14 — CANNABIS GIFTS

Allows consumers to give cannabis to other consumers for free, within the act's possession limit

The act allows consumers (i.e., people age 21 or older) to give cannabis to other consumers for free (i.e., without compensation or consideration). This applies if the giver reasonably believes that the other person may possess the cannabis without exceeding the act's possession limit.

EFFECTIVE DATE: July 1, 2021

§ 16 — PAROLE, SPECIAL PAROLE, OR PROBATION

Limits when cannabis possession or use can be grounds to revoke parole, special parole, or probation

The act generally prohibits cannabis possession or use from being grounds for revoking someone's parole, special parole, or probation if the person complies with the act's requirements (i.e., the possession limit and age restrictions) or the medical marijuana law.

But it allows for cannabis use to be grounds for revocation if a person's conditions of parole, special parole, or probation (1) include a finding that cannabis use would pose a danger to the person or the public, with individualized reasons supporting that finding, and (2) require the person not to use cannabis. Under the act, this finding must not consider any prior arrests or convictions for cannabis use or possession.

EFFECTIVE DATE: July 1, 2021

§ 17 — CONDITIONS OF RELEASE

Limits when bail commissioners or IAR specialists may prohibit someone, as a condition of release, from the lawful use of intoxicating substances

By law, bail commissioners or intake, assessment, and referral (IAR) specialists may require an arrested person to comply with nonfinancial conditions of release, in addition to requiring a bond or written promise to appear. These conditions apply until the person appears in court.

Under prior law, the possible nonfinancial conditions of release included requiring the person to refrain from using or possessing intoxicants or controlled substances. The act instead allows this blanket restriction as a condition of release only in the case of unlawful use or possession. Otherwise, it allows bail commissioners to require the person, as a condition of release, to refrain from using classes of intoxicants or controlled substances only if they make a finding that the person's use would be dangerous to himself, herself, or the public, with individualized reasons supporting that finding. In making this finding, they cannot consider the person's prior arrests or convictions for cannabis use or possession.

EFFECTIVE DATE: July 1, 2021

§ 18 — SEARCHES AND MOTOR VEHICLE STOPS

Limits when cannabis odor or possession can justify a search or motor vehicle stop

The act generally provides that the following do not constitute (in whole or part) probable cause or reasonable suspicion, and must not be used as a basis to support a stop or search of a person or motor vehicle:

1. the possession or suspected possession of up to five ounces of cannabis plant material (or an equivalent amount of products or combined amount);
2. the presence of cash or currency near the cannabis, unless there is evidence that the cash or currency exceeds \$500; or
3. the odor of cannabis or burnt cannabis.

But the act allows law enforcement officers to conduct a test for impairment based on this odor if the officer reasonably suspects that a motor vehicle's operator or passenger is violating the DUI laws (see below).

Under the act, any evidence discovered through a stop or search that violates these provisions is not admissible in evidence in any trial, hearing, or other court proceeding.

EFFECTIVE DATE: July 1, 2021

§ 19 — BOARD OF EDUCATION POLICIES AND PROCEDURES

Prohibits school board disciplinary policies and procedures from setting stricter penalties for violations involving cannabis than for those involving alcohol

By law, school boards must have policies and procedures for dealing with students' use, sale, or possession of alcohol or drugs on school grounds. The policies must (1) conform with certain standards on private communications between staff and students and (2) include a process for referring students to appropriate agencies and for cooperating with law

enforcement.

Starting in January 1, 2022, the act prohibits these policies and procedures from giving students greater discipline, punishment, or sanctions for cannabis use, possession, or sale than they would for alcohol.

EFFECTIVE DATE: October 1, 2021

§ 20 — DOMESTICATED ANIMALS

Establishes penalties for feeding cannabis to domesticated animals

The act makes it a class C misdemeanor (see [Table on Penalties](#)) to provide cannabis to a domesticated animal.

EFFECTIVE DATE: October 1, 2021

§ 21 — GENERAL RESTRICTIONS ON CANNABIS SALES AND DELIVERIES

Restricts who may sell or deliver cannabis to (1) consumers and (2) qualifying medical marijuana patients and their caregivers

The act generally prohibits anyone other than:

1. retailers, hybrid retailers, micro-cultivators, delivery services, or their employees from selling or offering cannabis to consumers and
2. hybrid retailers, dispensary facilities, delivery services, or their employees from selling or offering cannabis to qualifying medical marijuana patients and caregivers.

The above restrictions apply except as otherwise provided under the act or the existing drug or medical marijuana laws.

The act also generally prohibits anyone except delivery services or their employees (subject to the act's restrictions on them, see § 47) from delivering cannabis to consumers, patients, or caregivers. But it allows retailers, hybrid retailers, micro-cultivators, and dispensary facilities, for a certain period, to use their own employees to deliver cannabis to the same individuals to whom they may sell it. This period ends 30 days after the date the first five delivery service licensees begin public operation. The DCP commissioner must publish that date on the department's website.

EFFECTIVE DATE: July 1, 2021

§ 22 — SOCIAL EQUITY COUNCIL

Establishes a Social Equity Council to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition

The act establishes a 15-member Social Equity Council to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition and enforcement.

The act places the council within the Department of Economic and Community Development (DECD) for administrative purposes only.

EFFECTIVE DATE: Upon passage

Council Membership and Administration (§ 22(b)-(d))

Under the act, the council's membership includes the DCP and DECD commissioners, the state treasurer, and the OPM secretary, or their designees.

The council also includes 11 appointed members, as shown in the following table.

Social Equity Council Appointed Members

<i>Appointing Authority</i>	<i>Appointee Qualifications</i>
House speaker	Professional background of at least five years working in social justice or civil rights
Senate president pro tempore	Professional background of at least five years working in social justice or civil rights
House majority leader	Professional background of at least five years working in

Appointing Authority	Appointee Qualifications
	economic development to help minority-owned businesses
Senate majority leader	Professional background of at least five years in providing access to capital to racial and ethnic minorities or women
House minority leader	Individual from a community that has been disproportionately harmed by cannabis prohibition and enforcement
Senate minority leader	Professional background of at least five years in providing access to capital to racial and ethnic minorities or women
Black and Puerto Rican Caucus chairperson	Unspecified qualifications
Governor	Four appointees: • An individual from a community that has been disproportionately harmed by cannabis prohibition and enforcement • An individual with a professional background of at least five years working in economic development • An executive branch official focused on workforce development • An individual with unspecified qualifications

The act requires these appointing authorities to use their best efforts to make appointments that reflect the state's racial, gender, and geographic diversity. They must make the appointments within 30 days after the act's passage (i.e., July 22, 2021). The governor appoints a council chairperson from among its members.

Under the act, the governor's appointees serve four-year terms and the other appointees serve three-year terms. The appointing authority must fill any vacancy for the unexpired term. A majority of the council's members constitutes a quorum.

The act provides that the council's members are not paid for their service, but they must be reimbursed for their necessary expenses within available appropriations.

The act requires the governor to appoint an interim executive director to operationalize and support the council until it appoints an executive director. Under the act, subject to the State Personnel Act (i.e., the state employee civil service laws) and within available appropriations, the council may appoint an executive director and other employees as may be necessary to discharge its duties.

Council Responsibilities and Authority (§ 22(e)-(l))

The act allows the council to:

1. request information and assistance from state agencies, which the agencies must provide to the council upon request;
2. use available funds from federal, state, or other sources;
3. enter into contracts to carry out its purposes, including contracts or agreements with Connecticut Innovations, Incorporated; the state system of higher education's constituent units; regional workforce development boards; and community development financial institutions;
4. use voluntary and uncompensated services offered by individuals, state or federal agencies, and organizations;
5. accept any gift, donation, or bequest to perform its duties;
6. hold public hearings;
7. establish standing committees, as necessary, to perform its duties; and
8. adopt regulations necessary to carry out its duties.

Third-Party Study. The act requires the council, by August 6, 2021, or at a later date the council determines, to establish criteria for proposals for an independent third party to conduct a study and provide detailed findings of fact on specified matters. The OPM secretary must post the request for proposals (RFP) on the State Contracting Portal.

The study and findings must address the following issues, in relation to Connecticut, or other matters the council determines:

1. historical and current social, economic, and familial consequences of cannabis prohibition, the criminalization and

- stigmatization of cannabis use, and related public policies;
- 2. historical and current structures, patterns, causes, and consequences of intentional and unintentional racial discrimination and disparities in the development, application, and enforcement of this prohibition and related public policies;
- 3. foreseeable long-term social, economic, and familial consequences of unremedied past racial discrimination and disparities arising from past and continued cannabis prohibition, stigmatization, and criminalization;
- 4. existing patterns of racial discrimination and disparities in access to entrepreneurship, employment, and other economic benefits arising in the state's medical marijuana sector; and
- 5. any other matters that the council deems relevant and feasible to study for making reasonable and practical recommendations for establishing an equitable and lawful adult-use cannabis business sector.

Social Equity Recommendations. By January 1, 2022, and considering the study's results, the council must make recommendations to the governor and the Finance, Revenue and Bonding, General Law, and Judiciary committees for legislation to implement these social equity provisions. The recommendations must address:

- 1. creating programs to ensure that individuals from disproportionately harmed communities have equal access to cannabis establishment licenses;
- 2. specifying additional qualifications for social equity applicants;
- 3. providing for expedited or priority license processing for social equity applicants for retailer, hybrid retailer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, transporter, and delivery service licenses;
- 4. establishing minimum criteria for cannabis establishments licensed on or after January 1, 2022, that are not owned by a social equity applicant to comply with an approved workforce development plan to reinvest or provide jobs and training opportunities for individuals in disproportionately impacted areas (after developing criteria for these plans, the council must review and approve or deny in writing any such plan submitted by a producer or hybrid retailer);
- 5. establishing criteria for a social equity plan for any cannabis establishment licensed on or after January 1, 2022, to further the principles of equity (after developing criteria for these plans, the council must review and approve or deny in writing any such plan a cannabis establishment submits as part of its final license application);
- 6. recruiting individuals from disproportionately harmed communities to the workforce training program established under the act (see § 39 below);
- 7. potential uses for revenue generated under the act to further equity;
- 8. encouraging participation by investors, cannabis establishments, and entrepreneurs in the cannabis business accelerator program established under the act (see § 38 below);
- 9. establishing a process to best ensure that social equity applicants have access to the capital and training needed to own and operate cannabis establishments; and
- 10. developing a vendor list of women- and minority-owned businesses that cannabis establishments may contract with for necessary services, such as office supplies, information technology infrastructure, and cleaning services.

Other Responsibilities. The act requires the council, beginning by August 1, 2021, to annually identify one or more U.S. census tracts in the state that are disproportionately impacted areas and publish a list of these tracts on the council's website. To do so, the council must use the most recent five-year U.S. Census Bureau American Community Survey estimates or any successor data.

The act also requires the council to develop the criteria for evaluating the ownership and control of joint ventures and review and approve or deny in writing these joint ventures before their licensure (see §§ 27 and 145).

Under the act, upon receiving funds from producers applying to engage in expanded activities (see § 26), the council also must develop a program to help social equity applicants open up to two micro-cultivator establishment businesses in total. The act requires (1) producers to provide mentorship to these social equity applicants and (2) the council, with DCP, to determine a system to select applicants to participate in this program without participating in a lottery or RFP.

§ 23 — CANNABIS ARREST AND CONVICTION DATA

Requires the Social Equity Council to report on cannabis arrest and conviction data

The act requires the Social Equity Council, by October 1, 2023, to report to the governor and Judiciary Committee on arrest and conviction data for cannabis possession, manufacture, and sales (e.g., possession in excess of the act's limit), including a breakdown by town, race, gender, and age.

EFFECTIVE DATE: Upon passage

§ 24 — AGE REQUIREMENTS

Requires individuals to be at least (1) age 21 to hold any cannabis establishment license or be a backer or key employee and (2) age 18 to be employed by a cannabis establishment or medical marijuana licensee

The act requires individuals to be at least age 21 to (1) hold any cannabis establishment license or (2) be a cannabis establishment backer or key employee.

It requires individuals to be at least age 18 to be (1) a cannabis establishment employee or (2) employed by a cannabis establishment or medical marijuana licensee.

EFFECTIVE DATE: July 1, 2021

§ 24 — REGISTRATION OR LICENSE REQUIRED

Generally requires all cannabis establishment employees, key employees, and backers to obtain a DCP registration or license, as applicable

The act generally requires all cannabis establishment employees, key employees, and backers to obtain a DCP registration or license, as applicable, in the manner the DCP commissioner prescribes. The act exempts:

1. delivery service or transporter employees who do not (a) transport, store, distribute, or have access to cannabis or (b) engage in security controls or contract management with other cannabis establishments;
2. product packager employees who do not (a) have access to cannabis or (b) engage in the physical packaging, security controls, or contract management with other cannabis establishments; and
3. other employee categories the commissioner determines, provided that key employees are not exempt from registration or licensure requirements.

EFFECTIVE DATE: July 1, 2021

§ 25 — ADVERSE ACTION DUE TO FEDERAL LAW PROHIBITED

Generally prohibits agencies or political subdivisions of the state from relying on a federal law violation related to cannabis as the sole basis for taking an adverse action against a person unless federal law requires it; prohibits law enforcement officers from assisting a federal operation if the activity complies with the act's provisions; specifies that it is Connecticut's public policy that contracts related to operating cannabis establishments are enforceable

Under the act, no agency or political subdivision of the state (e.g., municipality) may rely on a federal law violation related to cannabis as the sole basis for taking an adverse action against a person unless the adverse action is required under federal law. This includes the state's disqualification of a commercial driver's license, commercial learner's permit, commercial motor vehicle operator's privilege, or hazardous materials endorsement for federal law violations related to cannabis for which the federal motor carrier safety regulations or hazardous materials regulations require disqualification, or for which the Federal Motor Carrier Safety Administration or the Pipeline and Hazardous Materials Safety Administration has, based on the violation, issued a disqualification order.

Under the act, it is Connecticut's public policy that (1) contracts related to operating cannabis establishments are enforceable and (2) no contract entered into by a licensed cannabis establishment or its agents (as authorized under the license), or by those who allow the establishment, its employees, backers, or agents (as authorized under the license) to use the property, is unenforceable on the basis that federal law prohibits cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis.

The act prohibits, under certain circumstances, law enforcement officers employed by an agency that receives state or local government funds from spending resources, including an officer's time, to (1) make a cannabis arrest or seizure, or conduct an investigation, or (2) provide information or logistical support to a federal law enforcement authority or prosecuting entity. These actions are prohibited if (1) they are solely based on an activity that the officer believes constitutes a federal law violation and (2) the officer has a reasonable belief that the activity complies with the act's recreational cannabis licensure provisions or medical marijuana laws.

EFFECTIVE DATE: July 1, 2021

§ 26 — MEDICAL MARIJUANA PRODUCER EXPANDED ACTIVITIES

Allows medical marijuana producers, with DCP's authorization, to expand their license so that they may engage in certain recreational cannabis-related activities; requires producers, among other things, to either contribute \$500,000 to the Social Equity Council or provide a social equity partner with at least 5% of its expanded grow space for a new social equity business

The act allows a licensed producer, in addition to the activities permitted under the medical marijuana laws, to expand its license and be authorized to sell, deliver, transfer, transport, manufacture, or package cannabis to cannabis establishments using a transporter or the producer's own employees with DCP's written authorization. However, the act prohibits producers from transporting cannabis to consumers, patients, or caregivers directly or through a delivery service.

In order to obtain the commissioner's approval to engage in the expanded activity described above, a producer must submit the following:

1. a complete license expansion application on a DCP-prescribed form;
2. a medical cannabis preservation plan to ensure against supply shortages of medical marijuana products, which must be approved or denied at the DCP commissioner's discretion;
3. a \$3 million conversion fee payment or, if the producer participates in at least two approved equity joint ventures, \$1.5 million (see § 27); and
4. a workforce development plan that the Social Equity Council reviewed and approved for compliance with requirements the council developed.

The producer must also contribute \$500,000 to the Social Equity Council for a program to help social equity applicants open micro-cultivator establishments (see § 22 above) or submit evidence of an agreement with a social equity partner described below.

EFFECTIVE DATE: July 1, 2021

Social Equity Partner Agreement

Under the act, instead of contributing \$500,000 to the council, a producer seeking a license expansion may enter into an agreement with a social equity partner to provide the partner with 5% of the grow space associated with the producer's expanded activity in order to establish a social equity business. The producer must, for at least five years, mentor the social equity partner and provide all overhead costs needed to ensure success, as determined by the council and codified in an agreement between the social equity partner and producer. The producer must ensure that the social equity partner complies with the act's cannabis cultivation, testing, labeling, tracking, reporting, and manufacturing provisions that apply to cultivators. The social equity partner must own, and be entitled to, 100% of the social equity business's profits.

The council may require evidence of a social equity partnership, including evidence of business formation, ownership allocation, terms of ownership and financing, and proof of the social equity applicant's involvement. The producer or social equity partner must submit information to the council that enables it to determine the ownership terms, including the entity's organizing documents that outline the ownership stake of each backer, initial backer investment, and payout information. Before submitting the agreement to DCP, the council must approve the social equity partner and business agreement.

Under the act, a "social equity partner" is an individual who (1) had average household income of less than 300% of the state median over the three tax years immediately before the application and (2) was a resident of a disproportionately impacted area for at least (a) five of the 10 immediately preceding years or (b) nine years before he or she turned age 18. It can also be a person (e.g., business entity) that is at least 65% owned and controlled by an individual or individuals who meet these criteria.

§§ 27 & 145 — EQUITY JOINT VENTURES

Requires producers and dispensaries to create equity joint ventures in order to pay a lower license expansion authorization fee or hybrid retailer conversion fee; sets minimum ownership, application, and license requirements; prohibits certain ownership changes in an equity joint venture's first seven years; and limits where certain ventures may be located

The act establishes a process by which producers seeking a license expansion (see § 26) and dispensary facilities seeking to convert to a hybrid retailer (see § 145) can pay reduced fees in exchange for creating equity joint ventures. In order for a producer to pay a reduced license expansion authorization fee (i.e., \$1.5 million), it must commit to establishing two equity joint ventures. A dispensary facility seeking to convert to a hybrid retailer (i.e., licensed to sell both recreational

cannabis and medical marijuana) must have a Social Equity Council-approved workforce development plan and pay a fee of \$1 million or \$500,000, if it has committed to create one equity joint venture. To qualify for these reduced rates, the equity joint ventures must be approved by the council and licensed by DCP. The equity joint ventures must be in any cannabis establishment licensed business, with one exception, and the social equity applicant must own at least 50% of the business. Under the act, a producer's venture may not be in a cultivator license and a dispensary may not own more than 50% of the business.

EFFECTIVE DATE: July 1, 2021

Application Procedure and Contents

Under the act, the Social Equity Council must approve the agreement between the social equity partner and producer or dispensary facility, as applicable, before an equity joint venture can submit it to DCP for a license application. The social equity applicant or producer or dispensary, as applicable, must submit to the council information that allows the council to determine the venture's ownership terms, including the organizing documents outlining each backer's ownership stake, initial investment, and payout information. They may also include evidence of business formation, ownership allocation, ownership and financing terms, and proof of social equity applicant involvement.

In the case of an equity joint venture for a dispensary, the equity joint venture applicant must also submit an application to the council, which may include this same information.

Upon receiving the council's written approval, the social equity applicant or producer or dispensary must apply for a DCP license in the same form as required by all other licensees of the same license type, except the producer application is not subject to the lottery. The act also specifies that dispensary equity joint ventures are subject to the same fees required by all other licensees of the same license type.

Ownership and Location Limits

The act prohibits a producer or dispensary, including their backers, from increasing its ownership in an equity joint venture to more than 50% in the seven years after DCP issues a license. It also prohibits equity joint ventures that are retailers or hybrid retailers and share a common owner (e.g., a common producer or producer backer) from being located within 20 miles of another commonly owned equity joint venture.

Financial Liability

If a producer or dispensary pays the reduced conversion fee but does not subsequently create the required equity joint ventures, it is liable for the full fee amount (i.e., \$3 million for producers and \$1 million for dispensary facilities).

§ 28 — PAYMENT FOR PROMOTION AND EXCLUSIVE CONTRACTS PROHIBITED

Prohibits retailers from (1) accepting compensation from certain entities to place or promote their product or (2) entering into exclusive contracts

The act prohibits cannabis retailers or hybrid retailers from accepting payment or other compensation, whether directly or indirectly, from a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer, or product packager to carry a cannabis product or for placing or promoting a product in the retail establishment or through other promotional initiatives. It also prohibits these retailers from entering into (1) exclusive or near exclusive contracts or those that allow preferential treatment with these entities or (2) other contracts that limit the retailer from purchasing from other entities.

EFFECTIVE DATE: July 1, 2021

§ 28 — SALES OF CANNABIS INTENDED FOR ANIMAL USE PROHIBITED

Prohibits cannabis establishments from preparing or selling cannabis intended for animal use

The act prohibits cannabis establishments from producing, manufacturing, or selling cannabis or cannabis products intended for use or consumption by animals.

EFFECTIVE DATE: July 1, 2021

§ 28 — TRANSACTION LIMITS FOR CANNABIS

Limits the amount a customer may buy to one ounce per day; sets the limit at five ounces per day for a qualifying patient or caregiver; allows the DCP commissioner to set lower limits

The act generally prohibits a retailer or hybrid retailer from knowingly selling a customer more than one ounce per day of cannabis, the equivalent amounts of cannabis products, or a combination of both. But the act allows a hybrid retailer or dispensary facility to sell up to five ounces per day to qualifying patients or caregivers. Regardless of the Uniform Administrative Procedure Act's (UAPA) notice requirements for amending regulations, in order to avoid cannabis shortages or address a public health and safety concern, the DCP commissioner may set temporary lower per-transaction limits, which must be published on DCP's website. These limits expire when the commissioner determines that the shortage or concern no longer exists.

EFFECTIVE DATE: July 1, 2021

§ 28 — CANNABIS ESTABLISHMENTS PROHIBITED FROM HAVING LIVE CANNABIS PLANTS

Generally prohibits cannabis establishments from having live plants unrelated to their licensed operations

The act prohibits a cannabis establishment, except a producer, cultivator, or micro-cultivator, from acquiring or possessing live cannabis plants.

EFFECTIVE DATE: July 1, 2021

§ 28 — CREDENTIAL ASSIGNMENT PROHIBITED

Generally prohibits the assignment or transfer of a cannabis credential or obtaining or moving cannabis from outside Connecticut if it violates federal law

The act prohibits anyone issued a license or registration under the act from (1) assigning or transferring it without the commissioner's approval or (2) selling, transferring, or transporting cannabis to, or obtaining cannabis from, a location outside Connecticut if the activity violates federal law.

EFFECTIVE DATE: July 1, 2021

§ 29 — REGISTRATION OR LICENSE REQUIRED

Requires (1) cannabis establishment, laboratory, and research program employees to be registered and (2) backers or key employees to be licensed; specifies certain crimes that disqualify prospective licensees; requires certain licensees to notify DCP within 48 hours after an arrest or conviction for certain offenses

The act requires cannabis establishment, laboratory, and research program employees, other than key employees (e.g., an establishment's president, chief officer, financial manager, or compliance manager), to annually register with DCP on a form and in a manner the commissioner prescribes. They must do so before beginning their employment at the establishment business.

The act also requires backers and key employees, or anyone representing that they are one, to be licensed by DCP. These individuals must apply for a license on a form and in a manner the commissioner prescribes. The form may require the applicant to:

1. submit to a state and national criminal check (see also §§ 30 & 31), which may include a financial history check if the commissioner requests it, to determine the applicant's character and fitness for the license;
2. provide information sufficient for DCP to assess whether the applicant has an ownership interest in another cannabis establishment, cannabis establishment applicant, or cannabis-related business nationally or internationally;
3. provide demographic information; and
4. obtain any other information DCP determines is consistent with the act or the medical marijuana laws.

A backer and key employee must be denied a license if the background check reveals a disqualifying conviction. Under the act, a "disqualifying conviction" is a conviction in the last 10 years that the state, another state, or the federal government has not pardoned, for the following offenses:

1. money laundering in the first, second, or third degree (CGS §§ 53a-276 to -278);

2. vendor fraud in the first, second, or third degree (CGS §§ 53a-291 to -293);
3. insurance fraud (CGS § 53a-215);
4. forgery in the first or second degree (CGS §§ 53a-138 & -139);
5. filing a false record (CGS § 53a-142a);
6. certain bribery-related crimes (CGS §§ 53a-147 to -150, -152, -153 & -158 to -161);
7. certain tampering with or intimidating witnesses, jurors, or evidence crimes (CGS §§ 53a-151, -151a, -154 & -155);
8. perjury or false statements (CGS §§ 53a-156, -157a & -157b);
9. certain crimes related to bids and kickbacks (CGS §§ 53a-161 to -162);
10. telephone fraud in the first, second, third, or fourth degree (CGS §§ 53a-125c to -125f);
11. identity theft in the first, second, or third degree (CGS § 53a-129b to -129d);
12. conspiracy or criminal attempt, if the offense which is attempted or is an object of the conspiracy is one of the offenses listed above (CGS §§ 53a-48 & -49);
13. willfully delivering or disclosing certain tax forms or records that the person knows to be fraudulent (CGS § 12-737(b)); or
14. any law in another state or federal government that has elements that are substantially similar to the offenses listed above.

Under the act, registered employees and cannabis establishment, backer, and key employee licensees must provide written notice to DCP about any changes to the information supplied on the application, generally within five business days after the change. The licensees must also notify the department, in a DCP-prescribed manner, within 48 hours after any arrest or conviction for an offense that constitutes a disqualifying conviction.

The act allows DCP to adopt regulations to implement these provisions and allows it to adopt policies and procedures (see § 32 below) before adopting these regulations.

EFFECTIVE DATE: July 1, 2021

§§ 30 & 31 — CRIMINAL HISTORY CHECKS

Requires all individuals listed on an application to submit to criminal history checks before getting their license; allows DCP to require criminal history checks for license renewals

Beginning July 1, 2021, the act generally requires the DCP commissioner to require all individuals listed on an application for a cannabis establishment license, laboratory or research program license, or key employee license to submit to fingerprint-based state and national criminal history checks before issuing the license. These checks must be conducted under the state's criminal history record checks law. The commissioner may require all these individuals to comply with the same requirements before renewing the license. The act requires DCP to charge applicants a fee equal to the department's cost for the records check.

Alternatively, the act allows the commissioner to accept a third-party local and national criminal background check submitted by an applicant for a backer or key employee license or renewal instead of a fingerprint-based national criminal history records check. The act requires that any of these checks (1) be conducted by a third-party consumer reporting agency or background screening company that complies with the federal Fair Credit Reporting Act and is accredited by the Professional Background Screening Association and (2) include a multistate and multi-jurisdiction criminal record locator or other similar commercial nationwide database with validation, and other background screening the commissioner may require. Applicants must request this background check within 60 days before submitting an application.

EFFECTIVE DATE: July 1, 2021

§ 32 — IMPLEMENTING REGULATIONS AND POLICIES AND PROCEDURES

Requires the DCP commissioner to adopt regulations, policies, and procedures on various cannabis issues (e.g., appropriate serving size limits, labeling and packaging, consumer health materials, laboratory standards, certain prohibitions for minors, certain supply requirements, and product registration)

The act requires the DCP commissioner to adopt regulations to implement the act's provisions. Regardless of the UAPA's regulation adoption process, in order to carry out the act's purposes and protect public health and safety and before adopting the required regulations, the commissioner must issue policies and procedures to implement the act's provisions. These policies and procedures have the force and effect of law.

At least 15 days before the policies and procedures take effect, the act requires the commissioner to post them on DCP's website and submit them to the secretary of the state (SOTS) to be posted on the eRegulations system. A policy or procedure is no longer effective once SOTS codifies the final regulation or, if the regulations have not been submitted to the Regulation Review Committee, starting 48 months after this provision's effective date, whichever occurs earlier.

The act requires the commissioner to issue policies and procedures and then final regulations that:

1. set appropriate dosage, potency, concentration, and serving size limits and delineation requirements for cannabis, as long as a standardized serving of edible cannabis product or beverage, other than a medical marijuana product, contains no more than five milligrams of THC;
2. require that each single standardized serving of cannabis product in a multi-serving edible product or beverage be physically demarked in a way that lets a reasonable person determine how much is a single serving and a maximum THC amount per multiple-serving edible cannabis product or beverage;
3. require that the product, other than cannabis concentrate or a medical marijuana product, contain no more than five milligrams of THC per unit of sale if it is impracticable to clearly demark every standardized cannabis product serving or make each standardized serving easily separable in an edible cannabis product or beverage;
4. establish consumer health materials, in consultation with the Department of Mental Health and Addiction Services (DMHAS), that must be posted or distributed, as the DCP commissioner specifies, by cannabis establishments to maximize dissemination to cannabis consumers (e.g., pamphlets, packaging inserts, signage, online and printed advertisements, advisories, and printed health materials);
5. establish laboratory testing standards;
6. restrict forms of cannabis products and their delivery systems to ensure consumer safety and deter public health concerns;
7. prohibit certain manufacturing methods or additive inclusion in cannabis products, including (a) flavoring, terpenes, or other additives unless DCP-approved or (b) any form of nicotine or other additive containing nicotine;
8. prohibit product types that appeal to children;
9. establish physical and cyber security requirements related to build out, monitoring, and protocols as licensure requirements for cannabis establishments;
10. place temporary limits on cannabis sales in the adult-use market if the commissioner deems it appropriate and necessary to respond to shortages for qualifying patients;
11. require retailers and hybrid retailers to make best efforts to provide access to (a) low-dose THC products, including products that have one milligram and 2.5 milligrams of THC per dose, and (b) high-dose cannabidiol (CBD) products;
12. require producers, cultivators, micro-cultivators, product manufacturers, and food and beverage manufacturers to register brand names for cannabis under the procedures and subject to the fees in the medical marijuana regulations;
13. prohibit a cannabis establishment from selling, other than medical marijuana product sales between cannabis establishments and cannabis sales to qualified patients and caregivers, (a) cannabis flower or other cannabis plant material with a total THC concentration greater than 30% on a dry-weight basis and (b) any cannabis product other than the flower and plant material with a total THC concentration greater than 60% on a dry-weight basis, except for the sale of prefilled cartridges for use in an electronic cannabis delivery system (DCP may adjust these percentages through regulations for public health purposes or to address market access or shortages); and
14. permit outdoor cannabis cultivation.

The commissioner must also impose policies and procedures and then regulations on labeling and packaging requirements for cannabis that a cannabis establishment sells. These must include:

1. a universal symbol to indicate that a product contains cannabis, and how the product and packaging must use and exhibit the symbol;
2. a disclosure about how long it typically takes for the cannabis to affect an individual, including that certain forms take longer to have an effect;
3. a notation of the amount of cannabis the cannabis product is considered equivalent to;
4. a list of ingredients and all additives for cannabis;
5. child-resistant packaging, including a requirement that an edible product be individually wrapped;
6. product tracking information sufficient to determine where and when the cannabis was grown and manufactured so that a product recall could be effectuated;
7. a net weight statement;
8. a recommended use by or expiration date; and
9. standard and uniform packaging and labeling, including requirements (a) that all packaging be opaque; (b) about branding or logos; and (c) that the amounts and concentrations of THC and cannabidiol (CBD), per serving and per package, are clearly marked on the packaging or label of any cannabis product sold.

EFFECTIVE DATE: Upon passage

§ 33 — CERTAIN ADVERTISEMENTS PROHIBITED

Prohibits cannabis establishments and anyone advertising cannabis products or services from advertising in certain ways (e.g., targeting those under age 21, representing that cannabis has therapeutic effects, sponsoring certain events, and advertising near elementary or secondary schools); requires a warning regarding under age 21 cannabis use; deems violations CUTPA violations

The act prohibits cannabis establishments and any person advertising any cannabis or services related to cannabis from:

1. advertising cannabis, cannabis paraphernalia, or cannabis-related goods or services in ways that target or are designed to appeal to those under age 21 (including having spokespersons or celebrities who appeal to these underage individuals; depicting anyone under age 25 consuming cannabis; using objects such as toys, characters, or cartoon characters to suggest that underage individuals are present; or using any other depiction designed to appeal to someone under age 21);
2. engaging in advertising by means of television, radio, internet, mobile applications, social media, other electronic communication, billboard or other outdoor signage, or print publication unless the advertiser has reliable evidence that at least 90% of the advertisement's audience is reasonably expected to be age 21 or older;
3. engaging in advertising or marketing directed toward location-based devices, including cellphones, unless the marketing is a mobile device application that the owner, who is age 21 or older, installed on the phone and includes a permanent and easy opt-out feature and warnings that cannabis use is restricted to those age 21 and older;
4. advertising cannabis or cannabis products in a manner claiming or implying, or permitting any establishment employee to claim or imply, that the product has curative or therapeutic effects, or that any other medical claim is true, or allowing any employee to promote cannabis for wellness purposes unless (a) the claims are substantiated as set forth in the medical marijuana regulations or (b) a licensed pharmacist or other licensed medical practitioner verbally conveys it during the course of business in, or while representing, a hybrid retail or dispensary facility;
5. sponsoring charitable, sports, musical, artistic, cultural, social, or other similar events or advertising at or in connection with these events unless the sponsor or advertiser has reliable evidence that not more than 10% (a) of the in-person audience is reasonably expected to be under age 21 and (b) of the audience that will watch, listen, or participate in the event is expected to be under age 21;
6. advertising cannabis or cannabis products or paraphernalia in any physical form visible to the public within 500 feet of elementary or secondary school grounds, a recreation center or facility, a childcare center, a playground, a public park, or a library;
7. cultivating cannabis or manufacturing cannabis products for distribution outside of Connecticut in violation of federal law, or advertising in any way to encourage transporting cannabis across state lines or otherwise encouraging illegal activity;
8. except for dispensary facilities and hybrid retailers, exhibiting within or on the outside of the facility used to operate the cannabis establishment, or including in any advertisement, the word "dispensary" or any variation of the term or any other words, displays, or symbols indicating the store, shop, or business place is a dispensary;
9. exhibiting within or on the outside of the premises subject to the cannabis establishment license or including in any advertisement the words "drug store," "pharmacy," "apothecary," "drug," "drugs," or "medicine shop," or any combination of these terms or other words, displays, or symbols indicating that the business is a pharmacy;
10. advertising on or in public or private vehicles or at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues, including vinyl-wrapped vehicles or signs or logos on transportation vehicles a cannabis establishment does not own;
11. displaying cannabis or cannabis products that are clearly visible to a person from the outside of the facility used to operate the cannabis establishment, or displaying signs or other printed material advertising any brand or any kind of cannabis or cannabis product on the outside of the facility used to operate the cannabis establishment;
12. using radios or loudspeakers, in a vehicle or in or outside the facility used to operate the cannabis establishment, to advertise the sale of cannabis or cannabis products; and
13. operating any website advertising or depicting cannabis, cannabis products, or cannabis paraphernalia unless the website verifies the entrants or users are age 21 or older.

The act requires cannabis establishments' advertisements to have the following warning: "Do not use cannabis if you are under twenty-one years of age. Keep cannabis out of the reach of children." For print or visual mediums, the warning must be conspicuous, easily legible, and take up not less than 10% of the advertisement space. For an audio medium, the warning must be at the same speed as the rest of the advertisement and be easily intelligible.

Under the act, an advertising provision violation is a Connecticut Unfair Trade Practices Act (CUTPA) violation.

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and up to \$25,000 for a restraining order violation.

EFFECTIVE DATE: July 1, 2021

§ 33 — BRAND NAME REGISTRATION PROHIBITED

Prohibits DCP from registering certain cannabis brand names if they are similar to existing or unlawful products or previously approved cannabis brands

The act prohibits DCP from registering, and allows the department to require revision of, any submitted or registered cannabis brand name that is:

1. identical or confusingly similar to the name of an existing non-cannabis product or unlawful product or substance,
2. confusingly similar to a previously approved cannabis brand name,
3. obscene or indecent, and
4. customarily associated with individuals under age 21.

EFFECTIVE DATE: July 1, 2021

§ 34 — LICENSE APPLICATION AND FEES

Establishes when DCP can accept license applications; sets license fees, which are generally reduced 50% for social equity applicants

Applications

Under the act, the first date that DCP must accept license applications is at least 30 days after the Social Equity Council posts the criteria and supporting documentation needed to qualify as a social equity applicant. (But the act also allows DCP to accept applications within 30 days after the council identifies the criteria and documentation requirements and posts them on its website.) These license applications are for:

1. retailers,
2. hybrid retailers,
3. cultivators,
4. micro-cultivators,
5. product manufacturers,
6. food and beverage manufacturers,
7. product packagers,
8. delivery services, and
9. transporters.

Starting on July 1, 2021, the act allows DCP to accept applications from (1) any dispensary facility to convert its license to a hybrid-retailer license and (2) any producer for authorization to expand its license to engage in the adult use cannabis market.

The DCP commissioner must prescribe the form and manner of application, which must require the applicant to indicate whether he or she wants to be considered a social equity applicant. DCP (1) must post on its website the application period for each license type and (2) may only consider complete and timely applications.

Fees

Establishments. The act sets lottery entry, provisional license, and final license and renewal fees for various cannabis establishment licenses, as the table below shows.

Cannabis Establishment License Fees (for non-social equity applicants)

License Type	Lottery Entry	Provisional License	Final License / Renewal
Retailer	\$500	\$5,000	\$25,000
Hybrid Retailer			
Product Packager			
Cultivator	1,000	25,000	75,000
Micro-cultivator	250	500	1,000
Product manufacturer	750	5,000	25,000
Food and Beverage Manufacturer	250	1,000	5,000
Delivery Service			
Transporter			

It also sets fees related to converted licenses. With exceptions (see §§ 26 & 145), the license conversion fee for (1) a dispensary facility to become a hybrid retailer is \$1 million and (2) a producer to engage in the adult use cannabis market is \$3 million. For dispensary facilities that converted to a hybrid retailer, the renewal fee must be the same as the hybrid retailer fee (i.e., \$25,000). For any producer, the renewal fee remains the same as under the medical marijuana laws (i.e., \$75,000).

Backers and Employees. Under the act, the initial or renewal fee is (1) \$100 for a backer or key employee license and (2) \$50 for other employee registrations.

Social Equity Applicants. Under the act, fees for social equity applicants for these licenses are 50% of the specified amount for the first three renewal cycles, except applicants must pay the full amount if they are producers expanding to recreational cannabis or dispensary facilities converting to hybrid retailers (§§ 26 & 145). After three renewal cycles, social equity applicants must pay the full amount.

Fee Deposit. For FY 23 and thereafter, the act requires any fee DCP collects to be paid to the State Treasurer and credited to the General Fund, except the conversion and expansion fees must be deposited in the social equity and innovation account (see § 128 below).

EFFECTIVE DATE: July 1, 2021

§ 35 — LICENSE APPLICATION PROCESS, LOTTERY, PROVISIONAL LICENSES, AND FINAL LICENSE

Requires DCP to determine the maximum number of licenses, with 50% reserved for social equity applicants; sets procedures for a license lottery, which must be conducted by a third-party lottery operator; requires the Social Equity Council to confirm applicants qualify as social equity applicants and DCP and the council to review applications for disqualifying conditions; requires DCP to issue provisional and final licenses

Maximum License Determination (§ 35(b))

Under the act, except for cultivator licenses, before DCP starts accepting applications for a license type, it must determine the maximum number of applications that will be considered for that license type and post the information on its website. DCP must reserve 50% of the maximum number of applications that must be considered for each license type to be (1) selected through a social equity lottery and (2) reserved for social equity applicants.

Lottery and Application Ranking (§ 35(b)-(d))

Under the act, if the application period for a license type closes and DCP received more than the maximum number of applications in total or to be reserved for social equity applicants, a third-party lottery operator must conduct a lottery to identify applications for DCP and the Social Equity Council to review. The act defines a “third-party lottery operator” as a person, or a state higher education institution, that conducts the lotteries, identifies the cannabis establishment license applications for consideration without reviewing them, and has no direct or indirect oversight of, or investment in, a cannabis establishment.

The act requires the lottery operator to conduct a separate lottery for social equity applicants of each license type and a separate independent lottery for each license type that results in each application being randomly ranked starting with one and continuing sequentially. It must also:

1. not be given any application received after the application period closes;
2. give equal weight to every complete application submitted during the application period; and
3. conduct multiple, separate geographic lotteries if DCP requires.

The third-party operator must also rank all applications in each lottery numerically according to the order in which they were drawn, including those that exceed the number considered. The operator must then identify for DCP all applicants to be considered, which must consist of the applications ranked numerically. Under the act, the numerical rankings the third-party lottery operator creates are confidential and not subject to FOIA disclosure.

After receiving the list of social equity applications from the council, DCP must notify the lottery operator, which must then (1) conduct an independent lottery for all remaining applicants for each license type; (2) rank all applications numerically, including those that exceed the number to be considered; and (3) identify for DCP all applications to be reviewed. The number of applications to be reviewed must include the applications ranked numerically one through the maximum number set (see above), provided that if fewer social equity applicants are identified, the maximum number must be the number necessary to ensure that 50% of the applications for each license type identified through the lottery process are social equity applicants.

Social Equity Applicant Review (§ 35(a), (d) & (h))

The act charges the Social Equity Council with (1) reviewing ownership information and any other information needed to confirm an applicant qualifies as one (see criteria in § 1, above) and (2) prescribing the documentation applicants must submit to prove they meet social equity applicant ownership, residency, and income requirements. By September 1, 2021, the council must post the necessary documentation requirements on its website to inform applicants of the requirements before the application period starts.

Upon receiving a social equity applicant's application (or if a social equity lottery is conducted, after the lottery), DCP must provide to the council the documentation it received from applicants. The act prohibits DCP from providing the council identifying information beyond what the council needs to establish social equity status. The council must then (1) review these applications to determine whether applicants meet the social equity criteria and (2) identify for DCP the applications that qualify and that the department should review for awarding a provisional license.

Applicants Not Meeting Criteria. Under the act, if the council determines that an applicant does not qualify as a social equity applicant, the application must not be reviewed further for a license reserved for social equity applicants. Any application subject to, but not selected through, the social equity lottery process must not be reviewed as a social equity application. Instead, the application must be entered into the other lottery for the license type and may be reviewed further if selected, if the applicant pays the additional amount needed for the full lottery entry fee within five business days after the council notifies the applicant that he or she did not qualify as a social equity applicant. Within 30 days after an applicant is notified of the denial, the applicant may appeal the denial to Superior Court in accordance with the Uniform Administrative Procedure Act (UAPA).

Upon the council's determination that an application selected through the social equity lottery does not qualify, the act requires DCP to ask the lottery operator to identify the next-ranked application in the applicable lottery. This process may continue until the (1) council has identified for further consideration the maximum number of applications DCP sets on its website or (2) lottery indicates there are no more applications for consideration.

Review for Disqualifying Conditions (§ 35(e)-(g))

Under the act, DCP must review each application to be considered, as the third-party operator or council identifies, to confirm it is complete and determine whether any application:

1. includes a backer with a disqualifying conviction or that would result in common ownership in violation of the cap the act sets; or
2. has a backer who individually or in connection with a cannabis business in another state or country has an administrative finding or judicial decision that may substantively compromise the cannabis program's integrity, as DCP determines, or that precludes its participation in the state's cannabis program.

Additional Backers. The act prohibits additional backers from being added to a cannabis establishment application between the time of lottery entry, or any initial license application, and when a final license is awarded. However, if an applicant's or licensee's backer dies, they may apply to replace the deceased individual. If the applicant is a social equity

applicant, the council must review ownership to ensure the replacement would not cause the applicant to no longer qualify as a social equity applicant.

Disqualified Applications. Under the act, if an applicant or an applicant's single backer is disqualified because of the criteria set above, the entire application must be denied. The denial is DCP's final decision, provided backers of the applicant entity named in the lottery application submission may be removed before the applicant submits a final license application, unless the removal would result in a social equity applicant no longer qualifying as such.

If the applicant removes a backer that would cause the applicant to be denied, then the applicant entity must not be denied a license for that reason if the backer is removed within 30 days after DCP's notice about the backer's disqualification. Within 30 days after receiving service of the denial notice, the applicant may appeal to the Superior Court under the UAPA.

If an application is disqualified as described above, the act allows DCP to request that the third-party lottery operator identify the next-ranked application in the applicable lottery. If the denied applicant is a social equity applicant, the council must first review the next-ranked social equity applicant to confirm their qualifications before DCP reviews the applicant. This process may continue until the department has identified for further consideration the number of applications equivalent to the maximum number set on its website. If the number of applications remaining is less than the maximum number posted, DCP may reopen the application period or award fewer licenses. To the extent the denials result in less than 50% of applicants being social equity applicants, DCP must continue to review and issue provisional and final licenses for the remaining applications, but must reopen the application period for social equity applicants only.

Provisional Licenses (§ 35(i))

The act requires that all applicants selected in the lottery and not disqualified be provided a provisional license application, which must be submitted in a form and manner the commissioner prescribes. Applicants must complete their application within 60 days after they receive it and the right to apply for a provisional license is nontransferable.

Review and Issuance. Upon receiving an applicant's provisional application, DCP must review it for completeness and confirm that all information provided is acceptable and complies with applicable requirements and regulations, if adopted.

Under the act, if a provisional application meets the standards, the applicant must be provided a provisional license, which is nontransferable. If the application does not meet the standards or is not completed within 60 days, the applicant must not receive a provisional license. DCP's decision not to award a provisional license is final, but may be appealed under the UAPA. The act specifies that nothing in this provision prevents a provisional applicant from applying for a future lottery.

A provisional license expires after 14 months and is not renewable. Upon granting a provisional license, DCP must notify the applicant of the project labor agreement the act requires (see § 103 below). A provisional licensee may apply for a final license during the initial application period.

Final License (§ 35(j)-(l))

The act requires final license applications to be submitted on a form and in a manner the DCP commissioner approves and to include the information required thus far in the application process, as well as evidence of the following:

1. a contract with an entity providing an approved electronic tracking system (see § 56),
2. a right to occupy the location where the cannabis establishment will be located,
3. any necessary local zoning approval for the establishment's operation,
4. a certification by the applicant that a project labor agreement (see § 103) will be entered into before construction of any facility the establishment uses for operations,
5. a Social Equity Council-approved social equity plan and workforce development plan,
6. written policies for preventing diversion and misuse of cannabis and sales to underage people,
7. all other security requirements DCP sets based on the specific license type, and
8. a labor peace agreement entered into between the cannabis establishment and a bona fide labor organization (see § 102).

The act allows DCP, at any point before the provisional license expires, to award a provisional licensee a final license for the license type for which the licensee applied. Prior to receiving final license approval, a provisional licensee must not possess, distribute, manufacture, sell, or transfer cannabis. Additionally, DCP may conduct a site inspection before issuing a final license.

The act allows a cannabis establishment to begin operations at any time after receiving a final license, if all other requirements for opening a business in compliance with state law are complete, all employees have been registered, and all key employees and backers have been licensed.

EFFECTIVE DATE: July 1, 2021

§ 36 — CHANGE IN OWNERSHIP REGULATIONS

Requires the Social Equity Council to adopt regulations and policies and procedures to prevent changes of social equity ownership within three years of license issuance

The act requires the Social Equity Council to adopt regulations to prevent, with one exception, a cannabis establishment license awarded to a social equity applicant from being sold to, or changing ownership or control such that it is owned or controlled by someone other than another social equity applicant during the provisional licensure period and for three years after final licensure, except under certain circumstances. The exception is for cases where the backer has died or has a condition, including a physical illness or loss of skill or deterioration due to the aging process or an emotional disorder or mental illness, that would interfere with the backer's ability to operate.

Regardless of the UAPA's regulation adoption process, before adopting these regulations, the council must issue policies and procedures to implement this provision. The policies and procedures have the force and effect of law. At least 15 days before they take effect, the council must post the policies and procedures on its website and submit them to SOTS for posting on the eRegulations system. A policy or procedure is no longer effective once adopted as a final regulation or, if the regulations have not been submitted to the Regulation Review Committee, starting on July 1, 2025, whichever is earlier. The council may refer any violation of these policies and procedures, or regulations relating to the sale or change in ownership, to DCP for administrative enforcement, which may result in a fine of up to \$10 million or action against the establishment's license.

EFFECTIVE DATE: July 1, 2021

§ 37 — GROW SPACE REGULATIONS

Requires DCP to adopt policies, procedures, and regulations to establish the maximum grow space a cultivator or micro-cultivator may use

The act requires the DCP commissioner to adopt regulations to establish the maximum grow space allowed for a cultivator and micro-cultivator. In adopting these regulations, the commissioner must seek to ensure an adequate supply of cannabis for the market.

The act requires the DCP commissioner to issue policies and procedures before adopting these regulations, subject to the same requirements described above for the DCP commissioner to adopt policies and procedures (§ 32).

EFFECTIVE DATE: July 1, 2021

§ 38 — CANNABIS BUSINESS ACCELERATOR PROGRAM

Requires the Social Equity Council to develop a cannabis business accelerator program to provide technical assistance to accelerator participants

The act requires the Social Equity Council, in coordination with DCP and DECD, to develop a cannabis business accelerator program to provide technical assistance to participants by partnering them with a cannabis establishment. The council may partner with a state public college or university to develop the program.

The act allows any individual who would qualify as a social equity applicant to apply to participate in the accelerator program. Starting October 1, 2021, the Social Equity Council may accept applications from qualified individuals for the component of the accelerator program corresponding to each of the following five license types: retailer, cultivator, product manufacturer, food and beverage manufacturer, and product packager.

Starting July 1, 2022, the council may accept applications from these same five license types as well as hybrid-retailers and micro-cultivators to partner with an accelerator participant of the same license type, as long as an accelerator retailer participant may be partnered with either a retailer or hybrid retailer and an accelerator cultivator may be partnered with either a cultivator or micro-cultivator.

Under the act, as part of the cannabis business accelerator program, accelerator participants may be required to participate in training on accounting methods, business services, access to capital markets and financing opportunities, and regulatory compliance. Social equity applicants who have been awarded either a provisional or final license for a cannabis establishment may participate in the training programs.

The council must facilitate opportunities for participants in the cannabis business accelerator program to meet with potential investors. An accelerator participant who has partnered with an establishment must be allowed to participate in any of the cannabis establishment's activities with the same privileges afforded by the cannabis establishment's license to

its employees.

The act requires each participant to annually apply for and obtain a registration on a DCP-prescribed form. Participants must do this before participating in any cannabis establishment activity. The Social Equity Council may charge a participant registration fee and determine the program's duration and number of participants.

EFFECTIVE DATE: Upon passage

§ 39 — WORKFORCE TRAINING PROGRAM

Requires the Social Equity Council to develop a workforce training program

The act requires the Social Equity Council, in coordination with DECD and the Department of Labor (DOL), to develop a workforce training program to further equity goals, ensure cannabis establishments have access to a well-trained employee applicant pool, and help individuals who live in a disproportionately impacted area find employment in the cannabis industry.

The council must, in consultation with DECD and DOL:

1. consult with establishments on an ongoing basis to assess their business' hiring needs;
2. develop a universal application for prospective workforce training program enrollees;
3. partner with the regional workforce development boards and higher education institutions to develop workforce training programs;
4. develop a series of cannabis career pathways so that workers may vertically advance their careers within the cannabis industry;
5. partner with associated training providers to track and report performance outcomes (e.g., enrollment, completion, and placement) of participants entering a cannabis workforce training program; and
6. explore the creation of a series of apprenticeship programs for cannabis workers across Connecticut.

Under the act, workforce training program enrollees may opt to have their information provided to establishments as prospective employees upon completion.

EFFECTIVE DATE: Upon passage

§ 40 — LICENSE AND OWNERSHIP LIMIT

Limits certain individuals to holding or backing two licenses until June 30, 2025

From July 1, 2021, until June 30, 2025, the act prohibits DCP from awarding a cannabis establishment license to any lottery applicant that, when the lottery is conducted, (1) has two or more licenses or (2) includes a backer that has managerial control of, or is a backer for, two or more licensees in the same license type or category for which the applicant has entered the lottery. An ownership interest in an equity joint venture or a social equity partner in accordance with the act is disregarded for purposes of this limitation.

For these purposes, the following licenses are considered in the same category: (1) dispensary facilities, retailers, and hybrid retailers and (2) producers, cultivators, and micro-cultivators.

EFFECTIVE DATE: July 1, 2021

§§ 41-49 — DCP ISSUED CANNABIS LICENSES

Starting July 1, 2021, allows DCP to administer cannabis licenses for retailers, hybrid retailers, food and beverage manufacturers, product manufacturers, product packagers, delivery services or transporter, cultivators, and micro-cultivators; prohibits anyone from acting or representing themselves as one of these licensees without obtaining a license; establishes licensure requirements; allows dispensaries to convert to hybrid retailers and vice versa

Starting July 1, 2021, the act allows DCP to issue or renew licenses for (1) retailers, (2) hybrid retailers, (3) food and beverage manufacturers, (4) product manufacturers, (5) product packagers, (6) delivery services or transporter, (7) cultivators, and (8) micro-cultivators. It prohibits anyone from acting or representing themselves as any of these professions without obtaining a DCP license. The act establishes related licensure requirements (see §§ 34 & 35 for license fees).

The act also:

1. allows a cannabis dispensary facility to convert its license to a hybrid retailer license starting September 1, 2021; and
2. allows a hybrid retailer to convert its license to a dispensary facility if it complies with applicable state laws and

obtains DCP approval, thus being able to sell both recreational cannabis and medical marijuana.
EFFECTIVE DATE: July 1, 2021

Retailer and Hybrid Retailer Licenses (§§ 41-43)

The act allows licensed cannabis retailers and hybrid retailers to:

1. obtain cannabis from a cultivator, micro-cultivator, producer, product packager, food and beverage manufacturer, product manufacturer, or transporter, or an undeliverable return from a delivery service;
2. sell, transport, or transfer cannabis or cannabis products to a delivery service, laboratory, or research program; and
3. deliver cannabis using a delivery service or its own employees, subject to the act's requirements on delivery (see § 21).

The act also allows licensees to sell cannabis to consumers, but:

1. retailers cannot (a) sell medical marijuana products or offer discounts or other inducements to qualifying patients or caregivers or (b) gift or transfer cannabis for free to a consumer as part of a commercial transaction and
2. hybrid retailers cannot gift or transfer cannabis for free to consumers, qualifying patients, or caregivers as part of a commercial transaction.

Pharmacists and Record Keeping. In addition to general retail sales, the act allows hybrid retailers to sell marijuana and medical marijuana products to qualifying patients and caregivers. But it requires these products to be dispensed by a licensed pharmacist and recorded in the state's electronic Prescription Drug Monitoring Program (PDMP).

Under the act, pharmacists or registered dispensary technicians must record the dispensing in the PDMP in real-time, or immediately after completing the transaction. If it is not reasonably feasible to do so, they must record the transaction within one hour after completing it. The act only allows the pharmacists and registered dispensary technicians to upload or access data in the PDMP.

The act also requires hybrid retailers to (1) keep a licensed pharmacist on-site when the retail location is open to the public or qualifying patients and caregivers, (2) include a space for pharmacists to hold private consultations with qualifying patients and caregivers, and (3) accommodate an expedited entry method that allows priority entrance for qualifying patients and caregivers.

Storing Undelivered Products. The act requires retailers and hybrid retailers to have a secure location at their premises where cannabis that an employee or delivery service was unable to deliver can be returned to them. These return locations must be maintained as the DCP commissioner approves and meet specifications she sets and publishes on the agency's website or must be included in DCP regulations.

The act also requires hybrid retailers to return to the inventory, cannabis dispensed to a qualifying patient or caregiver that the delivery service was unable to deliver. They must return them to their inventory system and remove them from the PDMP within 48 hours after they receive the cannabis from the delivery service.

Dispensary Facility Conversion to Hybrid Retailer License (§§ 42 & 43)

Starting September 1, 2021, the act allows a dispensary facility to apply to DCP, on a form and manner the commissioner prescribes, to convert its license to a hybrid retailer license without applying through the lottery system. For conversions to a retailer license, the act requires dispensary facilities to apply through the lottery.

Under the act, license conversion applicants must submit to DCP, and obtain DCP approval for, a detailed medical preservation plan for how it will prioritize sales and access to medical marijuana products for qualifying patients, including managing customer traffic flow, preventing supply shortages, providing delivery services, and ensuring appropriate staffing levels.

Patient Designation of Dispensaries. Starting October 1, 2021, the act eliminates prior law's requirement that qualifying patients (or parents or guardians of patients who are minors) designate a dispensary facility or hybrid retailer as their exclusive location to purchase cannabis or medical marijuana products. Additionally, the act prohibits DCP from requiring any future change of designated dispensary facility applications.

Under the act, if all dispensary facilities demonstrate to DCP's satisfaction that they are adhering to the real-time upload requirements described below before October 1, 2021, the commissioner may eliminate the requirement to designate dispensary facilities before this date.

PDMP Real-Time Record Keeping. Starting September 1, 2021, the act requires dispensary facilities to have licensed pharmacists dispense cannabis and medical marijuana products sold to qualifying patients and caregivers and record the transaction in the PDMP in a similar way as described above for hybrid retailers (see §§ 41 & 42).

Delivery Services. Starting September 1, 2021, the act permits dispensary facilities and hybrid retailers to apply to DCP to provide delivery services, using a delivery service or their own employees, to qualifying patients, caregivers, research

program subjects, hospice and other licensed inpatient care facilities that have DCP-approved protocols for handling and distributing cannabis. Under the act, they may deliver cannabis or medical marijuana products only from their own inventory to qualifying patients and caregivers.

Under the act, a “delivery service” is a person licensed to deliver cannabis from (1) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (2) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, hospices or other inpatient care facilities with a DCP-approved protocol for handling and distributing cannabis.

Applicants must apply to DCP in a form and manner the commissioner prescribes, and if approved, they may begin delivery services starting January 1, 2022. However, the act allows the commissioner to approve delivery services prior to this date if she gives 45 days advanced written notice and publishes the notice on the agency’s website.

Direct Consumer Deliveries. Under the act, hybrid retailers may begin delivering cannabis directly to consumers on the date the DCP commissioner allows the first adult use cannabis sales. They may do so through a delivery service or using their own employees, subject to the act’s delivery requirements (see § 21).

Public Sales. The act allows DCP-approved dispensary facilities that converted to hybrid retailers to open their premises to the general public and commence adult use cannabis sales 30 days after cannabis is available for purchase from producers or cultivators that have at least 250,000 square feet of grow space and space used to manufacture cannabis products total. The commissioner must publish this date on DCP’s website.

Food and Beverage Manufacturer License (§ 44)

Under the act, food and beverage manufacturers can incorporate cannabis as an ingredient into foods or beverages, but they cannot extract cannabis into a cannabis concentrate or create any product that is not a food or beverage intended for human consumption.

Packaging and Labeling. The act allows food and beverage manufacturers to package or label any food or beverage prepared at their establishment. All products they create must be labeled in accordance with the act’s requirements as well as FDA and U.S. Department of Agriculture (U.S. DoAg) requirements.

Transporting Products. The act allows food and beverage manufacturers to sell, transfer, or transport their own products to a cannabis establishment, laboratory, or research program, using an employee or transporter to do so. It prohibits manufacturers from delivering, directly to a consumer or using a delivery service, cannabis, cannabis products, or foods or beverages that incorporate cannabis.

Sanitary Inspections. The act requires food and beverage manufacturers to ensure all equipment they use to manufacture, process, and package cannabis is sanitary and inspected regularly to prevent the adulteration of cannabis in accordance with the requirements of the act, FDA, and U.S. DoAg.

Product Manufacturer (§ 45)

The act allows a product manufacturer to:

1. perform cannabis extractions, chemical synthesis, and all other manufacturing activities the DCP commissioner allows and publishes on DCP’s website;
2. package and label cannabis manufactured at its establishment subject to its license; and
3. sell, transfer, or transport its own products to a cannabis establishment, laboratory, or research program if the transportation is performed using its own employees or a transporter.

The act prohibits a product manufacturer from delivering any cannabis to a consumer directly or through a delivery service.

The act requires a product manufacturer to label all products it creates in accordance with the commissioner’s policies and procedures issued to implement the act, including any regulations and any FDA requirements. Additionally, manufacturers must ensure all equipment used for manufacturing, extracting, processing, and packaging cannabis is sanitary and inspected regularly to deter the adulteration of cannabis in accordance with the act and FDA requirements.

Product Packager License (§ 46)

The act allows a product packager to:

1. obtain cannabis from a producer, cultivator, micro-cultivator, food and beverage manufacturer, or product manufacturer and
2. sell, transfer, or transport cannabis to any cannabis establishment, laboratory, or research program if he or she only transports cannabis packaged at its own establishment using its own employees or a transporter.

Under the act, product packagers (1) are responsible for ensuring that cannabis products are labeled and packaged in compliance with the act and the DCP commissioner's policies and procedures issued to implement it, including any regulations, and (2) must ensure equipment used to process and package cannabis is sanitary and inspected regularly to prevent the adulteration of cannabis.

Delivery Service or Transporter License (§ 47)

When applying for a delivery service or transporter license, the act requires applicants to indicate whether they are applying to transport cannabis (1) between cannabis establishments, in which case the applicant is applying for a transporter license or (2) from certain cannabis establishments to consumers or qualifying patients and caregivers, or a combination of them, in which case the applicant is applying for a delivery service license.

Delivering to Individuals. Under the act, a delivery service may deliver:

1. cannabis from a micro-cultivator, retailer, or hybrid retailer directly to a consumer and
2. cannabis and medical marijuana products from a hybrid retailer or dispensary facility directly to a qualifying patient, caregiver, or hospice, or other licensed inpatient care facility that has DCP-approved protocols for handling and distributing cannabis.

The act prohibits a delivery service from storing or maintaining control of any cannabis or medical marijuana products for more than 24 hours from when a consumer, qualifying patient, caregiver, or facility places an order to delivery.

Delivering Between Establishments. The act allows transporters to deliver cannabis between cannabis establishments, research programs, and laboratories. But when doing so, the transporter can only store or maintain control of the cannabis for 24 hours.

Regulations. The act requires the DCP commissioner to adopt regulations to implement the act's provisions. Before doing so, she must issue implementing policies and procedures, which have the force of law. The commissioner must do this (1) to protect the public's health and safety and (2) regardless of specified UAPA requirements.

The act requires the commissioner to post all implementing policies and procedures on DCP's website and submit them to SOTS to post on the eRegulations System at least 15 days before they take effect. A policy or procedure is no longer in effect once SOTS codifies the final regulation or, if the regulations have not been submitted to the Regulation Review Committee, starting on July 1, 2025, whichever is earlier.

Under the act, the department's implementing policies and procedures and final regulations must require a delivery service and transporter to meet certain security requirements for:

1. storage, handling, and transport of cannabis;
2. vehicles they use;
3. conduct of their employees and agents; and
4. documentation the service or transporter and its drivers must maintain.

A delivery service must also:

1. maintain an online interface that verifies the consumer's age and meets certain specifications and data security standards, when delivering cannabis to consumers; and
2. verify (and have all its employees and agents verify) the identity of the patient, caregiver, or consumer, and the consumer's age, when delivering cannabis to consumers, qualifying patients, or caregivers, in a way acceptable to the commissioner.

Under the act, the person who places the cannabis order must also accept the order delivery, except for a qualifying patient, who may have his or her caregiver accept the delivery.

Prohibition on Gifts. The act prohibits a delivery service from gifting or transferring cannabis for free to a consumer or qualifying patient or caregiver as part of a commercial transaction.

Delivery Employees. The act requires a delivery service to use full-time employees (i.e., at least 35 hours a week) to deliver cannabis. These employees must be registered with DCP and a service cannot employ more than 25 delivery employees at a time.

Cultivator License (§ 48)

The act allows cultivators to cultivate, grow, and propagate cannabis at an establishment with at least 15,000 square feet of grow space if they comply with the act's grow space requirements (see § 37 above) and the commissioner's required physical security controls and protocols.

They may also label, manufacture, package, and perform extractions on any cannabis they cultivate, grow, or propagate at their licensed establishment (e.g., food and beverage products that incorporate cannabis and cannabis concentrates), as long as they meet all licensure and application requirements for food and beverage manufacturers and product

manufacturers.

Additionally, the act allows cultivators to sell, transfer, or transport their cannabis to a dispensary facility, hybrid retailer, retailer, food and beverage manufacturer, product manufacturer, research program, laboratory, or product packager using its own employees or a transporter. But they cannot directly or through a delivery service sell, transfer, or deliver to consumers, qualifying patients, or caregivers.

Micro-Cultivator License (§ 49)

License Scope. The act allows micro-cultivators to sell, transfer, or transport cannabis to a dispensary facility, hybrid retailer, retailer, delivery service, food and beverage manufacturer, product manufacturer, research program, laboratory, or product packager. They must cultivate, grow, and propagate the products and transport them using their employees or a delivery service. It prohibits them from gifting or transferring the products to consumers for free in a commercial transaction.

Under the act, micro-cultivators may also label, manufacture, package, and extract cannabis they cultivate, grow, and propagate at their own licensed establishment, as long as they meet applicable licensure and application requirements for a food and beverage manufacturer, product manufacturer, or product packager.

The act also allows a micro-cultivator to sell its own cannabis to consumers, excluding qualifying patients and caregivers, either by using its own employees or through a delivery service.

Storage of Undelivered Products. The act requires micro-cultivators that deliver products using a delivery service or their own employees to maintain an on-site secure location where undelivered orders may be returned. The return location must be maintained as the commissioner approves and meet the specifications she sets and publishes on the agency's website or must be included in DCP-adopted regulations. A micro-cultivator must stop delivery of cannabis to a consumer if it converts to being a cultivator.

Grow Space Limits. The act allows micro-cultivators to cultivate, grow, propagate, manufacture, and package the cannabis plant at an establishment containing between 2,000 and 10,000 square feet of grow space, before any DCP-authorized expansion, if the micro-cultivator complies with the regulations on grow space (see § 37 above). These micro-cultivators must also meet physical security controls the commissioner sets and requires.

Annual Expansion. The act allows micro-cultivators to annually apply to DCP to expand their grow space in increments of 5,000 square feet if they are not subject to any pending or final administrative actions or judicial findings. If they are, DCP must conduct a suitability review analysis to determine whether to grant the expansion. The department's determination is final and may only be appealed to the Superior Court.

Conversion to Cultivator License. Under the act, micro-cultivators may only annually apply to expand their business until they reach a maximum of 25,000 square feet of grow space. Micro-cultivators who want to expand beyond this may apply to DCP to convert to a cultivator license one year after their last expansion request and are not required to go through the department's lottery application process. DCP must grant a cultivator license to micro-cultivators who meet all application and licensure requirements and pay the license fee.

§ 50 — RELOCATION FOR DISPENSARY OR HYBRID RETAILER

Temporarily allows DCP to deny a change of location for a dispensary facility or hybrid retailer because of patient needs and prohibits the department from approving a relocation that is further than 10 miles from the current location

Before June 30, 2022, the act prohibits the DCP commissioner from approving the relocation of a dispensary facility or hybrid retailer to a location that is further than 10 miles from its current location. Until June 30, 2023, the act allows the DCP commissioner to deny a change of location application from a dispensary facility or hybrid retailer based on the needs of qualifying patients.

EFFECTIVE DATE: July 1, 2021

§ 51 — CONFLICT OF INTEREST AND REVOLVING DOOR PROVISION

Prohibits (1) DCP employees who carry out certain functions and Social Equity Council members and employees from having management or financial interests in the cannabis industry and (2) former council members and employees, former DCP employees, General Assembly members, and statewide elected public officials from being eligible for a cannabis establishment license for two years after leaving state service

The act prohibits specified DCP employees and Social Equity Council members and employees from:

1. having any management or financial interest in the cultivation, manufacture, sale, transportation, delivery, or testing of cannabis in Connecticut (whether directly or indirectly) or
2. receiving any commission or profit from, or having any interest in, purchases or sales made by individuals authorized to do so under the act.

The prohibition applies to those who carry out the licensing, inspection, investigation, enforcement, or policy decisions authorized by the act and its regulations. Under the act, this prohibition does not prevent the covered employees or members from purchasing and keeping in their possession any cannabis for their personal use, or that of their family or guests, to the extent doing so is allowed under the act.

The act also makes former council members and employees, former DCP employees, General Assembly members, or statewide elected public officials, within two years of leaving state service, ineligible to apply either individually or with a group of individuals for a cannabis establishment license.

EFFECTIVE DATE: Upon passage

§ 52 — PROTECTION FOR CANNABIS EMPLOYEES

Protects cannabis establishments and their employees from seizures and forfeitures due to cannabis activities related to their jobs

Regardless of any state law, the act allows a cannabis establishment or its employee to purchase, possess, display, sell, and transport cannabis within the scope of the person's employment, license, or registration. The act deems these actions lawful and not an offense or a basis for seizing or forfeiting assets if the person complies with the applicable license and registration laws and regulations.

EFFECTIVE DATE: July 1, 2021

§ 53 — DISPLAY PROHIBITIONS

Prohibits cannabis establishments from displaying cannabis that is visible to the general public from a public road or on DEEP-managed property

The act prohibits cannabis establishments from displaying cannabis, cannabis products, or drug paraphernalia in a manner that is visible to the general public from a public road not on state lands or waters the Department of Energy and Environmental Protection (DEEP) manages.

EFFECTIVE DATE: July 1, 2021

§ 54 — CANNABIS ESTABLISHMENT POLICIES AND PROCEDURES

Requires each cannabis establishment to establish, maintain, and comply with written policies and procedures on, among other things, handling recalls and crises, ensuring adulterated cannabis is destroyed, and ensuring the oldest cannabis is sold first

The act requires each cannabis establishment to establish, maintain, and comply with written policies and procedures for cultivating, processing, manufacturing, securing, storing, inventorying, and distributing cannabis, as applicable to the specific license type. The policies and procedures must include methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting all inventory errors and inaccuracies. Cannabis establishments must include in their written policies and procedures a process for each of the following, if the establishment engages in the activity:

1. handling mandatory and voluntary cannabis recalls to adequately manage (a) recalls due to a commissioner's order or the cannabis establishment's voluntary action to remove defective or potentially defective cannabis from the market or (b) actions taken to promote public health and safety by replacing existing cannabis with improved products or packaging;
2. preparing for, protecting against, and handling any crisis that affects a cannabis establishment facility's security or operation in the event of a strike, fire, flood, or other natural disaster, or local, state, or national emergency;
3. ensuring that any outdated, damaged, deteriorated, misbranded, or adulterated cannabis is segregated from all other inventory and destroyed and its disposition is documented in writing; and
4. ensuring the oldest stock of cannabis is sold, delivered, or dispensed first (but the procedure may permit deviation from this requirement if it is temporary and commissioner-approved).

The act also requires cannabis establishments to (1) store all cannabis in a way to prevent diversion, theft, or loss; (2)

make cannabis accessible only to the minimum number of specifically authorized employees essential for efficient operation; and (3) return any cannabis to a secure location at the end of the scheduled business day.

EFFECTIVE DATE: July 1, 2021

§ 55 — ALLOWABLE PURCHASES BY MEDICAL MARIJUANA PATIENTS AND CAREGIVERS

Allows qualifying patients and caregivers to purchase cannabis with higher potency and larger per-transaction or per-day amounts, as the commissioner determines

Under the act, qualifying patients and caregivers must be allowed to buy cannabis of higher potency, varied dosage form, and in a larger per-transaction or per-day amount, as the DCP commissioner determines, than is generally allowed for retail purchases. This determination, if the commissioner makes one, must be posted on DCP's website or included in DCP-adopted regulations.

Regardless of any state law, under the act, the sale or delivery of drug paraphernalia to a qualifying patient or caregiver or person licensed under the act or the medical marijuana laws is not considered a violation of the act.

EFFECTIVE DATE: July 1, 2021

§ 56 — RECORDKEEPING AND ELECTRONIC TRACKING SYSTEM

Requires each cannabis establishment to maintain specified records through an electronic tracking system and establishes narrow conditions under which the records may be released

Recordkeeping

The act requires each cannabis establishment, licensed under the medical marijuana laws or the act, to maintain a record of all cannabis grown, manufactured, wasted, and distributed between cannabis establishments and to consumers, qualifying patients, and caregivers in a form and manner the DCP commissioner prescribes.

Electronic Tracking System

Under the act, the commissioner must require each cannabis establishment to use an electronic tracking system to monitor the producing, harvesting, storing, manufacturing, packaging and labeling, processing, transporting, transferring, and selling of cannabis from the point of its cultivation through the point when the final product is sold to a consumer, qualifying patient, caregiver, research program, or is otherwise disposed of according to the medical marijuana laws or the act or its policies and procedures or regulations. The system must (1) track each cannabis seed, clone, seedling, or other cannabis starter plant or any introduced cannabinoid that a cannabis establishment intends to use and (2) collect the unit price and amount sold for each retail cannabis sale. Cannabis establishments must use the tracking system and enter the data points the commissioner requires to ensure cannabis is safely, securely, and properly labeled for consumer or qualifying patient use. The commissioner may contract with one or more vendors to electronically collect this information.

Disclosures Generally Prohibited

The act prohibits the electronic tracking system from collecting information about an individual consumer, qualifying patient, or caregiver purchasing the cannabis. Under the act, the electronic tracking system's information is confidential and generally must not be subject to disclosure under FOIA. However, the act allows the DCP commissioner to provide reasonable access to cannabis tracking data obtained under this provision to the following individuals and agencies:

1. state agencies and local law enforcement agencies (a) to investigate or prosecute a violation of law or (b) as part of a DCP disciplinary action;
2. public or private entities for research or educational purposes, provided no individually identifiable information is disclosed;
3. the attorney general for any review or investigation; and
4. in the aggregate, the departments of Public Health (DPH) and Mental Health and Addiction Services for epidemiological surveillance, research, and analysis in conjunction with DCP.

The commissioner must provide access to the electronic tracking system to (1) DRS to enforce any tax-related investigations and audits and (2) the Connecticut Agricultural Station for laboratory testing and surveillance.

EFFECTIVE DATE: January 1, 2022

§ 57 — FINANCIAL RECORDKEEPING AND DCP ENFORCEMENT

Requires cannabis establishments to maintain records of their business transactions for the current tax year and the three prior years in an auditable format; gives the DCP commissioner certain powers to supervise and enforce the act's provisions; exempts certain information from FOIA disclosure (e.g., security plans)

The act requires each cannabis establishment to maintain all records needed to fully demonstrate its cannabis business transactions for the current tax year and the three immediately prior, all of which must be made available to DCP as described below.

The commissioner may require (1) any licensee to provide the information she considers necessary for the act's proper administration and (2) an audit of any cannabis establishment at its own expense.

Under the act, each cannabis establishment, and each person in charge or with custody of its documents, must maintain the documents in an auditable format for the current tax year and the three preceding tax years. Upon request, the person must (1) make the documents immediately available for inspection and copying by the commissioner, any enforcement agency, or other entity the act authorizes to do so and (2) produce copies of the documents to the commissioner or her authorized representative within two business days. The documents must be provided in electronic format unless it is not commercially practical. In keeping any required document or complying with these provisions, the act prohibits anyone from using a foreign language, codes, or symbols to designate cannabis, or cannabis product types or individuals.

The act allows the commissioner, for purposes of supervising or enforcing the act's provisions, to:

1. enter any place, including a vehicle, where cannabis is held, sold, produced, delivered, transported, manufactured, or otherwise disposed of;
2. inspect a cannabis establishment and all pertinent equipment, finished and unfinished material, containers, and labeling, and all things in the location, including records, files, financial data, sales data, shipping data, pricing data, employee data, research, papers, processes, controls, and facilities; and
3. inventory any cannabis stock and obtain samples of any cannabis, labels or containers, paraphernalia, and of any finished or unfinished material.

Except when otherwise provided under the act, all records maintained or kept on file related to the act by DCP or the Social Equity Council are public records for FOIA purposes.

In addition to the nondisclosure provisions under the act, FOIA, and medical marijuana laws, any information related to the following is not subject to FOIA disclosure: (1) a cannabis establishment's physical security plans or an individual applicant's criminal background DCP obtains through the licensing process, (2) a cannabis establishment's supply and distribution information, and (3) qualified patient and caregiver information.

EFFECTIVE DATE: July 1, 2021

§ 58 — DCP DISCIPLINARY ACTIONS

Allows the DCP commissioner, for sufficient cause, to take certain disciplinary actions, including suspending or revoking a credential or issuing fines; generally exempts information from DCP inspections and investigations from FOIA disclosure

Disciplinary Actions

The act allows the DCP commissioner, for sufficient cause, to suspend or revoke a license or registration, issue fines of up to \$25,000 per violation, accept an offer in compromise, refuse to grant or renew a license or registration issued under the act, place a licensee or registrant on probation, place conditions on a licensee or registrant, or take other actions the law permits.

Under the act, information from DCP inspections and investigations related to administrative complaints or cases is generally not subject to FOIA disclosure, except after DCP has entered into a settlement agreement or closed a case on an investigation or inspection. Nothing in this provision prevents DCP from sharing information with other state and federal agencies and law enforcement relating to investigations of law violations.

Sufficient Cause

Under the act, actions that constitute sufficient cause for disciplinary action by the commissioner include:

1. furnishing false or fraudulent information in an application or failing to comply with representations made in an application, including medical preservation plans and security requirements;

2. a civil judgment against, or disqualifying conviction of, a cannabis establishment licensee, backer, key employee, or license applicant;
3. failure to maintain effective controls against diversion, theft, or loss of cannabis, cannabis products, or other controlled substances;
4. discipline by any federal, state, or local government, or pending disciplinary actions or unresolved complaints against a cannabis establishment licensee, registrant, or applicant regarding any professional license or registration issued by such government;
5. failure to keep accurate records and accounts for the cultivation, manufacture, packaging, or sale of cannabis;
6. the denial, suspension, or revocation of a license or registration, or the denial of a license or registration renewal, by a federal, state, or local government or foreign jurisdiction;
7. false, misleading, or deceptive representations to the public or the department;
8. the return of any cannabis to regular stock after (a) its package or container has been opened, breached, tampered with, or otherwise adulterated or (b) it has been previously sold to an end user or research program subject;
9. involvement in a fraudulent or deceitful practice or transaction;
10. performance of incompetent or negligent work;
11. failure to maintain the entire cannabis establishment premises or laboratory and contents in a secure, clean, orderly, and sanitary condition;
12. permitting another person to use the licensee's license;
13. failure to properly register employees or license key employees, or failure to notify the department about a change in key employees or backers;
14. an adverse administrative decision or delinquency assessment against the cannabis establishment from DRS;
15. failure to cooperate or give information to DCP, local law enforcement authorities, or any other enforcement agency on any matter arising out of conduct at a cannabis establishment's premises or laboratory or in connection with a research program;
16. advertising in a prohibited manner (see § 33); or
17. failure to comply with any provision of the act or any DCP-issued policies and procedures or regulations adopted under the act.

Revocation or Denial

If the commissioner refuses to issue or renew a license or registration, she must notify the applicant about the denial and his or her right to request a hearing within 10 days after receiving the denial notice. If the applicant requests a hearing within the 10-day period, the commissioner must (1) give notice of the grounds for the refusal and (2) conduct a hearing on the refusal under the UAPA's procedures for contested cases.

If the commissioner's denial is sustained after the hearing, an applicant may not apply for a new cannabis establishment, backer, or key employee license or employee registration for at least one year after the date the denial was sustained. The act also prohibits a person whose license or registration has been revoked from applying for a license or registration for at least one year after the revocation.

Under the act, the voluntary surrender or failure to renew a license or registration does not prevent the commissioner from suspending or revoking the license or registration or imposing other penalties the act allows.

EFFECTIVE DATE: July 1, 2021

§ 59 — DCP REGULATIONS, POLICIES, AND PROCEDURES

Allows the DCP commissioner to adopt (1) implementing regulations and (2) policies and procedures before adopting regulations

The act allows the DCP commissioner to adopt regulations, including emergency regulations, to implement the act's provisions.

Regardless of the UAPA's regulation adoption process, before the regulations are adopted, the act requires the commissioner to (1) adopt policies and procedures to implement the act's provisions that have the force and effect of law, (2) post them on DCP's website, and (3) submit them to SOTS to post on the eRegulations system at least 15 days before they take effect. The policy or procedure is no longer effective once the final regulation is codified or, if the regulations have not been submitted to the Regulations and Review Committee, starting 48 months from this provision's effective date, whichever occurs earlier.

EFFECTIVE DATE: Upon passage

§ 60 — DCP RECOMMENDATIONS ON ON-SITE CONSUMPTION AND EVENTS

Requires DCP to make written recommendations to the governor and the legislature on whether to allow on-site consumption or events that allow cannabis usage

The act requires DCP, by January 1, 2023, to make written recommendations to the governor and the General Law, Judiciary, and Finance, Revenue and Bonding committees on whether to authorize on-site consumption or events that allow for cannabis usage, including whether to establish a cannabis on-site consumption or event license.

EFFECTIVE DATE: July 1, 2022

§ 61 — MATERIAL CHANGE

Requires anyone who enters into a transaction that results in a material change to a cannabis establishment to file a written notice with the attorney general and serve a waiting period

The act requires anyone who enters into a transaction, either directly or indirectly, that results in a material change to a cannabis establishment to file a written notice with the attorney general and serve a specified waiting period.

Under the act, “material change” means:

1. the addition of a backer;
2. a change in an existing backer’s ownership interest;
3. the merger, consolidation, or other affiliation of a cannabis establishment with another such establishment;
4. the acquisition of all, or part of, a cannabis establishment by another such establishment or backer; and
5. the transfer of assets or security interests from a cannabis establishment to another such establishment or backer.

“Transfer” means to sell, transfer, lease, exchange, option, convey, give, otherwise dispose of, or transfer control over, including by way of merger or joint venture not in the ordinary course of business.

Written Notice

The act requires the written notice to be in a form and contain the documents and information on the proposed transaction the attorney general deems necessary and appropriate for him to determine if the transaction would violate antitrust laws.

By law, the attorney general may, among other things, investigate proposed transactions for compliance with antitrust laws and require parties to provide relevant information through subpoenas and written interrogatories (CGS § 35-42).

Waiting Period

The act requires a waiting period before the transaction is complete. The period begins on the day the attorney general receives the completed notice from all parties to the transaction (see above) and generally ends after 30 days, unless the attorney general extends it or, in individual cases, ends the waiting period and lets the transaction to go forward.

The attorney general may, before the 30-day waiting period expires, extend the waiting period by requesting more material on the proposed transaction. This extends the waiting period until 30 days after the parties have substantially complied with the request, as determined by the attorney general.

Disclosure Prohibited

Under the act, any information or documents filed with the attorney general are not disclosable under FOIA and must not be made public, except as may be relevant to an administrative or judicial action or proceeding.

The act requires the information or documents to be returned to the person who provided them when the attorney general’s review ends or the final determination is made in an action or proceeding that began as a result.

Penalty

Under the act, any person, officer, director, or partner, who fails to comply with any portion of these material change provisions is liable to the state for a civil penalty of up to \$25,000 for each day they are in violation. The penalty may be recovered in a civil action brought by the attorney general.

Under the act, if any person, officer, director, partner, agent, or employee fails substantially to comply with the

notification requirement or any request to submit additional information or documents within the waiting period, the court:

1. may order compliance;
2. must extend the waiting period until there has been substantial compliance, except that, in the case of a tender offer (i.e. public bid for stockholders to sell their stock), the court may not extend the waiting period based on a failure by the person whose stock is sought to be acquired to comply substantially with the notification requirement or request; and
3. may grant other equitable relief as the court determines necessary or appropriate, upon application of the attorney general.

EFFECTIVE DATE: July 1, 2021

§ 62 — ELECTRICITY USAGE REPORT AND RENEWABLE ENERGY

Requires a cannabis establishment to annually report its electricity usage and purchase renewable energy to the extent possible

The act requires each cannabis establishment to annually report publicly, in a manner the DCP commissioner prescribes, (1) its annual electricity usage and (2) what fraction of its electricity usage is generated from Class I Renewable Portfolio Standards produced in the state through the Regional Greenhouse Gas Initiative (RGGI) agreement.

The act requires each cannabis establishment, to the greatest extent possible, to purchase electricity generated from Class I Renewable Portfolio Standards produced in the states that are party to the RGGI agreement.

EFFECTIVE DATE: July 1, 2022

§ 63 — DEPARTMENT OF BANKING REPORTING REQUIREMENT

Requires the banking commissioner to report legislative recommendations to the governor and legislature on cannabis establishments' use of electronic payments and access to banking institutions

By January 1, 2022, the act requires the banking commissioner, in consultation with the DCP commissioner, to report to the governor and Banking, Judiciary, and Finance, Revenue and Bonding committees on recommended legislation (1) to implement the act, (2) facilitate the use of electronic payments by cannabis establishments and consumers, and (3) on access for cannabis establishments to depository banking and commercial mortgages.

EFFECTIVE DATE: Upon passage

§ 64 — INSURANCE REPORT

Requires the Insurance Commissioner to report to the governor and Insurance and Real Estate Committee on cannabis establishments' access to insurance

By January 1, 2022, the act requires the Insurance Commissioner to report to the governor and Insurance Committee and Real Estate on cannabis establishments' access to insurance.

EFFECTIVE DATE: Upon passage

§ 65 — ALCOHOL AND DRUG POLICY COUNCIL REPORT

Requires the Alcohol and Drug Policy Council to make recommendations to the governor and legislature on (1) efforts to promote certain cannabis-related public health initiatives and (2) data collection for certain reviews

By January 1, 2023, the act requires the Alcohol and Drug Policy Council, jointly with the departments of Public Health, Mental Health and Addiction Services, and Children and Families, to make recommendations to the governor and the Public Health, Judiciary, and Finance, Revenue and Bonding committees on:

1. efforts to promote public health and science-based harm reduction, mitigate misuse and the risk of cannabis addiction, and effectively treat cannabis addiction with a focus on individuals under age 21;
2. the collection and reporting of data to allow for epidemiological surveillance and review of cannabis consumption and its impact in the state;
3. impacts of cannabis legalization on people under age 21, specifically their education and mental, social, and emotional health; and

4. any further measures the state should take to prevent cannabis use by people under age 21, including product restrictions and prevention campaigns.

EFFECTIVE DATE: Upon passage

§§ 66-71 & 77 — MEDICAL MARIJUANA PATIENTS, CAREGIVERS, AND HEALTH CARE PROVIDERS

Allows medical marijuana patients age 18 or older to grow cannabis plants in their homes under specified conditions; allows patients and caregivers to possess up to five ounces of marijuana; eliminates the requirement for patients to select a dispensary; eliminates the requirement that caregivers only obtain marijuana from dispensaries; broadens conflict of interest restrictions on physicians or APRNs who certify patients for medical marijuana

Home Cultivation, Possession Limit, and Source of Marijuana

The act allows qualifying medical marijuana patients who are at least age 18 to cultivate up to six cannabis plants in their primary residence at a given time (specifically, up to three mature and three immature plants), if they keep the plants secure from access by anyone other than the patient and his or her caregiver. In addition, the act limits each household to no more than 12 cannabis plants. The act specifies that patients who cultivate marijuana at home must comply with these requirements and any applicable regulations (in addition to other requirements under existing law) in order to be afforded the law's protections for medical marijuana patients.

It allows each medical marijuana patient, along with his or her caregiver, to possess up to five ounces of marijuana. Prior law instead allowed them to possess a one-month supply as determined through regulations. The act also eliminates the requirement for patients (or parents or guardians of minors) to select a dispensary from which they will purchase marijuana.

Patient Caregivers

The act updates terminology by referring to a patient's "caregiver" rather than "primary caregiver." As under prior law, this is someone at least age 18, other than the patient or the patient's physician or advanced practice registered nurse (APRN), who is responsible for managing the patient's well-being with respect to medical marijuana use.

The act eliminates the requirement for caregivers to only obtain marijuana from a licensed dispensary, corresponding to the act's other changes adding to the types of businesses authorized to sell marijuana (e.g., hybrid retailers).

Physician or APRN Prohibited Financial Interests

The law prohibits physicians or APRNs who certify patients for medical marijuana use from having a financial interest in a dispensary or producer. The act extends this prohibition to include other cannabis establishments licensed under the act, except for retailers and delivery services.

EFFECTIVE DATE: July 1, 2021, except for the provisions changing certain definitions, authorizing home cultivation, and eliminating the requirement for a patient to select a dispensary, which are effective October 1, 2021.

§§ 66, 72, 73 & 82 — DISPENSARY FACILITIES

Makes various minor, technical, and conforming changes transferring many of prior law's requirements for a licensed dispensary to a dispensary facility; expands the types of entities from whom a dispensary facility may acquire marijuana; requires a dispensary facility or hybrid retailer employee to transmit dispensing information in real-time or within one hour

The act codifies the "dispensary facility" definition currently in state regulations and allows a "licensed dispensary" or "dispensary" to be employed by a hybrid retailer (see § 42 above). As under existing law, a licensed dispensary or dispensary must be a licensed pharmacist.

Under the act, a "dispensary facility" means a DCP-licensed place of business where marijuana may be dispensed, sold, or distributed to qualifying patients and caregivers in accordance with the medical marijuana laws and regulations.

The act prohibits anyone (individual or entity) who is not licensed by DCP as a dispensary facility from acting as one or representing that he or she is a dispensary facility.

EFFECTIVE DATE: October 1, 2021, except the provisions on facility licensing requirements are effective July 1, 2021.

Facility Licensing Requirements

The act transfers many of prior law's requirements for a licensed dispensary to the dispensary facility.

In this transfer, the act increases the renewal period of a facility license from one to two years. But as under prior law, the act requires the DCP commissioner to establish, among other things, licensing and renewal fees for facilities that are at least the amount needed to cover the direct and indirect licensing and regulating costs.

Finally, the act requires the facility, rather than the dispensary, to annually report to DCP, in a form the commissioner prescribes, data related to the types of mixtures and dosages of medical marijuana the facility dispenses.

The act makes various other minor, technical, and conforming changes to transfer these requirements.

Acquisition and Distribution (§ 73)

The act expands the types of entities from which a dispensary facility or its employee may acquire marijuana by allowing them to receive marijuana from a cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, or transporter, in addition to a producer as under existing law.

Prior law prohibited dispensaries from distributing or dispensing marijuana to anyone other than certain individuals or facilities (e.g., qualifying patients or approved hospice or research facilities). The act instead applies this prohibition to dispensary facilities transferring or transporting marijuana. It also allows these facilities to transfer or transport marijuana to delivery services and transporters.

Transmitting Dispensing Information

The act requires a licensed pharmacist working as a dispensary facility or hybrid retailer employee to transmit dispensing information, in a manner the commissioner prescribes, on any cannabis sold to a qualifying patient or caregiver. He or she must do so in real-time or immediately after completing the transaction, unless it is not reasonably feasible for a specific transaction, but in no case longer than one hour after completing the transaction.

§§ 66 & 76 — MEDICAL MARIJUANA QUALIFYING CONDITIONS AND BOARD OF PHYSICIANS

Allows the DCP commissioner to add to the list of qualifying medical marijuana conditions without adopting regulations; specifies that she has the discretion to accept or reject the physician board's recommendations; eliminates the requirement for the board to hold hearings at least twice a year

Starting October 1, 2021, the act allows the DCP commissioner, without adopting regulations, to add to the list of medical conditions that qualify for medical marijuana use. Under the act, she must post new qualifying conditions on the department's website. When she does so, her approval takes effect without further action.

As required by law, DCP has established a board of physicians knowledgeable about medical marijuana use. Among other duties, the board (1) holds public hearings and evaluates petitions requesting additions to the list of conditions that qualify for medical marijuana use and (2) makes related recommendations to DCP.

By law, one of the board's duties is to review and recommend to DCP for approval any debilitating medical conditions to be added to the list of qualifying conditions (not just those that are subject to a petition). The act specifies that the commissioner has the discretion to accept or reject the board's recommendations.

The act also eliminates the requirement for the board to hold public hearings at least twice annually, instead requiring the board to do so as necessary.

EFFECTIVE DATE: October 1, 2021

§§ 66, 78 & 80 — LABORATORIES

Specifies that a laboratory analyzing marijuana must have a specific license to do so, separate from the general licensure for controlled substances laboratories and limits them to analyzing marijuana; requires marijuana laboratories to (1) be independent from all parties involved in the marijuana industry and (2) maintain all minimum security and safeguard requirements for storing and handling controlled substances

Laboratory Licensing

Under existing law, laboratories that analyze marijuana must be licensed by DCP. The act specifies that this is a separate

licensure from the general license for controlled substances laboratories and limits them to analyzing marijuana. The act prohibits anyone (individual or entity) who is not licensed by DCP as a marijuana laboratory from acting as one or representing that he or she is such a laboratory.

Beginning on October 1, 2021, existing laboratories may continue operations if they have (1) been granted DCP approval as of that date and (2) applied to the DCP commissioner for licensure as the commissioner prescribes. These laboratories may continue to act as a laboratory until DCP approves or denies the licensure application.

Employee Registration

The act also requires laboratory employees to be registered rather than licensed, as under prior law.

Independence

Under the act, a laboratory must be independent from all involved in the marijuana industry in Connecticut. This means that no person with a direct or indirect financial, managerial, or controlling interest in the laboratory may have a direct or indirect financial, managerial, or controlling interest in a cannabis establishment or any other entity that may benefit from the laboratory test results for a cannabis or marijuana sample or product.

Security and Safeguards

The act requires a laboratory to maintain all minimum security and safeguard requirements for storing and handling controlled substances as a laboratory licensed to provide analyses of controlled substances.

Acquisition and Distribution

The act expands the entities a laboratory or its employee may acquire marijuana from to include all cannabis establishments, rather than just licensed producers and dispensaries and research programs. This expansion includes cultivators, micro-cultivators, retailers, hybrid retailers, food and beverage manufacturers, product manufacturers, product packagers, and delivery services or transporters.

Additionally, the act allows a laboratory or its employee to deliver, transport, or distribute marijuana to a cannabis establishment that was the establishment where the marijuana was originally acquired, in addition to a research program as under existing law.

Immunity

Additionally, the act immunizes licensed laboratories or their employees in the same manner as producer licenses (see above) for transferring marijuana to any type of cannabis establishment, not just dispensaries, producers, or research programs.

EFFECTIVE DATE: July 1, 2021, except that the provisions (1) requiring a separate laboratory license, (2) limiting laboratories to analyzing marijuana, and (3) prohibiting laboratory operations without a license and requiring regulations to be adopted are effective October 1, 2021.

§§ 66, 79 & 81 — MEDICAL MARIJUANA RESEARCH PROGRAMS

Expands the list of entities that may oversee or administer medical marijuana research programs; expands the list of entities from whom these programs may acquire marijuana, or to whom they may deliver it; requires research program employees to be registered rather than licensed

Existing law allows the DCP commissioner to approve medical marijuana research programs that meet certain requirements, including that the programs be overseen or administered by certain types of entities.

The act adds the following to the list of entities that may serve this function: cannabis micro-cultivators, cultivators, food and beverage manufacturers, product packagers, product manufacturers, hybrid retailers, and retailers. It also specifies that dispensary facilities, rather than individual dispensaries (pharmacists), may serve this function (corresponding to the act's other changes on dispensary facilities described above). Under existing law, medical marijuana research programs may also be overseen or administered by DPH-licensed hospitals or health care facilities, higher education institutions, and medical marijuana producers.

Prior law allowed research programs and their employees to acquire marijuana from producers, dispensaries, and laboratories. The act instead allows them to acquire it from any cannabis establishment or laboratories. In addition, prior law allowed research programs and their employees to deliver or distribute marijuana to producers, dispensaries, and research program subjects. The act broadens this to also include any cannabis establishment or laboratories. It makes corresponding changes to research program employees' scope of legal protections.

Additionally, the act requires research program employees to be registered with DCP, rather than licensed as under prior law. It removes an obsolete provision on temporary registration before DCP's regulations take effect.

EFFECTIVE DATE: July 1, 2021, except for provisions changing certain definitions, which are effective October 1, 2021.

§ 74 — PRODUCERS

Expands the entities a producer or its employee may sell to and immunizes them when acting within the scope of employment

The act expands the entities to which a producer or its employee may sell, deliver, transport, or distribute marijuana to include all cannabis establishments, rather than just licensed dispensaries. As under existing law, they may also sell, deliver, or transport marijuana to laboratory or research organizations.

Under prior law, licensed producers and their employees, when acting within the scope of employment, were immunized from certain penalties, for cultivating, selling, delivering, transporting, or distributing marijuana to a licensed dispensary. The act expands this immunity to transferring marijuana and covers these actions to all cannabis establishments, laboratories, or research programs. As under existing law, they are immunized from being arrested, prosecuted, or otherwise penalized, including being subject to civil penalties, or denied any right or privilege, including being disciplined by a professional licensing board.

EFFECTIVE DATE: July 1, 2021

§ 75 — DEPARTMENT OF CONSUMER PROTECTION (DCP) MEDICAL MARIJUANA REGULATIONS

Requires the DCP commissioner to adopt or amend regulations, as applicable, to implement the act's changes to the medical marijuana laws and requires her to adopt policies and procedures before the regulations are finalized

The act requires the DCP commissioner to adopt or amend regulations, as applicable, to implement the act's changes to the medical marijuana laws. Regardless of the UAPA's regulation adoption process, before amending regulations the commissioner must adopt policies and procedures to implement the act's changes to the medical marijuana laws and protect public health and safety.

EFFECTIVE DATE: October 1, 2021

Policies and Procedures

Before adopting or amending the regulations the commissioner must adopt policies and procedures that, under the act, have the force and effect of law. She must post all policies and procedures on DCP's website and submit them to SOTS to post on the eRegulations System at least 15 days before the policy or procedure's effective date. A policy or procedure is no longer effective once SOTS codifies the final regulation or, if the regulations have not been submitted to the Regulation Review Committee, starting October 1, 2025, whichever occurs earlier.

The act requires DCP to adopt regulations to:

1. establish requirements for the growing of cannabis plants by a qualifying patient in his or her primary residence, including requirements for securing the plants to prevent access by anyone other than the patient or the patient's caregiver, the plants' location, and any other requirement needed to protect public safety or health and
2. ensure an adequate supply and variety of marijuana to dispensary facilities and hybrid retailers to ensure uninterrupted availability for qualifying patients, based on historical marijuana purchase patterns by qualifying patients.

It also expands the regulation requirements for developing a distribution system to (1) provide for transferring marijuana between dispensary facilities and (2) allow distribution to qualifying patients or their caregivers by additional entities, including hybrid retailers and delivery services.

The act eliminates the requirement that the regulations:

1. establish any additional information qualifying patient and caregiver registration certificates must contain;
2. define protocols for determining how much usable marijuana constitutes an adequate supply to ensure

- uninterrupted availability for one month, including amounts for topical treatments;
- 3. establish a process for public comment and public hearings before the physician board on the addition of medical conditions, treatments, or diseases to the list of debilitating conditions; and
- 4. specify additional medical conditions, treatments, or diseases that qualify as debilitating conditions, as the physician board recommends.

§§ 83 & 84 — MUNICIPAL AUTHORITY

Addresses various issues on municipalities' authority to regulate cannabis, such as (1) requiring them, upon petition of 10% of their voters, to hold a local referendum on whether to allow the recreational sale of marijuana; (2) barring them from prohibiting the delivery of cannabis by authorized persons; (3) allowing them to charge retailers for certain initial public safety expenses; and (4) allowing them to prohibit cannabis smoking in outdoor sections of restaurants

Local Referendum (§ 83(a))

Under the act, a municipality must hold a referendum on whether to allow certain cannabis sales if at least 10% of its electors petition for such a vote at least 60 days before a regular election. Specifically, these votes must determine whether to allow (1) the recreational sale of marijuana in the municipality or (2) the sale of marijuana in one or more of the cannabis establishment license types. The ballot designations are as follows:

“Shall the sale of recreational marijuana be allowed in (Name of municipality)?” or “Shall the sale of cannabis under (Specified license or Licenses) be allowed in (Name of municipality)?” or “Shall the sale of recreational marijuana be prohibited (No Licenses) in (Name of municipality)?”

The act requires the referendum and ballots' form to conform to existing procedures. The results take effect on the first Monday of the month after the election and stay in effect until another vote is taken. The act allows a vote to occur at a special election, following existing procedures, if at least one year has passed since the previous vote.

Under the act, existing laws on absentee voting at referenda apply to these votes. Also, these referenda do not affect any class of cannabis establishments already allowed in a municipality.

Delivery and Transport (§ 83(b))

The act bars municipalities from prohibiting the delivery of cannabis to (1) consumers or (2) qualifying patients or their caregivers, if the delivery is made by someone authorized to do so under the act (e.g., retailers, dispensary facilities, or delivery services).

The act also bars municipalities from prohibiting the transport of cannabis to, from, or through the municipality by anyone licensed or registered to do so.

Ban on Certain Actions and Local Host Agreements (§ 83(c))

The act prohibits municipalities or local officials from conditioning any official action on, or accepting any donations from, any cannabis establishment or applicants for cannabis establishment licenses in the municipality. The act also bars municipalities from negotiating or entering into a local host agreement with a cannabis establishment or license applicant in the municipality. (Generally, local host agreements between a municipality and business establish conditions for a business's operation.)

Charge for Initial Public Safety Costs (§ 83(d))

The act allows municipalities, for the first 30 days after cannabis retailers or hybrid retailers open, to charge them up to \$50,000 for any necessary and reasonable municipal costs for public safety services related to the opening (such as for directing traffic).

Regulation of Smoking and Cannabis Use (§ 84)

Existing law allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned property. The act broadens this to include property that a municipality controls but does not own. It specifies that this regulatory authority applies to (1) smoking tobacco or cannabis, including cannabis e-cigarette use (i.e., electronic delivery systems and vapor products) and (2) other types of cannabis use or consumption.

For municipalities with more than 50,000 people, if they regulate the public use of cannabis, the regulations must designate a location in the municipality where public consumption is allowed. The act also allows municipalities, through regulations, to ban cannabis smoking (including e-cigarette use) at outdoor sections of restaurants.

Under the act, these regulations may set fines for violations, up to (1) \$50 for individuals or (2) \$1,000 for businesses. EFFECTIVE DATE: July 1, 2021, except the smoking and related provisions are effective October 1, 2021.

§§ 85, 161, 166, 169 & 171-172 — PRETRIAL DRUG INTERVENTION AND COMMUNITY SERVICE PROGRAM

Sunsets an existing pretrial program, but establishes a similar program for people charged with drug possession and paraphernalia crimes

The act sunsets the current pretrial drug education and community service program for people charged with certain drug crimes, but establishes a new, generally similar program. In addition to drug possession or paraphernalia crimes as under the current program, the new program is also open to applicants charged with failure to keep lawfully prescribed or dispensed narcotic drugs in their original or approved container.

The act prohibits courts from granting an application to participate in the current program starting on April 1, 2022 (the date the new program takes effect). But it allows anyone participating in the current program on that date to continue doing so until he or she completes the program or stops participating after any possible reinstatements.

The act makes several related minor, technical, and conforming changes.

EFFECTIVE DATE: April 1, 2022, except (1) the provision sunsetting the current program is effective upon passage and (2) a conforming change is effective July 1, 2021.

Overview (§§ 166 & 169)

In many respects, the new program is like the current one. For example:

1. a person is generally ineligible for the program if he or she has already participated in it (or certain other programs) twice, but the judge may allow participation a third time if the person shows good cause;
2. the court may approve a defendant's application for the program after considering the prosecutor's recommendations, subject to eligibility confirmation, and the program's duration is generally limited to one year;
3. to determine appropriate education or treatment, eligible applicants are evaluated by (a) the Department of Mental Health and Addiction Services; (b) for third-time participants, a licensed substance use treatment provider; or (c) for certain veterans, the federal or state Veteran's Affairs departments; and
4. program participants must agree to the suspension of the statute of limitations, waive their right to a speedy trial, enter the program within 90 days of the court order unless granted a delay, and complete the program (the act specifically requires applicants to also agree not to engage in conduct that violates the drug possession, paraphernalia, or narcotic container laws).

Both the current and new programs include drug education, substance abuse treatment, and community service. The new program includes a 12-session drug education component, while the current program has 15; both programs include a 15-session treatment component.

Under both the current and new programs, (1) first- and second-time participants may be ordered to participate in either the drug education or treatment components, (2) third-time participants must be ordered into treatment, (3) a participant may be required to complete additional treatment to complete the program, and (4) all participants must complete community service.

In most respects, the fees are the same under the current and new programs. But the nonrefundable program fee for the education component is \$400 for the new program, as compared with \$600 for the current program. For both the new and current programs, (1) the fees must be credited to the pretrial account, a separate, nonlapsing account of the General Fund, and (2) the court is allowed to waive fees for indigent applicants. The act specifies that if the court waives program fees, it may not require the participant to perform community service instead of paying the fee.

The act specifies the information that (1) program component providers must give the Court Support Services Division (CSSD) and (2) the division, in turn, must include in its final progress report to the court.

Interaction With Impaired Driving Program

The act allows the Department of Mental Health and Addiction Services (DMHAS) to combine the services for the new program's drug education component with the services for the alcohol education component of the new impaired driving intervention program (see § 167) if needed to ensure appropriate and timely access to these components. The act

also specifies that participation in DMHAS-provided combined drug and alcohol education services under the new drug intervention program does not affect the person's eligibility for the new impaired driving intervention program.

Under the act, if a person applies for both new programs for charges arising from the same arrest, and DMHAS has already completed the required evaluation and determination of the appropriate education or treatment component under the impaired driving program, the court and CSSD may rely on that for the drug program. If the court and CSSD rely on the other program's evaluation, the applicant is not required to also pay an evaluation fee for this program.

If a person is placed in both new programs for the same arrest, the act allows the court to find that the person's successful completion of the alcohol education or treatment component of the impaired driving program satisfies the education or treatment component of the drug program. But the person still must complete the required (1) community service component of the pretrial drug program and (2) victim impact component of the impaired driving program if it was ordered by the court.

Conforming Changes (§§ 85, 161 & 171-172)

The act makes several conforming changes to add references to the new drug program to existing laws that reference the current program (e.g., the requirement that a person's bail bond be automatically terminated upon his or her admission to the program (§ 171)).

§§ 85, 161, 167, 168 & 170-172 — PRETRIAL IMPAIRED DRIVING INTERVENTION PROGRAM

Sunsets an existing pretrial program, but establishes a similar program for people charged with DUI or impaired boating

The act sunsets the current pretrial alcohol education program for people charged with driving under the influence (DUI) or impaired boating, but establishes a new, generally similar program called the pretrial impaired driving intervention program.

The act prohibits courts from granting an application to participate in the current program starting on April 1, 2022 (the date the new program takes effect). But it allows anyone participating in the current program on that date to finish it or stop participation after any possible reinstatements.

The act makes several related minor, technical, and conforming changes.

EFFECTIVE DATE: April 1, 2022, except (1) upon passage for the provision on sunseting the current program and (2) July 1, 2021, for a conforming change.

Overview

In many respects, the new program is like the current one. For example:

1. a person is generally ineligible for the program if (a) he or she already participated in it within the previous 10 years, (b) he or she has a prior conviction for DUI, impaired or reckless boating, manslaughter with a boat, or manslaughter or assault with a motor vehicle, or (c) his or her alleged violation caused serious physical injury to another person;
2. a person is ineligible for the program if he or she was charged with DUI while holding a commercial driver's license or while driving a commercial vehicle;
3. the court may approve a defendant's application for the program after considering the prosecutor's recommendations; and
4. program participants must agree to toll the statute of limitations, waive their right to a speedy trial, enter the program within 90 days of the court order unless the court grants a delay, and complete the program.

Some of the main differences between the current and new program relate to program components, fees and indigency, prohibited conduct, participation certification, and further treatment. These are described briefly below.

Program Components. Under the current program, depending on a person's evaluation by DMHAS, he or she must be placed in (1) an appropriate alcohol intervention program, consisting of 10 or 15 sessions, for one year or (2) a state-licensed substance abuse treatment program with at least 12 sessions. The new program consists of a 12-session alcohol education component or a substance use treatment component of at least 15 sessions. As with the current program, the new program may also include a victim impact panel component.

Fees and Indigency. Under the current program, the fees are (1) \$350 for the 10-session program and (2) \$500 for the 15-session program. Under the new program, the fees are (1) \$400 for the alcohol education component and (2) \$100 for substance use treatment, plus treatment costs charged by the provider.

Like the current program, the new program allows the fees to be waived if the applicant files an indigency affidavit

and the court enters a finding of indigency. Under the new program, fees may also be waived if the applicant was determined indigent and eligible for a public defender. It specifically prohibits the court from requiring community service to cover the waived cost.

Prohibited Conduct. In an application for the new program, an applicant must promise that, if placed in the program, he or she will not engage in any conduct that would constitute DUI, impaired or reckless boating, manslaughter with a boat, or manslaughter or assault with a motor vehicle. If the Court Support Services Division (CSSD) determines that a participant engaged in that conduct, it must inform the court and return the person's case to court for further proceedings.

Participation Certification and Further Treatment. The act establishes a more specific process for certifying a person's participation and recommending additional treatment. It specifically requires program component providers to provide CSSD with a certification as to whether the person successfully completed the program or failed to do so. If the person completed the program, the certification must indicate that and state whether additional substance use treatment is recommended. If additional treatment is recommended, CSSD may require it in order for the person to satisfactorily complete the impaired driving program. If the certification indicates a failure to complete treatment, it must list the reasons for failure, whether the person is amenable to further treatment, and, if practicable, a recommendation as to whether an alternative program would be best for the person.

When CSSD receives a person's participation certification, it must prepare a final progress report for the court. Among other things, the progress report must (1) indicate whether the person completed the program and any additional treatment and (2) include a background check indicating whether the person has engaged in any prohibited conduct.

Interaction With Pretrial Drug Education and Community Services Program

The act allows DMHAS to combine the services for the pretrial impaired driving intervention program's alcohol education component with the services for the drug education component of the new pretrial drug education and community services program (see § 166), if needed to ensure appropriate and timely access to these components. The act specifies that participation in DMHAS-provided combined drug and alcohol education services under the impaired driving intervention program does not affect the person's eligibility for the new pretrial drug education and community services program.

Under the act, if a person applies for both programs for charges arising from the same arrest and DMHAS, the veterans affairs department, or the U.S. Department of Veterans Affairs has already completed the required evaluation and determination of the appropriate drug education or substance use treatment component under the drug education and community services program, the court and CSSD may rely on that for purposes of the impaired driving intervention program. If they do so, the person is not required to also pay an evaluation fee for the impaired driving intervention program.

If a person is placed in both programs for the same arrest, the act allows the court to find that the person's successful completion of (1) the drug education component of the drug education and community services program satisfies the alcohol education component of the impaired driving intervention program or (2) the substance use treatment component of the drug education and community services program satisfies the treatment component of the impaired driving intervention program. But the person still must complete the required (1) community service component of the drug education and community services program and (2) victim impact component of the impaired driving intervention program if it is ordered by the court.

Minor and Conforming Changes (§§ 85, 161 & 170-172)

The act makes several conforming changes to add references to the new impaired driving intervention program to existing laws that reference the current pretrial alcohol education programs.

It also requires the judicial branch to collect data on the number of members of the armed forces, veterans, and nonveterans who apply for, and are granted or denied, entry into the impaired driving intervention program. The judicial branch must already report this data for other diversionary programs.

§§ 86 & 87 — CLEAN INDOOR AIR ACT

Extends existing law's prohibition on smoking and e-cigarette use in certain establishments and public areas to include cannabis, hemp, and electronic cannabis delivery systems (ECDS); expands the locations where the prohibition applies; extends existing signage requirements and penalties for smoking and e-cigarette use to smoking cannabis and hemp and using ECDS

The act makes various changes affecting the prohibition of smoking and e-cigarette use (i.e., electronic nicotine delivery systems and vapor products) in certain establishments and public areas. It generally expands the prohibition to include smoking cannabis and hemp and using electronic cannabis delivery systems (ECDS).

EFFECTIVE DATE: October 1, 2021

Definitions

Smoking. The act expands the statutory definition of “smoking” to include using a lighted cigarette, cigar, pipe, or other similar device that contains, in whole or in part, cannabis or hemp, in addition to tobacco as under prior law. Under the act, smoking means burning these devices, instead of lighting or carrying them as under prior law.

Electronic Cannabis Delivery System (ECDS). The act defines an ECDS as an electronic device used to simulate smoking and deliver cannabis to a person who inhales from it. This includes (1) vaporizers, electronic pipes, and electronic hookahs and (2) related devices, cartridges, or other components. It makes related conforming changes to the statutory definitions of “electronic nicotine delivery systems” (ENDS) and “vapor products.”

The act also exempts from the statutory definition of ENDS, ECDS, and e-cigarette liquid, a medical or therapeutic product that is (1) used by a licensed health care provider to treat a patient in a health care setting; (2) used by a patient in any setting, as prescribed or directed by a licensed health care provider; or (3) a biological product authorized for sale by the FDA and used to prevent, treat, or cure diseases or injuries. (Existing law already exempts vapor products that meet these requirements.)

Prohibited Locations

Existing law prohibits smoking and e-cigarette use in various locations, such as restaurants, health care institutions, and state or municipal buildings. The act additionally prohibits smoking cannabis and hemp and using ECDS in these locations.

The act specifies that, for purposes of the ban on smoking and using e-cigarettes or ECDS, “any area” of a facility, building, or establishment includes outside areas that are within 25 feet of a doorway, operable window, or air intake vent, in addition to the premise’s interior.

The act adds to and expands the law’s prohibited locations by including:

1. any area of a state or municipally owned, operated, or leased building, instead of only inside the building;
2. any area of a school building, instead of only inside of it;
3. within or on the grounds of a family day care home, when a child enrolled in the home is present during customary business hours, instead of at any time the child is present;
4. any area of a retail establishment, rather than just a retail food store, accessed by the public;
5. any area of a higher education dormitory, instead of only inside it; and
6. any area of a halfway house or residential facility (for e-cigarettes and ECDS, the prohibition applies only to those houses or facilities funded by the judicial branch).

The act also eliminates prior exemptions, thereby prohibiting smoking and using e-cigarettes and ECDS, in the following locations:

1. correctional facilities;
2. designated smoking areas in psychiatric facilities;
3. smoking rooms provided by employers for employees; and
4. all guest rooms in hotels, motels, and similar lodging (prior law allowed up to 25% of rooms to be designated smoking rooms).

Exemptions

The act expands the following existing exemptions from the smoking and e-cigarette ban to allow smoking cannabis or hemp and ECDS use in (1) classrooms during smoking or e-cigarette demonstrations that are part of a medical or scientific experiment or lesson, (2) medical research sites where smoking or e-cigarette use is integral to the research being conducted, (3) certain outdoor areas of establishments serving alcohol, and (4) public housing projects.

The act also provides that an area for smoking or e-cigarette use is not required outside or within the entryway of any building, in addition to inside any building, as under prior law. The act extends the provision to also include the use of ECDS.

Posting Signs in Buildings

By law, the person in control of any building in which smoking and e-cigarette use are prohibited by state law must post or have a sign posted in conspicuous places stating the prohibition. The act expands the requirement to include the prohibition against smoking cannabis or hemp and using ECDS.

Penalties

As under existing law for smoking and e-cigarette use, a person commits an infraction if he or she is found guilty of (1) smoking cannabis or using an ECDS where doing so is prohibited by the act, (2) failing to post required signs, or (3) removing the signs without authorization.

Additionally, the act eliminates a provision in prior law that prohibits a person from being arrested for smoking or e-cigarette use in a passenger elevator if there is a sign posted in the elevator indicating that smoking or e-cigarette use is prohibited.

§ 88 — WORKPLACE SMOKING BAN

Generally bans smoking (whether tobacco, cannabis, or hemp) and e-cigarette use in workplaces, regardless of the number of employees

Subject to the exclusions below, the act requires employers to ban smoking and e-cigarette use in any area of the workplace, regardless of the number of employees. It applies to areas inside the workplace and outside it within 25 feet of a doorway, operable window, or air intake vent. Under prior law, an employer:

1. with five or more employees could designate employee smoking rooms if the employer also designated enough non-smoking break rooms, but otherwise had to ban smoking, and
2. with fewer than five employees had to establish non-smoking work areas sufficient to accommodate non-smoking employees who requested to work in such an area.

The act's workplace smoking ban applies to (1) smoking tobacco, cannabis, or hemp and (2) e-cigarette use (including cannabis). Prior law only specifically applied to smoking tobacco.

Additionally, the act specifies that it does not prohibit an employer from designating as a non-smoking area the real property on which the business facility is located, in addition to the facility itself, as allowed under existing law.

EFFECTIVE DATE: October 1, 2021

Exclusions

The law's provisions on workplace smoking exempt certain business facilities such as certain areas of a business that tests or develops tobacco. The act extends the exemption to businesses that test or develop cannabis.

The act also excludes all facilities that are exempted from the Clean Indoor Air Act, as amended under the act (see §§ 86 & 87). Prior law excluded some of these facilities (e.g., tobacco bars).

§ 89 — HOTELS AND CANNABIS

Requires hotels and motels to ban the smoking or vaping of cannabis, but otherwise prohibits them from banning its use or possession in non-public areas

The act requires hotels, motels, and similar lodging places to prohibit the smoking or vaping of cannabis anywhere at the establishment. Otherwise, it prohibits them from banning cannabis use or possession in any nonpublic area of the establishment.

EFFECTIVE DATE: July 1, 2022

§ 90 — TENANTS AND CANNABIS

Restricts when landlords and property managers can refuse to rent to an individual due to convictions, or take certain other actions, related to cannabis

Subject to the exceptions below, the act prohibits residential landlords and property managers from refusing to rent to, or otherwise discriminating against, an existing or prospective tenant based on a past conviction in Connecticut for illegally possessing cannabis under the act, or in another jurisdiction for possessing four or fewer ounces of cannabis (alone or in combination with an equivalent amount of products).

For residential rental properties, it generally prohibits landlords and property managers from banning cannabis possession or use, although they may prohibit smoking or vaping cannabis.

Additionally, the act generally prohibits landlords or property managers from requiring tenants to take drug tests.

These provisions do not apply to:

1. people renting a room and not the full dwelling;
2. residences incidental to detention or medical, geriatric, educational, counseling, religious, or similar services;
3. transitional housing or sober living facilities; or
4. situations where failing to prohibit cannabis use or possession, or failing to require drug tests, would violate federal law or cause the landlord to lose a federal financial or licensing-related benefit.

EFFECTIVE DATE: July 1, 2022

§ 91 — CANNABIS USE BANNED ON STATE LANDS OR WATERS

Establishes penalties for using cannabis on state lands or waters managed by DEEP

The act prohibits the use of cannabis on state lands or waters managed by DEEP. It (1) establishes a fine of up to \$250 for these violations and (2) specifies that only DEEP agents may enforce these provisions.

EFFECTIVE DATE: July 1, 2022

§ 92 — DEPARTMENT OF CORRECTION AUTHORITY TO BAN CANNABIS

Authorizes DOC to ban cannabis possession in DOC facilities or halfway houses

The act specifically authorizes the Department of Correction (DOC) to ban cannabis possession in any DOC facility or halfway house.

EFFECTIVE DATE: July 1, 2021

§ 93 — POSITIVE DRUG TEST

Prohibits a positive drug test result that solely indicates a specified metabolite of THC from being proof that an individual is impaired by cannabis without other additional evidence

Under the act, an individual's drug test that yields a positive result solely for a specified metabolite of THC (i.e., 11-nor-9-carboxy-delta-9-tetrahydrocannabinol) must not be construed, without other evidence, as proof that the individual is under the influence of, or impaired by, cannabis.

EFFECTIVE DATE: July 1, 2022

§ 94 — MEDICAL PATIENTS, PARENTS, AND PREGNANT WOMEN

Provides certain protections for medical patients, parents, and pregnant women if cannabinoid metabolites are detected in their bodily fluids

The act provides certain protections for medical patients, parents or guardians of a child, and pregnant women if cannabinoid metabolites are detected in their bodily fluids. The presence of these cannabinoid metabolites in a patient cannot constitute illicit substance use resulting in denial of medical care, including organ transplantation, and a patient's cannabis products use may be considered only with respect to evidence-based clinical criteria. For a parent or legal guardian of a child or newborn infant, or a pregnant woman, the presence of the cannabinoid metabolites cannot form the sole or primary basis for any DCF action or proceeding.

Under the act, this provision does not preclude any DCF action or proceeding based on harm or risk of harm to a child, nor does it preclude the department from using information on the presence of cannabinoid metabolites in a person's bodily fluids in any action or proceeding.

EFFECTIVE DATE: July 1, 2021

§ 95 — POSITIVE STUDENT THC TESTS

Prohibits, with some exceptions, a positive drug test result that only indicates a specified metabolite of THC from being the only basis for school discipline

The act generally prohibits an educational institution from using a student's drug test yielding a positive result only for a specified metabolite of THC (i.e., 11-nor-9-carboxy-delta-9-tetrahydrocannabinol) as the only basis for refusing to enroll or continue to enroll, or otherwise punish, the student. The act makes an exception in cases where (1) failing to do so would cause the institution to violate a federal contract or lose federal funding or (2) the student is being drug tested as required by the National Collegiate Athletic Association (NCAA) and the punishment is required by NCAA policies.

EFFECTIVE DATE: July 1, 2021

§ 96 — BAN ON REVOKING FINANCIAL AID OR EXPELLING HIGHER EDUCATION STUDENTS

Generally, bans higher education institutions from (1) revoking financial aid or student loans or (2) expelling a student, only for use or possession of small amounts of cannabis

The act generally bans public and private higher education institutions from (1) revoking any financial aid or student loans or (2) expelling a student, only for use or possession of less than:

1. four ounces of cannabis plant material;
2. an equivalent amount of cannabis product, defined as (a) 20 grams of cannabis concentrate or (b) any other cannabis product or products with up to 2,000 milligrams of THC; or
3. an equivalent amount of a combination of cannabis and cannabis product, as described above.

This ban does not apply if (1) complying with the act would violate federal law or a federal contract or (2) failing to take these prohibited actions would jeopardize the educational institution's federal funding.

EFFECTIVE DATE: July 1, 2021

§§ 97-101 — EMPLOYMENT RELATED PROVISIONS

Sets rules for permitted and prohibited employer actions regarding employee cannabis use; specifies it does not limit an employer's ability to require employees to submit to drug testing; creates a civil action for employees aggrieved by a violation of the act's employer limitations

The act establishes permitted and prohibited employer actions regarding employee cannabis use and exempts certain types of employers and employees from these provisions.

Under the act, "employee" means any individual employed or permitted to work by an employer, or an independent contractor and "employer" means any owner, person, partnership, corporation, limited liability company, or association acting directly as, on behalf of, or in the interest of an employer in relation to employees, including the state and its political subdivisions (e.g., municipalities).

EFFECTIVE DATE: July 1, 2022, except that certain exemptions (see § 101) are effective July 1, 2021.

Employer Policy Requirements; Right to Maintain a Drug-Free Workplace (§ 98)

The act sets rules for what employers may and may not do with respect to employee cannabis use both in and out of the "workplace."

It specifies that employers do not have to make accommodations for an employee or allow an employee to (1) perform his or her duties while under the influence of cannabis or (2) possess, use, or otherwise consume cannabis while performing work duties or on the employer's premises, except for possession of medical marijuana by a qualifying patient under state law.

The act defines "workplace" as the (1) employer's premises, including any building, real property, and parking area under the employer's control; (2) area an employee uses while performing job duties; and (3) employer's vehicles, whether leased, rented, or owned.

Employer Policy Prohibiting Possession or Use by Employees. The act permits an employer to implement a policy prohibiting employees from possessing, using, or otherwise consuming cannabis, except for medical marijuana possession by a qualifying patient. (Presumably, the policy can apply to cannabis possession or use either at or outside the workplace.)

By law and unchanged by the act, an employer cannot refuse to hire someone or discharge, penalize, or threaten an employee because he or she is a qualifying patient or caregiver under the medical marijuana law.

The act requires that the policy be (1) in writing in either physical or electronic form and (2) made available to each employee before the policy's enactment. The employer must also make the policy available to each prospective employee when making an offer or conditional offer of employment.

Employer Action Against an Employee. The act generally bans an employer from holding an employee's or prospective employee's use of cannabis products before employment against them, except in limited situations.

It generally prohibits employers from taking certain actions against an employee or prospective employee because he or she did or did not smoke, vape, aerosolize, or otherwise use cannabis products outside the workplace before he or she was employed by the employer. The prohibited actions are discharging or taking any adverse action with respect to compensation, terms, conditions, refusal to hire, or other privileges of employment. This restriction does not apply if failing to take these actions would put the employer in violation of a federal contract or cause it to lose federal funding.

However, the act implicitly permits an employer to (1) prohibit cannabis use outside the workplace if the employer does so through a policy meeting the act's conditions and (2) take action against employees who violate it. The act does so by prohibiting an employer from discharging or taking an adverse action against any employee with respect to compensation, terms, conditions, or other privileges of employment because the employee does or does not smoke, vape, aerosolize, or otherwise use cannabis products outside of the workplace, unless the employer's action complies with a policy the employer adopted, as described above. It also specifies that its employment-related provisions do not limit or prevent the employer from taking adverse action (e.g., disciplining, firing, or rescinding an offer) pursuant to a drug policy meeting the act's conditions.

Drug- and Alcohol-Free Workplace and Reasonable Suspicion. The act specifies that nothing in its employment-related provisions requires an employer to amend, repeal, affect, restrict, or preempt its rights and obligations to maintain a drug- and alcohol-free workplace (§§ 97 to 101).

Furthermore, the act does not limit an employer from taking appropriate adverse or other employment action upon (1) reasonable suspicion that an employee used cannabis while performing work responsibilities at the workplace or on call or (2) determining that an employee shows specific, articulable drug impairment symptoms while working at the workplace or on call. These impairment symptoms must decrease or lessen the employee's performance of his or her work duties or tasks. They include:

1. symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, or irrational or unusual behavior;
2. negligence or carelessness in operating equipment or machinery;
3. disregard for personal safety or that of others, or involvement in an accident that results in serious damage to equipment or property;
4. disruption of a production or manufacturing process; or
5. carelessness that results in injury to the employee or others.

Under the act, "on call" means a period of time when an employee is (1) scheduled by his or her employer or supervisor, with at least 24 hours' notice, to be on standby to perform employment-related tasks, either at the employer's premises or other designated location and (2) being compensated for the scheduled time.

Exempted Employers and Employees. The act's employer policy provisions and limits on employer adverse actions do not apply to an exempted employer or to any employee who holds, or is applying for, an exempted position.

Under the act, an "exempted employer" means an employer whose primary activity (as indicated in the act by specific North American Industry Classification System codes) is:

1. mining, including natural gas extraction;
2. utilities, including electric power generation and distribution; nuclear, solar, and wind power generation; and water and sewer systems;
3. construction, including residential, industrial, and commercial;
4. manufacturing, including production of various products, machinery, and instruments;
5. transportation or delivery, including air, rail, trucking, couriers, and express delivery;
6. educational services, including Kindergarten to grade 12, colleges, universities, and professional schools;
7. health care or social services, including physician and dentist offices, hospitals, community housing and emergency services, and child day care services;
8. justice and public safety activities, including courts, police, fire, legal counsel, and corrections; and
9. national security and international affairs, including immigrations enforcement and State Department diplomats.

"Exempted employer" includes any subdivision of a business entity that is a standalone business unit with its own executive leadership, some or significant autonomy, and its own financial statements and results.

Under the act, "exempted position" means a position:

1. as a firefighter or emergency medical technician;
2. as a police officer or peace officer, in a law enforcement or investigative function at a state or local agency, or with the Department of Correction involving direct contact with inmates;
3. that requires driving a motor vehicle, for which federal or state law requires an employee to submit to screening tests, including any position requiring a commercial driver's license or any position subject to drug testing under federal regulations related to the U.S. Department of Transportation, the Federal Aviation Administration, or the U.S. Coast Guard;
4. that requires a completion certification for construction safety and health course approved by the federal Occupational Safety and Health Administration;
5. that requires a federal Department of Defense or Department of Energy national security clearance;
6. for which the act's employment provisions are inconsistent or otherwise in conflict with (a) an employment contract or collective bargaining agreement or (b) any provision of federal law;
7. funded in whole or in part by a federal grant;
8. providing supervision or care of children, medical patients, or vulnerable people;
9. with, in the employer's determination, the potential to adversely impact the health or safety of employees or the public;
10. at a nonprofit organization or corporation with the primary purpose of discouraging use of cannabis products or any other drug; or
11. at an exempt employer.

Employer Drug Testing (§§ 98(d)(2) & 99)

The act specifies that nothing in its employment related provisions limits or prevents an employer from subjecting an employee or applicant to drug testing or a fitness for duty evaluation.

Under the act, an employer may not use a prospective or existing employee's positive drug test for a specified metabolite of THC as the only basis for refusing to employ or continue to employ or otherwise penalize the prospective or existing employee, unless:

1. the employee is an exempted employee;
2. failing to do so would cause the employer to violate a federal contract or lose federal funding;
3. the employer reasonably suspects an employee uses cannabis while working;
4. the employee shows, while working, specific, articulable symptoms of drug impairment that lower the employee's work performance, including the signs of impairment included above for reasonable suspicion; or
5. the drug test is given under a random drug testing policy set by the employer that meets the act's standards or to a prospective employee with a conditional job offer and the employer has set in the policy that a positive drug test for the metabolite of THC may result in an adverse employment action. (This does not apply to a qualifying patient or caregiver under the medical marijuana law.)

Existing law, unchanged by the act, sets additional specific criteria that must be met before an employer can require random drug tests ((CGS § 31-51x), see *Background*).

Employee Recourse (§ 100)

With certain exceptions detailed in the act, an employee or prospective employee aggrieved by a violation of the act's employer limitations may, within 90 days after the alleged violation, bring a civil action in the Superior Court for the district where the violation is alleged to have occurred or where the employer has its principal office. Actions alleging violations involving a state agency may be brought in the Superior Court for the judicial district of Hartford.

Under the act, individuals who prevail in a civil action may be awarded reinstatement to their previous employment or job offer, payment of back wages, and reasonable attorney's fees and costs.

The act also establishes situations that do not constitute a cause of action. It specifies that the following cannot be construed to create or imply a cause of action for any person against an employer:

1. an employer's actions based on good-faith belief that an employee used or possessed cannabis (except a qualifying patient's possession of palliative cannabis) in the workplace, while performing job duties, during work hours, or while on call in violation of the employer's employment policies;
2. actions taken, including discipline or termination, based on the employer's good-faith belief that, due to cannabis use, an employee was unfit for duty or impaired or under the influence of cannabis at the workplace, while performing job duties, during work hours, or while on call in violation of the employer's workplace drug policy;
3. injury, loss, or liability to a third party if the employer neither knew, nor had reason to know, that the employee

- was impaired by cannabis;
- 4. subjecting an employee to drug testing or a fitness for duty evaluation, pursuant to an employer's policy established under the act's criteria; or
- 5. actions taken by an exempted employer or claims regarding an exempted position.

Under the act, "work hours" are any time for which the employee is compensated by an employer and is performing job duties or reasonably expected to be doing so.

The act also specifies that it does not create or imply a cause of action against an employer for subjecting a prospective employee to drug testing or taking adverse action against a prospective employee, including rescinding a conditional job offer, based on drug test results. However, an employer cannot take adverse action against a prospective employee over a drug test that is only positive for a specified metabolite of THC unless (1) the employer is an exempted employer; (2) the prospective employee is applying for an exempted position; or (3) the employer has an employment policy established under the act's conditions that a positive drug test for a specified metabolite of THC may result in adverse employment action.

The act supersedes certain labor statutes (CGS Chapter 557, Labor Regulation) and provides that no employer, officer, agent, or other person who violates any employment provision of the act (§§ 98-101) is liable to the Labor Department (DOL) for a civil penalty. Also, DOL cannot investigate an employer, officer, agent, or other person based solely on an allegation that they violated the act's enforcement provisions.

Exempted Employment Situations (§ 101)

The act explicitly does not apply to drug testing, conditions of continued employment, or conditions for hiring employees required under:

1. federal Department of Transportation regulations that require testing prospective transportation industry employees under the department's administrative procedures (49 C.F.R. 40);
2. any state agency regulations that adopt a federal regulation for enforcement purposes regarding intrastate commerce;
3. any contract entered into between the federal government and an employer or any federal financial assistance grant to an employer that requires drug testing prospective employees as a condition of the contract or grant;
4. any federal law or state statute, regulation, or order that requires drug testing prospective employees for safety or security purposes; or
5. any applicant whose prospective employer is a party to a collective bargaining agreement that specifically addresses drug testing, conditions of hiring, or conditions of continued employment of the applicant.

Additionally, the act explicitly excludes privileges, qualifications, credentialing, review, or discipline of a hospital's or medical organization's nonemployee, licensed healthcare professionals on its medical staff.

Background — Employee Drug Testing Law

By law, an employer can require random urinalysis drug testing only if (1) the test is authorized under federal law; (2) the employee (a) serves in an occupation designated as a high-risk or safety-sensitive occupation under state DOL regulations or (b) is employed to drive a school bus or a student transportation vehicle; or (3) the urinalysis is part of an employer-sponsored or authorized employee assistance program in which the employee voluntarily participates (CGS § 31-51x).

State law requires an employer to obtain a second, confirming urinalysis test result of an employee before the results can be used in employment decisions. The second test must be separate and independent from the initial test, using a gas chromatography and mass spectrometry methodology or a methodology that the public health commissioner has determined to be as reliable or more reliable than those methods (CGS § 31-51u).

§ 102 — LABOR PEACE AGREEMENTS

Requires each cannabis establishment licensee to enter into a labor peace agreement with a bona fide labor organization as a condition of its final license approval or other license changes; requires that each agreement include binding arbitration as the exclusive remedy for any agreement violation; permits civil action in Superior Court to enforce arbitration awards

The act requires each provisional cannabis establishment licensee, as a condition of its final license approval, license conversion, or approval for expanded authorization, to enter into a labor peace agreement with a bona fide labor organization.

Under the act, a “labor peace agreement” means an agreement between a cannabis establishment and a bona fide labor organization (1) under which the establishment’s owners and managers agree not to lock out employees and (2) prohibiting the labor organization from engaging in picketing, work stoppages, or boycotts against the cannabis establishment. “Licensee” means a cannabis establishment licensee, dispensary facility, or producer.

The act defines a “bona fide labor organization” as a labor union that (1) represents employees in this state regarding wages, hours, and working conditions; (2) has officers who were elected by a secret ballot or in another manner consistent with federal law; (3) is free of any employer domination or interference and has not received any improper assistance or support from the employer; and (4) is actively seeking to represent cannabis workers in the state.

EFFECTIVE DATE: July 1, 2021

Required Binding Arbitration

The act requires that any labor peace agreement include a clause providing that the parties agree that final and binding arbitration by a neutral arbitrator will be the exclusive remedy for any violation of the agreement. Under the act, if an arbitrator finds that a licensee failed to comply with an arbitrator’s order to correct a failure to abide by the agreement, then DCP must suspend the licensee’s license, without further administrative proceedings or a formal hearing, and superseding such requirements of the Uniform Administrative Procedure Act, upon receiving a written copy of this finding.

Civil Action

To enforce an arbitration award or lift a license suspension, the act allows a licensee or bona fide labor organization to bring a civil action in the Superior Court in the judicial district where the cannabis establishment’s facility is located. The license must remain suspended until (1) the arbitrator notifies, or both parties to the arbitration notify, DCP that the licensee is in compliance with the arbitration award; (2) both parties notify the department that they have satisfactorily resolved their dispute; (3) the court, after a hearing, lifts the suspension; or (4) the court, after a hearing, orders alternative remedies. These remedies may include ordering DCP to revoke the license or ordering the appointment of a receiver to properly dispose of any cannabis inventory.

The act allows the licensee to engage in conduct during the suspension period to maintain and secure its cannabis inventory. However, the licensee cannot sell, transport, or transfer cannabis (with one exception) to another cannabis establishment, consumer, or laboratory unless the sale or transfer is associated with a voluntary license surrender and a DCP-approved cannabis disposition plan. The act provides a medical use exception to this limitation, specifying that a producer, cultivator, or micro-cultivator with a suspended license can sell, transport, or transfer cannabis to a product packager, food or beverage manufacturer, product manufacturer, dispensary facility, or hybrid retailer for sale to qualified patients or caregivers. These products must be labeled “For Medical Use Only.”

§ 103 — PROJECT LABOR AGREEMENTS

Requires that cannabis establishment facility construction or renovation projects costing \$5 million or more have a project labor agreement between the project contractors and the establishment and provides for enforcement through civil action in Superior Court

Project Labor Agreement (PLA) Requirement

The act requires that the construction or renovation of any cannabis establishment facility costing \$5 million or more have a PLA between the project’s contractors or subcontractors and the cannabis establishment.

Under the act, a “project labor agreement” is an agreement between a subcontractor or contractor and a cannabis establishment that does the following:

1. binds all project contractors and subcontractors to the PLA through the inclusion of specifications in all relevant solicitation provisions and contract documents;
2. allows all contractors and subcontractors to compete for contracts and subcontracts on the project regardless of whether they are otherwise parties to collective bargaining agreements;
3. establishes uniform employment terms and conditions for all construction labor employed on the project;
4. guarantees against strikes, lockouts, and similar job disruptions;

5. sets mutually binding procedures for resolving labor disputes arising during the PLA; and
6. includes any other provisions negotiated by the parties to promote successful delivery of the covered project.

Enforcement

A contractor, subcontractor, or employee organization may enforce the act's provisions or seek remedies for noncompliance with a PLA by bringing a civil action in the Superior Court in the judicial district where the cannabis establishment project is located. An "employee organization" is any lawful association, labor organization, federation, or council with a primary purpose of improving wages, hours, and other conditions of employment for cannabis establishments' employees.

The act allows the court, after holding a hearing, to order penalties of up to \$10,000 per day for each PLA violation by the cannabis establishment.

Under the act, a cannabis establishment's failure to comply with the act's PLA provisions cannot be the basis for any administrative action by DCP.

EFFECTIVE DATE: July 1, 2021

§ 104 — HOSPITAL POLICIES ON CANNABIS USE

Allows hospitals to restrict patients' cannabis use

The act provides that hospitals (1) are not required to allow patients to use cannabis while at the hospital and (2) may have policies restricting patients' cannabis use.

EFFECTIVE DATE: July 1, 2021

§ 105 — PENALTIES FOR SALES TO UNDERAGE PERSONS

Establishes misdemeanor penalties for cannabis establishments and employees who sell to people under age 21

Under the act, cannabis establishment licensees, or their servants or agents, who sell or deliver cannabis or cannabis paraphernalia to people under age 21 are guilty of a class A misdemeanor (see [Table on Penalties](#)).

EFFECTIVE DATE: July 1, 2021

§ 106 — PHOTO IDENTIFICATION

Allows cannabis establishments and their employees to require customers to have their photos taken or show IDs to prove their age and provides an affirmative defense for relying on these documents; limits other use of these photos or information; allows DCP to require cannabis establishments to use an online age verification system

Under the act, licensed cannabis establishments, or their agents or employees, may require identification as a condition of sale or delivery for people whose age is in question. Specifically, they may (1) require these people to have their photographs taken and (2) make a copy of their driver's license or non-driver identification (ID) card.

These licensees, agents, and employees are prohibited from using these photographs or photocopies (or information derived from them) for any other purpose. This includes selling or otherwise distributing these items to third parties for any purpose, including marketing, advertising, or promotional activities. But they may release these items pursuant to a court order.

EFFECTIVE DATE: July 1, 2021

Affirmative Defense (§ 106(d))

The act provides an affirmative defense for cannabis establishment licensees, or their agents or employees, if they are prosecuted for selling or providing cannabis to underage individuals.

This defense applies if they (1) sold or delivered cannabis to the person in good faith and in reasonable reliance on the identification presented and (2) photographed the person and made a copy of the identification. To support their defense, they may introduce evidence of the photograph and ID copy.

Online System (§ 106(e))

The act also allows the DCP commissioner to require cannabis establishments to use an online age verification system.

§ 107 — PENALTIES FOR INDUCING UNDERAGE PERSONS TO BUY CANNABIS

Establishes misdemeanor penalties for inducing someone under age 21 to buy cannabis

The act generally provides that anyone who induces someone under age 21 to procure cannabis from a licensed seller is guilty of a class A misdemeanor.

This penalty does not apply to (1) 18- to 20-year-old registered employees of cannabis establishments when acting in the course of their employment or business or (2) inducement that furthers a law enforcement agency's official investigation or enforcement activity.

These provisions do not prevent actions against cannabis sellers who sold to underage individuals who were participating in such an investigation or enforcement activity.

EFFECTIVE DATE: July 1, 2021

§ 108 — IDENTIFICATION USE AND PENALTIES FOR ATTEMPTED PURCHASES BY UNDERAGE PERSONS

Allows driver's licenses and non-driver ID cards to be used to prove age for buying cannabis; establishes penalties for underage persons who misrepresent their age or use someone else's license in an attempt to buy cannabis

The act authorizes (1) anyone who is at least age 21 and has a driver's license or non-driver ID card with a full-face photograph to use it to prove age when buying cannabis and (2) cannabis businesses to accept it as legal proof of age.

The act subjects anyone who misrepresents his or her age, or uses another person's license, to obtain cannabis to a fine of up to \$250 for a first offense. A subsequent offense is a class D misdemeanor.

These penalties do not apply to someone who works for, or on behalf of, a state agency testing retailers' age verification and product controls while performing these duties.

EFFECTIVE DATE: July 1, 2021

§ 109 — PENALTIES FOR ALLOWING UNDERAGE PERSONS TO POSSESS CANNABIS AT A PERSON'S PROPERTY

Makes it a class A misdemeanor for someone in control of a home or private property to allow someone under age 21 to possess cannabis there

The act makes it a class A misdemeanor for someone who possesses or controls a dwelling unit or private property to:

1. knowingly or recklessly allow someone under age 21 to illegally possess cannabis on the property or
2. fail to make reasonable efforts to stop this possession on the property when he or she knows an underage person possesses these items illegally.

EFFECTIVE DATE: July 1, 2021

§ 110 — PROHIBITION ON ALLOWING UNDERAGE PERSONS TO LOITER AT CANNABIS RETAILERS

Establishes penalties for cannabis retailers or hybrid retailers who allow underage individuals to loiter or enter certain parts of the establishment

The act generally prohibits cannabis retailers or hybrid retailers, and their employees or agents, from allowing people under age 21 to (1) loiter on the premises where cannabis is kept for sale or (2) be in any room where cannabis is consumed.

These provisions do not apply if the underage person is (1) an employee of the business, (2) a medical marijuana patient at a hybrid retailer's establishment, or (3) accompanied by a parent or guardian.

Under the act, a first violation is punishable by a fine of up to \$1,000. A subsequent violation is a class B misdemeanor (see [Table on Penalties](#)).

EFFECTIVE DATE: July 1, 2021

§ 111 — UNDERAGE PERSONS POSSESSING ALCOHOL AT A PERSON'S PROPERTY

Narrows the existing crime of allowing underage persons to possess alcohol at a property by eliminating criminal negligence as a sufficient mental state for this crime

Under existing law, it is generally a class A misdemeanor for someone who possesses or controls a dwelling unit or private property to allow someone under age 21 to illegally possess alcohol on the property.

Under prior law, this applied if the person knowingly, recklessly, or with criminal negligence allowed this to occur. The act eliminates criminal negligence as one of the mental states that could lead to criminal liability under this law. Generally, a person acts recklessly when he or she is aware of a substantial risk but disregards it. A person acts with criminal negligence when he or she fails to perceive such a risk. In either case, ignoring or failing to perceive the risk must be clearly unreasonable.

EFFECTIVE DATE: July 1, 2021

§§ 112 & 113 — CANNABIS USE IN MOTOR VEHICLES

Makes it a (1) class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and (2) class D misdemeanor to do so as a passenger in a motor vehicle; prohibits police from stopping a vehicle solely for these violations

The act makes it a class C misdemeanor to smoke, otherwise inhale, or ingest cannabis while driving a motor vehicle and a class D misdemeanor to do so as a passenger in a motor vehicle (see [Table on Penalties](#)).

In either case, the act applies to doing these things in a vehicle operated (1) on a public highway, (2) on a road of a specially chartered municipal association or roadway district, (3) in a parking area for 10 or more cars, (4) on school property, or (5) on a private road with a speed limit set pursuant to state law.

The act also prohibits peace officers from stopping a vehicle solely for violations of these provisions.

Under the act, someone cannot be convicted of both possession of a controlled substance and smoking, otherwise inhaling, or ingesting cannabis while driving, or as a passenger, for the same incident. But someone may be charged and prosecuted for either or both offenses, driving under the influence, and any other applicable offense upon the same information.

EFFECTIVE DATE: July 1, 2021

§ 114 — DRUG RECOGNITION EXPERTS AND ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT

Requires POST and DOT to determine the number of drug recognition experts needed; requires certain officers to be trained in advanced roadside impaired driving enforcement; and requires related training plans

The act requires the Police Officer Standards and Training Council (POST), in conjunction with the Department of Transportation's (DOT) Highway Safety Office, to determine how many accredited drug recognition experts (DREs) are needed to respond to impaired driving. It also requires (1) certain officers to be trained in advanced roadside impaired driving enforcement (ARIDE) and (2) training plans for both DREs and ARIDE.

Under the act, a DRE is someone certified by the International Association of Chiefs of Police (IACP) as having met all requirements of the International Drug Evaluation and Classification Program. ARIDE is a program developed by the National Highway Traffic Safety Administration (NHTSA) with the IACP and the Technical Advisory Panel, or a successor program, that focuses on impaired driving enforcement education for police officers.

EFFECTIVE DATE: July 1, 2021

Determining Minimum Number of DREs

The act requires each law enforcement unit, by January 1, 2022, to report to POST a recommendation for the minimum number of officers that it should have accredited as DREs to adequately respond to impaired driving. In making the recommendations, units may consider that they may call on other units' DREs, as needed and available. A recommendation must be (1) based on DOT impaired driving data and POST-issued guidance and (2) provided in a manner POST specifies.

The act requires POST, in conjunction with DOT's Highway Safety Office, to determine the minimum number of police officers to be accredited as DREs for each law enforcement unit, considering recommendations from law enforcement

units. POST and the office must (1) submit their first determination to the governor and OPM secretary by July 1, 2022, and (2) update and submit the determination at least every three years.

By April 1, 2022, POST must develop and promulgate a model policy to ensure that enough police officers in each unit become trained DREs to meet the minimum requirement POST determines. And by October 1, 2022, each law enforcement unit must adopt and maintain a written policy that at least meets the standards in POST's policy.

DRE and ARIDE Training

POST and DOT's Highway Safety Office must jointly (1) issue a plan, by January 1, 2022, to increase access to ARIDE training and DRE training for police officers and law enforcement units and (2) update the plan triennially. Beginning on that same date, the act requires each police officer who has not been recertified for the second time after his or her initial certification to be trained and certified in ARIDE before being recertified.

§ 116 — DRIVING UNDER THE INFLUENCE (DUI)

Modifies the state's DUI law, including allowing a defendant's refusal of a drug influence evaluation to be admitted as evidence and allowing courts to take judicial notice of THC's effects

The act makes changes to the state's DUI law, including allowing the refusal of a drug influence evaluation to be admitted as evidence in criminal DUI prosecutions and allowing courts to take judicial notice of THC's effects.

The DUI law prohibits driving a motor vehicle (1) while under the influence of alcohol or drugs (or both) or (2) with an elevated blood alcohol content (BAC) (i.e., at least 0.08% for non-commercial vehicle drivers, 0.04% for commercial vehicle drivers, or 0.02% for drivers under age 21). It applies to drivers operating motor vehicles anywhere, including their own property, and to people operating snowmobiles and all-terrain vehicles. The law imposes various penalties for DUI, including prison terms, fines, and license suspensions (see *Background*).

EFFECTIVE DATE: April 1, 2022

Drug Influence Evaluations

Existing law allows chemical tests showing the amount of alcohol or drugs in a defendant's blood, breath, or urine at the time of the alleged DUI offense to be admitted as evidence in criminal prosecutions for DUI, as long as certain standards are met (e.g., the defendant must have had a reasonable chance to call a lawyer before taking it). It also allows the defendant's refusal of a test to be admitted as evidence, provided the same standards are met.

The act additionally allows evidence that a defendant refused to submit to the nontestimonial portion of a drug influence evaluation to be admitted as evidence. As under existing law with test refusal, in cases tried by jury, the court must instruct the jury as to the inferences that may or may not be drawn from the defendant's refusal to submit to the evaluation.

Under the act, a "drug influence evaluation" is an evaluation developed by NHTSA and IACP that a DRE conducts to determine (1) a person's impairment level from using drugs and (2) the drug category causing the impairment (see *Background*). The "nontestimonial portion of a drug influence evaluation" is a drug influence evaluation that does not include a verbal interview with the subject.

Judicial Notice of Effects of THC

In a DUI prosecution alleging that a defendant's driving was impaired wholly or partially by consuming cannabis, the act allows a court to take judicial notice that ingesting cannabis (1) can impair a person's driving ability, motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control, and memory and (2) does not enhance a person's ability to drive a motor vehicle safely.

Background — Penalties for DUI

A person convicted of DUI is subject to the criminal penalties listed in the table below. The law considers a subsequent conviction to be one that occurs within 10 years after a prior conviction for the same offense (CGS § 14-227a(g)). Higher penalties apply for DUI (1) with a child passenger (CGS § 14-227m) or (2) while operating a school bus, student transportation vehicle, or other vehicle specifically designed to carry children (CGS § 14-227n).

General DUI Penalties

Conviction	Fine	Prison Sentence	License Suspension
First	\$500- \$1,000	Either (1) up to six months with a mandatory minimum of two days or (2) up to six months suspended with probation requiring 100 hours of community service	45 days, followed by one year driving only a vehicle equipped with an ignition interlock
Second	\$1,000- \$4,000	Up to two years, with a mandatory minimum of 120 consecutive days and probation with 100 hours community service	45 days, followed by three years of driving only a vehicle equipped with an ignition interlock, with operation for the first year limited to travel to or from work, school, a treatment program, an ignition interlock service center, or a probation appointment
Third and Subsequent	\$2,000- \$8,000	Up to three years, with a mandatory minimum of one year and probation with 100 hours community service	License revoked, but the offender is eligible for reinstatement after two years (if reinstated, he or she must drive only interlock-equipped vehicles, except that the DMV commissioner may lift this requirement after 15 years)

License suspension for conviction of a criminal DUI charge is in addition to any previously imposed administrative license suspension. In addition to these penalties, the court can order a driver to participate in an alcohol education and treatment program (CGS § 14-227a(j)).

Background — DRE Drug Influence Evaluation

According to NHTSA and IACP, the 12 steps of a drug influence evaluation conducted by a DRE are:

1. breath alcohol test, to determine BAC;
2. interview of the arresting officer, to determine what he or she saw or heard that could indicate drug use;
3. preliminary examination, to determine whether to continue the evaluation;
4. eye examination, for evidence of involuntary eye jerking and other effects;
5. divided attention tests, such as finger-to-nose tests and one-leg stands;
6. vital sign examinations;
7. dark room examinations, for changes in the pupils with changes in light;
8. muscle tone examination, to see if muscles are markedly tense or flaccid;
9. examination for injection sites;
10. interview of the subject and logging other observations;
11. recording the evaluator's opinion, based on the above tests; and
12. toxicological examination.

§ 117 — ALCOHOL EDUCATION AND TREATMENT PROGRAM

Allows the court to require people convicted of DUI to participate in the pretrial impaired driving intervention program (see § 167)

Existing law allows the court to require someone convicted of DUI to participate in an alcohol education and treatment program. The act (1) additionally allows the court to order participation in the pretrial impaired driving intervention program (see § 167) and (2) specifies that the court can require a treatment program for people who drove under the influence of alcohol or both alcohol and drugs.

EFFECTIVE DATE: April 1, 2022

§ 118 — ADMINISTRATIVE PER SE LICENSE SUSPENSION FOR DUI

Makes changes to the administrative per se law, including (1) expanding it to include procedures for imposing penalties on drivers without an elevated BAC, but found to be driving under the influence based on behavioral impairment evidence, and (2) applying the existing per se process to operators who refuse the nontestimonial portion of a drug influence evaluation

By law, someone arrested for DUI is subject to administrative licensing sanctions and other penalties through DMV, in addition to criminal prosecution. This is referred to as “administrative per se,” and the sanctions may occur when (1) a driver refuses to submit to a blood, breath, or urine test or (2) a test indicates an elevated BAC. However, under prior law, DMV was unable to penalize drug-impaired drivers who did not also have an elevated BAC.

Principally, the act expands the administrative per se process to include procedures for imposing licensing sanctions and other penalties on drivers who do not have an elevated BAC but are found to be driving under the influence based on evidence of behavioral impairment, among other things. Existing law allows evidence of behavioral impairment to support a DUI conviction.

The act also (1) applies the existing administrative per se procedures for drivers who refuse a BAC test to drivers who refuse to consent to the act’s nontestimonial portion of a drug influence evaluation and (2) makes various other changes to the process.

EFFECTIVE DATE: April 1, 2022

Implied Consent for Drug Influence Evaluations (§ 118(a))

Under existing law, motor vehicle drivers consent to chemical tests of their blood, breath, or urine when they drive; and, if a driver is a minor, the law deems his or her parents to have consented (this provision is referred to as “implied consent”). Under the act, drivers (or their parents) also consent to a nontestimonial portion of a DRE-conducted drug influence evaluation.

Requests for Drug Influence Evaluations (§ 118(b))

Existing law allows a police officer who arrests a person for DUI to request that he or she submit to a blood, breath, or urine test under certain conditions. The act allows the officer to also ask the person to submit to (1) a drug influence evaluation conducted by a DRE or (2) both a drug influence evaluation and a blood, breath, or urine test.

The act generally applies existing law’s conditions for requesting blood, breath, or urine tests to requests for drug influence evaluations. Thus, under the act, a police officer may ask someone to submit to a blood, breath, or urine test, or a drug influence evaluation, only after he or she is:

1. informed of his or her constitutional rights;
2. given reasonable opportunity to contact an attorney before the test or evaluation occurs;
3. informed that evidence of refusal to submit to a test or evaluation is admissible as evidence in DUI prosecutions, except that refusing to submit to the testimonial portions of drug influence evaluations is not refusal evidence; and
4. informed that his or her license or operating privilege may be suspended under administrative per se procedures if (a) he or she refuses a test or the nontestimonial portion of a drug influence evaluation or submits to a test and the results indicate an elevated BAC or (b) the officer, through his or her investigation, concludes that the person was driving under the influence of intoxicating liquor, a drug, or both.

The law prohibits giving a test if the subject refuses it. It requires police officers, when someone refuses or is unable to submit to a blood test, to designate a different type of test to be taken. If a test is refused, the officer must officially note that he or she informed the person of the conditions under which the license or driving privilege could be suspended as amended by the act. The act explicitly allows an officer who requested that a person take a breath test to, for reasonable cause, request and administer an additional, different type of chemical test to detect the presence of drugs other than, or in addition to, alcohol.

The act also extends this refusal procedure to requests for drug influence evaluations. It also specifies that if someone submits to a breath test and the results indicate that the person does not have an elevated BAC, the police officer may ask him or her to take a different type of test. But if he or she refuses to submit to a blood test, the officer must designate that a urine test be taken.

Arrest Reports and 24-Hour Suspension (§ 118(c) & (d))

The act (1) adds refusing the nontestimonial portion of a drug influence evaluation to the existing arrest reporting and 24-hour suspension procedures and (2) establishes a similar procedure for people who are arrested for DUI but not asked to take a test or whose results do not indicate an elevated BAC.

Refusing Test or Elevated BAC. Under existing law, if a person refuses to submit to a blood, breath, or urine test, or submits to a test within two hours after driving and the results indicate the person has an elevated BAC, then the police officer, acting on behalf of DMV, must immediately and for a 24-hour period (1) revoke and take possession of the person's driver's license or (2) suspend his or her operating privilege if he or she is a nonresident. Under the act, an officer must do the same if a person refuses the nontestimonial portion of a drug influence evaluation.

No Test Requested or No Elevated BAC. Under the act, if an officer arrests someone for DUI but does not ask the person to submit to a blood, breath, or urine test, or gets results indicating that the person does not have an elevated BAC, then the officer must (1) advise the person that his or her license or operating privilege may be suspended through the administrative per se process if the officer concludes, through an investigation, that the person was driving under the influence of alcohol, drugs, or both and (2) submit a report on the arrest and evidence.

The act requires the report to be submitted under existing law's procedures, and if the report includes test results that indicate no elevated BAC, then it must conform to the requirements for reports on test results that do indicate elevated BAC. In these reports, the officer must document (1) the basis for believing that there was probable cause to arrest the person for DUI and (2) if he or she concluded, through an investigation, that the person was driving under the influence of alcohol, drugs, or both. The officer may also submit with the report other supporting documentation indicating the person's intoxication.

Under the act, if the officer believes substantial evidence of DUI exists, then he or she must immediately, and for a 24-hour period, (1) revoke and take possession of the person's driver's license or (2) if the person is unlicensed or a nonresident, suspend his or her operating privilege.

Laboratory Analysis of Blood or Urine. The act eliminates provisions in prior law that:

1. prohibited an officer, if a blood or urine test specimen required laboratory analysis, from (a) taking possession of a person's license or suspending his or her operating privilege or (b) sending an arrest report to the commissioner and
2. required, if the lab results showed an elevated BAC, the officer to immediately notify and send the report to DMV.

DMV License Suspension (§ 118(e)-(h))

Under prior law, after receiving a report, the DMV commissioner had to suspend a person's license starting no later than 30 days after the person received notice of their arrest by the police officer. The act instead requires that the suspension begin within 30 days after the person received the (1) notice of arrest or (2) results of a blood or urine test or a drug influence evaluation, whichever occurs later.

The suspension lasts for 45 days and is followed by a mandatory period of ignition interlock device use (see below).

Hearing. By law, people subject to administrative license suspension are entitled to a hearing before the suspension takes effect. They may request one by contacting DMV within seven days after the suspension notice's mailing date.

Under the act, the hearing for someone who was not asked to take a blood, urine, or breath test or whose test results did not indicate an elevated BAC is limited to determining the following issues, which are substantially similar to those under existing law's administrative per se process:

1. whether the police officer had probable cause to arrest the person for DUI;
2. whether the person was arrested;
3. whether the person was driving a vehicle under the influence of alcohol, drugs, or both; and
4. whether the person was driving the vehicle.

In these hearings, the following evidence of DUI is admissible:

1. police officer observations of intoxication, as documented in the report;
2. results of a chemical test administered in accordance with the DUI law or a toxicology report certified by the Department of Emergency Services and Public Protection's (DESPP) Division of Scientific Services;
3. hospital or medical records obtained in accordance with established procedures or with the driver's consent;

4. results of tests conducted by, or a report of, an officer trained in ARIDE; or
5. DRE reports.

Ignition Interlock Devices (§ 118(i))

The law imposes ignition interlock device (IID) penalties on people who (1) drive a vehicle with a BAC that exceeds certain thresholds, depending on their age, or (2) refuse to take a blood, breath, or urine test. The act extends these penalties, as shown in the table below, to people who (1) drive a vehicle under the influence of alcohol, drugs, or both, but who did not have an elevated BAC or were not asked to take a blood, breath, or urine test or (2) refuse a nontestimonial portion of a drug influence evaluation (see *Background*, above).

IID Penalties for Per Se Offense Under the Act

<i>Per Se Offense</i>	<i>IID Requirement</i> <i>(After 45-Day License Suspension)</i>		
	<i>First Suspension</i>	<i>Second Suspension</i>	<i>Third or Subsequent Suspension</i>
Age 21 or older: found to have been driving under the influence of alcohol, drugs, or both	6 months	1 year	2 years
Under Age 21: found to have been driving under the influence of alcohol, drugs, or both	1 year	2 years	3 years
Refusal of nontestimonial portion of drug influence evaluation, regardless of age	1 year	2 years	3 years

Existing law requires IID use for criminal DUI convictions, even for those involving drugs and not alcohol (CGS § 14-227a(i)).

Process if Driver Suffered Injury or Required Medical Treatment (§ 118(j))

Under existing law, if a police officer obtains a blood or urine sample from a driver who was arrested for DUI and physically injured in an accident or needed hospital treatment or observation, the officer must notify the DMV commissioner if the sample's results indicate that the operator had an elevated BAC. The act extends this requirement to blood sample results that show the presence of alcohol, a drug, or both.

The commissioner may then use this information when deciding to suspend the driver's license, in accordance with the procedures described above.

Background — IID Requirements

IIDs are installed in motor vehicles to prevent people from driving under the influence of alcohol. They require the driver to breathe into them to operate the vehicle. If the device detects a BAC above a certain threshold, it prevents the vehicle from starting. IIDs also require the driver to submit periodic breath samples while driving. Offenders must pay DMV a \$100 fee before the device is installed; DMV uses this money to administer the interlock program. Offenders also must pay the costs of installing and maintaining the devices (CGS § 14-227a(i)).

§ 119 — PROCEDURES FOR ACCIDENTS RESULTING IN DEATH OR SERIOUS INJURY

Modifies intoxication testing procedures for accidents resulting in death or serious injury, including by requiring drug influence evaluations of surviving operators

Surviving Drivers

Existing law requires a blood or breath sample to be obtained from a surviving driver whose vehicle was involved in an accident resulting in another person's death or serious physical injury if (1) a police officer has probable cause to believe that the driver operated the vehicle while under the influence of alcohol, drugs, or both or (2) the driver has been charged in connection with the accident and the officer has a reasonable suspicion that he or she was under the influence. The sample must be tested according to DESPP-approved methods and equipment.

The act additionally (1) requires that a DRE conduct a drug influence evaluation of a surviving operator if the operator is not seriously injured or otherwise unable to take the evaluation because of the accident and (2) allows a urine sample to be taken instead of a blood or breath sample.

The act requires police officers who obtain a blood, breath, or urine sample from the surviving driver, or conduct a drug influence evaluation on the surviving driver, to submit a written report to the DMV commissioner with the respective results. It allows the commissioner, after notice and opportunity for a hearing held according to the administrative per se procedures, to impose the associated license suspension and IID penalties. The hearing must be limited to determining whether:

1. the person was operating the vehicle;
2. the person's sample or the drug influence evaluation was properly obtained or conducted, as applicable, according to the law's requirements; and
3. the examined sample had an elevated BAC or if the person drove the vehicle under the influence of alcohol, drugs, or both.

ARIDE-Trained Officers at Fatal Accidents

The act requires law enforcement units, when responding to a fatal motor vehicle accident, to assign an ARIDE-trained officer to respond if one is available.

Examination of Samples

By law, the chief medical examiner and other specified officials must include in a fatal motor vehicle accident investigation a blood sample from any driver or pedestrian who dies in the accident.

Prior law required DESPP's Division of Scientific Services or the chief medical examiner to examine the samples. Under the act, a forensic toxicology laboratory under an agreement with the Office of the Chief Medical Examiner may also examine them.

EFFECTIVE DATE: April 1, 2022

§ 120 — COMMERCIAL VEHICLE DRIVING DISQUALIFICATION

Extends existing commercial motor vehicle driving disqualification penalties to drivers who refused a drug influence evaluation or drove under the influence of alcohol, drugs, or both

Under existing law, if a commercial driver's license holder either refuses a test to determine BAC while driving any vehicle or fails the test, then he or she is disqualified from driving a commercial motor vehicle for (1) one year for a first offense and (2) life upon a second or subsequent offense.

The act imposes these disqualification penalties on someone who (1) refuses to submit to the nontestimonial portion of a drug influence evaluation by a DRE or (2) was found to have driven a vehicle under the influence of alcohol, drugs, or both through the administrative per se procedures.

EFFECTIVE DATE: April 1, 2022

§ 121 — EDUCATIONAL MATERIALS ON DRE PROGRAM AND DRUG INFLUENCE EVALUATIONS

Requires the Traffic Safety Resource Prosecutor to develop educational materials and programs about the DRE program and drug influence evaluations

The act requires the traffic safety resource prosecutor, in consultation with other entities, to (1) seek guidance from NHTSA, (2) develop educational materials and programs about the DRE program and drug influence evaluations, and (3)

make them available to the judicial branch and the Connecticut Judges Association. The prosecutor must develop the materials in consultation with DOT, DMV, the Connecticut Police Chiefs Association, and the statewide DRE coordinator.
EFFECTIVE DATE: July 1, 2021

§ 122 — ADMINISTRATIVE PENALTIES FOR BOATING UNDER THE INFLUENCE

Makes changes to DEEP's administrative sanctions process for boating under the influence that are substantially similar to the act's changes to DMV's administrative per se process

The law establishes a process for DEEP to impose administrative sanctions on boaters who operate boats with an elevated BAC or who refuse to submit to a blood, breath, or urine test. These procedures largely parallel the administrative per se procedures for driving with an elevated BAC or refusing to submit to a test (see above). Like DMV, under prior law DEEP could not suspend a drug-impaired boater's safe boating certificate or certificate of personal watercraft operation ("certificate") if he or she did not have an elevated BAC.

The act's changes to this process are substantially similar to the changes it makes to DMV's administrative per se procedures. It (1) expands the process to include procedures for imposing certification sanctions on boaters who do not have an elevated BAC but are found to be boating under the influence based on evidence of behavioral impairment, among other things, and (2) applies the existing process to boaters who refuse the nontestimonial portion of a drug influence evaluation. Its other changes include the following, among other things:

1. deeming that boaters consent to a nontestimonial portion of a drug influence evaluation conducted by a DRE;
2. allowing peace officers to request drug influence evaluations in addition to or instead of a blood, breath, or urine test under the same conditions that apply to police officers under the administrative per se statute for DUI;
3. requiring a peace officer to revoke certificates, following procedures substantially similar to the DUI per se process, if the (a) boater refuses a drug influence evaluation or (b) officer concludes, through his or her investigation, that the boater operated a boat under the influence of alcohol, drugs, or both;
4. establishing review standards for hearings for boaters who did not refuse a test or whose results did not indicate an elevated BAC that align with those under the DUI administrative per se process; and
5. imposing existing suspension periods (which are different than those under the DUI administrative per se process) on people found to be operating a boat under the influence of alcohol, drugs, or both (see the table below).

Administrative Certificate Suspensions

Violation	First Offense	Second Offense	Third or Subsequent Offense
(1) BAC of 0.08% or more (or 0.02% if under age 21) or (2) found to have been boating under the influence of alcohol, drugs, or both	90 days	9 months	2 years
BAC of 0.16% or more	120 days	10 months	2 years, 6 months
Refusal of test	6 months	1 year	3 years

Unlike its DMV administrative per se changes, the act does not similarly extend the penalties for refusing a test to refusing the nontestimonial portion of a drug influence evaluation.

EFFECTIVE DATE: April 1, 2022

§ 123 — BOATING UNDER THE INFLUENCE

Makes changes to the boating under the influence law that are substantially similar to those the act makes to the DUI law

State law prohibits boating (1) while under the influence of alcohol or drugs or (2) with an elevated BAC (i.e., at least 0.08%, or 0.02% in the case of boaters under age 21) (CGS § 15-133(d)). It imposes penalties for boating under the influence convictions, including prison time, fines, and certificate suspension (see *Background*).

The act makes changes to the boating under the influence law that are substantially similar to those it makes to the DUI law. These changes include allowing:

1. evidence that a defendant refused to submit to the nontestimonial portion of a drug influence evaluation to be

- admitted as evidence under conditions substantially similar to those that apply to DUI (see above) and
2. the court to take judicial notice that ingesting cannabis (a) can impair a person's boating ability, motor function, reaction time, tracking ability, cognitive attention, decision-making, judgment, perception, peripheral vision, impulse control, and memory and (b) does not enhance a person's ability to boat safely.

EFFECTIVE DATE: April 1, 2022

Background — Boating Under the Influence Penalties

The table below shows the law's penalties for boating under the influence. A subsequent conviction is one that occurs within 10 years after a prior conviction for the same offense (CGS § 15-133(h)).

Boating Under the Influence Penalties

Offense	Fine	Prison/Community Service	Suspension
First	\$500-\$1,000	(1) Up to six months, with a mandatory minimum of 48 consecutive hours and (2) probation and 100 hours community service	One year
Second	\$1,000-\$4,000	(1) Up to two years, with a mandatory minimum of 120 consecutive days and (2) probation and 100 hours community service	Three years, or until age 21, whichever is longer
Third	\$2,000-\$8,000	(1) Up to three years, with a mandatory minimum of one year and (2) probation and 100 hours community service	Permanent revocation

§ 124 — DOT RECOMMENDATIONS ON IMPAIRED DRIVING DATA COLLECTION AND PILOT PROGRAMS

Requires DOT to make recommendations on impaired driving data collection and pilot programs on electronic warrants and oral fluid testing in impaired driving investigations

The act requires the DOT commissioner, by July 1, 2022, and in consultation with the DMV commissioner and the Statewide Impaired Driving Task Force (see *Background*), to make recommendations to the governor and the Judiciary and Transportation committees about:

1. enhancing impaired driving data collection, including the possibility of reorganizing the state's impaired driving statutes into separate offenses for driving under the influence of alcohol, driving under the influence of a drug, and driving under the influence of both alcohol and a drug;
2. implementing an electronic warrant pilot program in impaired driving investigations; and
3. the merits and feasibility of a pilot program for oral fluid testing in these investigations.

EFFECTIVE DATE: July 1, 2021

Background — Statewide Impaired Driving Task Force

The Connecticut Impaired Driving Task Force was established administratively in 2013 to coordinate state and local efforts on reducing impaired driving crashes and fatalities. It includes members from DOT's Highway Safety Office, DMV, the Office of the Chief State's Attorney, POST, the Division of Scientific Services, state and local law enforcement, universities, hospitals, researchers, and private traffic safety organizations.

§§ 125 & 127 — STATE CANNABIS TAX

Establishes a state tax on retail sales of cannabis, cannabis plant material, and cannabis edible products by cannabis retailers, hybrid retailers, and micro-cultivators; directs the tax revenue to the General Fund, a new General Fund account, and two new appropriated funds, according to a specified schedule

Rate and Base (§ 125(b))

The act imposes a state tax on retail sales of cannabis, cannabis plant material, and cannabis edible products by a cannabis retailer, hybrid retailer, or micro-cultivator, with certain exceptions. The tax rate is based on the product's type and total THC reflected on its label. Specifically, it is:

1. 0.625 cents per milligram of total THC for cannabis plant material;
2. 2.75 cents per milligram of total THC for cannabis edible products (i.e., products containing cannabis or cannabis concentrate, combined with other ingredients, that are intended to be ingested, including sublingual or oral absorption); and
3. 0.9 cents per milligram of total THC for cannabis, other than cannabis plant material or cannabis edible products.

The tax does not apply to (1) sales of cannabis for palliative (i.e., medical) use; (2) sales of cannabis by a delivery service to a consumer; or (3) the transfer of cannabis to a transporter for transport to any other cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer, or producer.

Retailers and micro-cultivators must collect the tax from consumers at the time of sale (except for the exempt sales described above). They must collect either (1) the full amount of the tax imposed under the act or (2) an amount equal to the average equivalent of the tax to the nearest amount practicable. The tax is a debt from the consumer to the retailer or micro-cultivator and, when added to the original sales price, is recoverable in the same manner as other debts.

The collected tax amounts are deemed a special fund in trust for the state until remitted to it. The tax applies in addition to the 3% municipal cannabis tax established under the act (see § 126) and the 6.35% state general sales tax.

Tax Remittance (§ 125(c))

Under the act, on or before the last day of each month in which cannabis retailers, hybrid retailers, and micro-cultivators may legally sell cannabis (other than for palliative use) in the state, they must (1) file a tax return with the Department of Revenue Services (DRS) and (2) remit the tax due with the return. The returns must be in the form and contain the information the commissioner prescribes necessary for the tax's administration. They must file the returns electronically with DRS and, to the extent possible, pay the tax by electronic funds transfer in the manner provided under existing law for other tax payments.

Delinquent Taxes (§ 125(d))

Under the act, late tax payments are subject to a penalty of 25% of the amount due and unpaid or \$250, whichever is greater, plus interest at 1% per month or fraction of a month from the due date to the payment date.

Subject to the existing Penalty Review Committee requirements, the DRS commissioner may waive all or part of these penalties when it is proven to the commissioner's satisfaction that failing to pay the tax within the timeframe was due to reasonable cause and was not intentional or neglectful. Any penalty that is waived must be applied as a credit against tax liabilities owed by the retailer or micro-cultivator.

Liability for Willful Nonpayment of Taxes (§ 125(e))

The act makes those who are responsible for collecting, truthfully accounting for, and paying the tax on behalf of a cannabis retailer, hybrid retailer, or micro-cultivator personally liable if they willfully fail to collect, truthfully account for, or pay the tax and it cannot be collected from the business.

Under the act, an individual or business (and any officer, partner, or employee of a business) that is responsible for filing the return and paying the tax on the retailer's or micro-cultivator's behalf is personally liable for the full unpaid tax, plus interest and penalties, if (1) the individual or business willfully fails to collect, truthfully account for, and pay it, or willfully attempts to evade or defeat the tax and (2) the tax, penalty, or interest cannot otherwise be collected from the cannabis retailer, hybrid retailer, or micro-cultivator. The dissolution of the retailer or micro-cultivator does not free the person from liability.

DRS must (1) collect the penalty using the same methods for collecting unpaid admissions and dues taxes (i.e., tax warrants, liens against real property, and foreclosure against that property) and (2) credit any amount collected from the individual or business against the taxes owed by the cannabis retailer, hybrid retailer, or micro-cultivator.

Tax Enforcement (§ 125(f))

The act applies the same collection, enforcement, and appeal process requirements established in statute for the admissions and dues taxes to the state cannabis tax, except those provisions inconsistent with the act. Under these provisions, the DRS commissioner can (1) impose a deficiency assessment and penalty; (2) impose record retention requirements on taxpayers and examine all their records; and (3) administer oaths, subpoena witnesses, and receive testimony. The retailers and micro-cultivators can request a hearing on the amount of taxes they must pay and appeal the hearing decision if aggrieved. Lastly, an additional penalty may be imposed for willful violations or filing fraudulent returns.

Refunds (§§ 125(g) & 127(d))

The act bars the DRS commissioner from refunding any state cannabis tax paid by a cannabis retailer, hybrid retailer, or micro-cultivator. Under the act, this provision must not be construed as a waiver of sovereign immunity or as authorizing suit against the state or any political subdivision by anyone (1) against whom any tax, penalty, or interest was erroneously or illegally assessed or (2) from whom any tax, penalty, or interest has been erroneously or illegally collected.

Regulations (§ 125(h))

The act authorizes the DRS commissioner to adopt implementing regulations for the state cannabis tax, municipal cannabis tax (see § 126), and cannabis-related state sales tax provisions (see § 127). Regardless of the Uniform Administrative Procedures Act's regulation-adoption process, before adopting the regulations, the commissioner must issue policies and procedures to implement these tax provisions. These policies and procedures have the force and effect of law.

At least 15 days before the policies and procedures take effect, the act requires the commissioner to post them on DRS' website and submit them to the secretary of the state for posting on the eRegulations system. A policy or procedure is no longer effective once adopted as a final regulation or on July 1, 2025, whichever is earlier.

Revenue Distribution (§ 125(i))

The act directs the revenue from the state cannabis tax to the General Fund, one new General Fund account, and two new appropriated funds established under the act (see § 128). The following table provides the act's revenue distribution schedule.

State Retail Cannabis Tax Revenue Distribution

Funds and Accounts	FY 22	FY 23	FYs 24-26	FYs 27-28	FYs 29+
Cannabis Regulatory and Investment Account	100%	-	-	-	-
General Fund	-	100%	15%	10%	-
Social Equity and Innovation Fund	-		60%	65%	75%
Prevention and Recovery Services Fund	-		25%	25%	25%

Recording Revenue (§ 125(j))

The act authorizes the state comptroller to record the revenue the tax generates each fiscal year no later than five business days after the end of July following the end of the fiscal year.

EFFECTIVE DATE: July 1, 2021

§§ 126 & 127 — MUNICIPAL CANNABIS TAX

Imposes a 3% municipal sales tax on the sale of cannabis that applies in addition to the state's 6.35% sales tax and the state cannabis tax established under the act; specifies the purposes for which municipalities may use the tax revenue

Rate and Base (§ 126(a))

The act imposes a 3% municipal sales tax on the gross receipts from the sale of cannabis by a cannabis retailer, hybrid retailer, or micro-cultivator that must be administered in accordance with the state sales and use tax law. Under the act, “gross receipts” means the total amount received from cannabis sales by the retailer or micro-cultivator. The municipal sales tax is in addition to the state cannabis tax established under the act and 6.35% state sales tax on such products.

The act exempts from the municipal sales tax:

1. cannabis for palliative use;
2. sales of cannabis by a delivery service to a consumer; and
3. the transfer of cannabis to a transporter for transport to any cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer, or producer.

The tax must be collected from consumers at the time of sale (except for the exempt sales described above) and be held in trust until remitted to the municipality.

Tax Remittance and Revenue Distribution (§ 126(b))

The act establishes a process by which the retailers and micro-cultivators must file tax returns with DRS but remit the tax payments to the municipalities where the sales occurred.

Under the act, each cannabis retailer, hybrid retailer, and micro-cultivator must file a return with DRS on or before the last day of each month in which it may legally sell cannabis (other than for palliative use). The DRS commissioner must prescribe the return and the information it must contain as necessary to administer the tax. When possible, the return must be filed electronically.

The act requires each municipality where a cannabis retailer, hybrid retailer, or micro-cultivator is located to submit to the DRS commissioner, at least annually, the name and contact information of the person designated by the municipality to receive notifications about the tax. The DRS commissioner must (1) notify these people of the tax amount reported due from each of these retailers and micro-cultivators located in their respective municipalities and (2) set policies and procedures for doing so.

Within 60 days after receiving this notice from DRS, each municipality must invoice each applicable cannabis retailer, hybrid retailer, and micro-cultivator according to the law for DRS notices (i.e., they may send the invoice by first-class mail and service is effected when they put the letter in a mailbox or bring it to the post office). The retailer or micro-cultivator must remit payment to the municipality within 30 days after the invoice was sent. Under the act, the amounts remitted become a part of the municipality's general revenue and must be used for any of the following purposes:

1. streetscape improvements and other neighborhood developments in communities where cannabis retailers, hybrid retailers, or micro-cultivators are;
2. education programs or youth employment and training programs in the municipality;
3. services for individuals living in the municipality who were released from DOC custody, probation, or parole;
4. mental health or addiction services;
5. youth service bureaus and municipal juvenile review boards; and
6. community civic engagement efforts.

Delinquent Taxes (§ 126(c))

Under the act, late tax payments are subject to a penalty of 25% of the amount due and unpaid or \$250, whichever is greater, plus interest at 1% per month or fraction of a month from the due date to the payment date. Municipalities may, by vote of their legislative bodies, waive all or part of this penalty if they find that failing to pay the tax within the timeframe was due to reasonable cause and was not intentional or neglectful. Any penalty waiver must be applied as a credit against the taxpayer's future tax liabilities.

Liens for Unpaid Taxes (§ 126(d))

The act authorizes municipalities to impose a lien on the real property of a cannabis retailer, hybrid retailer, or micro-cultivator for nonpayment of the tax, up to the amount of unpaid taxes, penalties, and interest. These liens have the same priority as municipal real property tax liens.

Enforcement Authority (§ 126(e))

Under the act, the DRS commissioner may review and adjust any municipal cannabis tax return filed by a cannabis retailer, hybrid retailer, or micro-cultivator and may issue any resulting assessments, according to the collection, enforcement, and appeal process requirements set in statute for the admissions and dues taxes. Under the act, these requirements apply to the municipal cannabis tax, except when they are inconsistent with the act.

Refunds and Overpayments (§§ 126(f) & 127(d))

The act prohibits (1) cannabis retailers, hybrid retailers, micro-cultivators, and municipalities from issuing refunds to purchasers for any municipal cannabis sales tax paid and (2) municipalities from issuing refunds to retailers or micro-cultivators. It also prohibits tax overpayments made by purchasers, retailers, or micro-cultivators from being applied to any other liability due to the municipality.

Under the act, these provisions must not be construed as a waiver of sovereign immunity or as authorizing suit against the state or any political subdivision by anyone (1) against whom any tax, penalty, or interest was mistakenly or illegally assessed or (2) from whom any tax, penalty, or interest has been mistakenly or illegally collected.

EFFECTIVE DATE: July 1, 2021

§§ 127 & 129 — STATE SALES TAX ON CANNABIS

With certain exceptions, prohibits exemptions under the state's sales and use tax law from applying to cannabis sales; prohibits refunds to purchasers and businesses for sales and use taxes paid on cannabis

Exemptions Generally Disallowed (§ 127(b))

The act generally prohibits any exemptions under the state's sales and use tax law from applying to cannabis sales, other than exemptions for (1) sales of cannabis for palliative use and (2) the transfer of cannabis to a transporter, as described below.

The act also prohibits anyone from purchasing cannabis on a resale basis. (By law, sales for resale are generally exempt from state sales and use tax.)

Exemption for Cannabis Transports (§ 127(a))

The act exempts from the sales and use tax the transfer of cannabis to a transporter by specified entities for transport to other such entities. The exemption applies to transfers by cultivators, micro-cultivators, food and beverage manufacturers, product manufacturers or packagers, dispensary facilities, cannabis retailers, hybrid retailers, or producers to a transporter.

Exemption for Nonprescription Drugs and Medicines (§ 129)

The act adds palliative cannabis to the list of nonprescription drugs and services that are statutorily exempt from the state sales and use tax. Under existing DRS practice, cannabis sold for palliative use by licensed dispensaries is considered a natural or herbal drug or medicine and so is exempt as a nonprescription drug and medicine.

The act also explicitly excludes any products containing cannabis or cannabinoids from the nonprescription drug or medicine exemption. It defines "cannabinoids" as manufactured or synthetic cannabinoids.

Refunds (§ 127(c) & (d))

The act prohibits DRS, cannabis retailers, hybrid retailers, micro-cultivators, or delivery services from issuing refunds to purchasers for any sales and use tax paid on cannabis. It also prohibits DRS from issuing sales and use tax refunds to cannabis or hybrid retailers, micro-cultivators, or delivery services.

As with the state cannabis tax and municipal sales tax provisions described above, the act specifies that these provisions must not be construed as a waiver of sovereign immunity or as authorizing suit against the state or any political subdivisions by anyone (1) against whom any tax, penalty, or interest was erroneously or illegally assessed or (2) from whom any tax, penalty, or interest has been erroneously or illegally collected.

EFFECTIVE DATE: July 1, 2021

§ 128 — NEWLY ESTABLISHED GENERAL FUND ACCOUNTS AND APPROPRIATED FUNDS

Establishes two new General Fund accounts (the cannabis regulatory and investment account and social equity and innovation account), directs specified fee and tax revenue to the accounts for FY 22, and requires OPM to allocate the account funds to state agencies for specified purposes; beginning in FY 23, establishes two new appropriated funds (the Social Equity and Innovation Fund and Prevention and Recovery Services Fund), and requires that money in the funds be appropriated for specified purposes
Cannabis Regulatory and Investment Account

The act establishes the cannabis regulatory and investment account as a separate, nonlapsing account in the General Fund and requires that it contain any money the law requires. The Office of Policy and Management (OPM) secretary must allocate the account's funds to state agencies to pay any costs incurred to implement the act.

Under the act, for FY 22, the following amounts received by the state must be deposited in the account:

1. criminal history check fees from applicants for a cannabis establishment license, laboratory or research program license, or key employee license (§ 30);
2. fees paid by applicants for the various cannabis establishment licenses to enter the lottery or for a provisional or final license or renewal (i.e., retailer, hybrid retailer, cultivator, micro-cultivator, product manufacturer, food and beverage manufacturer, product packager, or delivery service or transporter licenses) (§ 34);
3. fees paid for an initial or renewal backer license, key employee license, or other employee registration (§ 34);
4. any state cannabis tax revenue (§ 125); and
5. any state sales and use tax revenue received from a cannabis retailer, hybrid retailer, or micro-cultivator.

Social Equity and Innovation Account

The act establishes the social equity and innovation account as a separate, nonlapsing General Fund account and requires that it contain certain money. The OPM secretary must allocate the account's funds to state agencies to (1) pay costs incurred by the Social Equity Council and (2) administer the act's programs that provide access to business capital, technical assistance for business start-ups and operations, workforce education, and community investments.

For FY 22, the act requires that all fees received by the state from the following be deposited in the account:

1. medical marijuana producers to expand their licenses and be authorized to engage in expanded activities (§ 26),
2. dispensary facilities to convert to a hybrid retailer (§ 145),
3. social equity applicants to receive a cultivator license for facilities located in a disproportionately impacted area without participating in a lottery (§ 149), and
4. license conversion for a (a) dispensary facility to become a hybrid retailer or (b) producer to engage in the adult use cannabis market (§ 34).

Social Equity and Innovation Fund

Beginning July 1, 2022, the act establishes the Social Equity and Innovation Fund as a separate, nonlapsing fund that must contain any money the law requires. The state treasurer must hold the fund separately from other moneys, funds, and accounts.

The act requires that the fund be appropriated for (1) access to business capital, (2) technical assistance for business start-ups and operations, (3) workforce education, and (4) community investments. These appropriations must be dedicated to expenditures that further the act's principles of equity. The act defines "equity" and "equitable" as efforts, regulations, policies, programs, standards, processes, and any other government functions or principles of law and governance intended to:

1. identify and remedy past and present patterns of discrimination and disparities of race, ethnicity, gender, and sexual orientation;
2. ensure that these intentional or unintentional patterns are not reinforced or perpetuated; and
3. prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities on these bases.

The act requires the Social Equity Council (see § 22 above), beginning in FY 23, to transmit to the OPM secretary estimated expenditure requirements (for even-numbered years) and recommended adjustments and revisions (for odd-numbered years), as prescribed under existing law for budgeted agencies. It also requires the council to recommend appropriate funding for each fiscal year, beginning with FY 23, for angel investor tax credits for investments in cannabis businesses (see § 133).

OPM may not change any of these estimates, adjustments, or revisions. In addition, the governor may not cut any of the Social Equity and Innovation Fund's appropriations by (1) using his rescission authority to reduce allotment requisitions or allotments in force or (2) making reductions in allotments to achieve General Fund budget savings.

Prevention and Recovery Services Fund

Beginning July 1, 2022, the act establishes the Prevention and Recovery Services Fund as a separate, nonlapsing fund that must contain any money the law requires. The state treasurer must hold the fund separately from other moneys, funds, and accounts.

The fund must be appropriated for (1) substance abuse prevention, treatment, and recovery services and (2) substance abuse data collection and analysis.

EFFECTIVE DATE: July 1, 2021

§§ 130-132 & 173 — MARIJUANA AND CONTROLLED SUBSTANCES TAX

Repeals the marijuana and controlled substances tax

The act repeals the tax on marijuana and controlled substances that are illegally purchased, acquired, transported, or imported into the state. In doing so, it cancels any outstanding liabilities or assessments for the tax related to marijuana and authorizes the DRS commissioner to take any action necessary to effectuate this cancellation. Under the act, any such cancellation does not entitle anyone affected by it to a refund or credit for any amount paid or collected in connection with the liability or assessment.

EFFECTIVE DATE: July 1, 2021

§ 133 — ANGEL INVESTOR TAX CREDITS FOR SOCIAL EQUITY APPLICANTS

Extends the angel investor tax credit program to eligible cannabis businesses owned and controlled by social equity applicants; allows investors to claim a 40% income tax credit for credit-eligible investments in these businesses; imposes a \$15 million per fiscal year cap on these credits and increases the total credits allowed under the program to \$20 million per fiscal year; and extends the program's sunset date by four years to 2028

The angel investor tax credit program provides personal income tax credits to angel investors (i.e., investors whom the Securities and Exchange Commission considers "accredited investors") who make qualifying cash investments in eligible Connecticut businesses. The act extends this program to include eligible "cannabis businesses," thus allowing eligible investors to receive income tax credits for investing in these businesses. A "cannabis business" is a cannabis establishment (1) for which a social equity applicant was granted a license or provisional license, and (2) in which a social equity applicant or applicants have an ownership interest of at least 65% and control of the establishment. The act makes many conforming changes to the program's statutes.

Under prior law, no new angel investor tax credits could be reserved after June 30, 2024. The act extends this sunset date to June 30, 2028.

EFFECTIVE DATE: July 1, 2021

Cannabis Businesses Eligible for Angel Investments

By law, a business must apply for and receive approval from Connecticut Innovations, Inc. (CI) in order to receive credit-eligible investments. Under the act, a cannabis business must meet most of the same criteria that existing law specifies for other eligible businesses. Specifically, the cannabis business must be primarily owned by the business management and their families and have:

1. gross revenues of less than \$1 million in the most recent income year;
2. fewer than 25 employees, more than 75% of whom are Connecticut residents; and
3. received less than \$2 million in investments from credit-eligible angel investors.

Businesses eligible under existing law must meet these same criteria and have (1) their principal place of business in Connecticut and (2) operated in Connecticut for less than seven consecutive years.

Credit Amount

Under the act, angel investors who invest at least \$25,000 in approved cannabis businesses are eligible for a personal income tax credit equal to 40% of their investment, up to \$500,000. As under existing law, investments in other approved businesses continue to qualify for a 25% credit, subject to the same minimum investment and maximum credit requirements.

Credit Cap

The act establishes a \$15 million per fiscal year cap on the amount of tax credits CI may reserve for cash investments made in qualified cannabis businesses. As under existing law, CI may reserve up to \$5 million in credits each fiscal year for investments in other qualified businesses. So, the act increases, from \$5 million to \$20 million, the aggregate amount of angel investor credits CI may reserve each fiscal year, beginning with FY 22.

Investments in Emerging Technology Businesses

Under existing law, the amount of credits that CI may reserve each year for investments in emerging technology businesses is generally capped at 75% of the total amount of credits available that year. The act specifies that this limitation applies only to credits available for investments under the existing program (i.e., not to cannabis businesses).

Reporting

Existing law requires CI to annually review the angel investor tax credit program's cumulative effectiveness and submit the review to OPM and the Commerce Committee. The review must include specified information about each qualified business receiving an angel investment (e.g., the business's economic impact). The act requires CI to also provide this information for cannabis businesses that receive angel investments.

§§ 134 & 135 — CANNABIS-RELATED FINANCIAL ASSISTANCE AND WORKFORCE TRAINING PROGRAMS

Authorizes up to \$50 million in state general obligation bonds for DECD and the Social Equity Council to use for specified financial assistance and workforce training programs

Bond Authorization (§ 134)

The act authorizes up to \$50 million in general obligation bonds for the Department of Economic and Community Development (DECD) and the Social Equity Council to jointly use for the following purposes:

1. low-interest loans to social equity applicants, municipalities, or nonprofits to rehabilitate, renovate, or develop unused or underused real property for use as a cannabis establishment (see § 135);
2. capital to social equity applicants seeking to start or maintain a cannabis establishment;
3. development funds or ongoing expenses for the cannabis business accelerator program (see § 38); and
4. development funds or ongoing expenses for the workforce training programs developed by the Social Equity Council (see § 39).

The bonds are subject to standard issuance procedures and have a maximum term of 20 years.

Program Implementation (§ 135)

The act specifically requires DECD and the council to jointly establish a revolving loan program to provide the low-interest loans described above. They must establish the program's parameters, including (1) the loan eligibility requirements, (2) the application form and required information and documentation, (3) the loan terms (e.g., interest rates and duration), (4) a plan for publicizing and marketing the program, and (5) any other requirements needed to implement the program.

The act also requires DECD and the Social Equity Council to jointly establish the application forms, applicant requirements, and any other provisions needed to implement the other financial assistance and training programs described above. Additionally, they must post information about the loan program and other funding available under these provisions

on the DECD and Department of Consumer Protection websites.

EFFECTIVE DATE: July 1, 2021

§§ 136-139 & 173 — REPEAL OF OBSOLETE PROVISIONS

Repeals obsolete provisions on medical marijuana patient temporary registration certificates

The act repeals obsolete provisions on temporary registration certificates for qualifying medical marijuana patients. These provisions became obsolete when DCP adopted implementing regulations in 2013. The act also makes related conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 140 — DEPUTY DCP COMMISSIONER

Requires the governor to appoint a deputy DCP commissioner who is responsible for cannabis regulation

The act requires the governor to appoint, with the advice and consent of one legislative chamber, a deputy DCP commissioner who is responsible for cannabis regulation under the act.

EFFECTIVE DATE: July 1, 2021

§ 143 — CANNABIS CULTIVATION EXCLUDED FROM FARMING DEFINITION

Specifies that the statutory definitions of “agriculture” and “farming” do not include cannabis cultivation

The act specifies that the general statutory definitions of “agriculture” and “farming” do not include cannabis cultivation.

EFFECTIVE DATE: July 1, 2021

§ 144 — REPORT ON CANNABIS ESTABLISHMENT LOCATIONS

Requires the Social Equity Council to report on where cannabis establishments are located, including whether they are predominantly in communities of color

The act requires the Social Equity Council, by January 1, 2025, to report to the governor and the General Law and Judiciary committees on cannabis establishments’ location data, including whether they are predominantly located in communities of color.

EFFECTIVE DATE: Upon passage

§ 146 — DPH PROGRAM ON CANNABIS-RELATED PUBLIC HEALTH INFORMATION

Establishes a DPH program to collect, abstract, and report timely public health information on the impact of cannabis use (e.g., cannabis-associated illness, adverse events, injuries, and poisoning); requires the program to (1) share statewide data to inform policy makers and citizens on the impact of cannabis legalization and (2) work with other specified state agencies to disseminate public health alerts

The act establishes a program within DPH that uses state and national data sources to collect and abstract timely public health information on (1) cannabis-associated illness and adverse events, (2) fatal and non-fatal injuries, and (3) cannabis use poisoning.

Under the act, the program must:

1. serve as a data coordinator, analysis, and reporting source of cannabis data and statistics, including illness, adverse events, injury, pregnancy outcomes, childhood poisoning, adult and youth use, cannabis-related emergency room visits, and urgent care episodic mental health visits;
2. perform epidemiologic analysis on demographic, health, and mortality data to identify risk factors and changes in trends;
3. work with DCP, DMHAS, and any other entity the DPH commissioner deems necessary to disseminate public health alerts; and

4. share statewide data to inform policy makers and citizens on the impact of cannabis legalization by posting on the DPH website public health prevention information and cannabis use-associated morbidity and mortality statistics.

The act requires DPH to annually report, starting by April 1, 2023, to the Appropriations, Human Services, and Public Health committees on the public health information on cannabis the program collects.

EFFECTIVE DATE: January 1, 2022

§ 147 — HEMP

Allows certain cannabis establishment entities to manufacture, market, cultivate, or store hemp and hemp products and get these products from other legal sources; requires these purchased products to be tracked throughout the manufacturing process

Hemp and Hemp Products

The act allows any producer, cultivator, micro-cultivator, and product manufacturer to manufacture, market, cultivate, or store hemp and hemp products in accordance with existing hemp laws and regulations. The act also allows them to get hemp and hemp products from a person authorized under Connecticut law or the law of another U.S. state, territory, or possession or other sovereign entity to possess and sell these products.

Definitions

As under the existing hemp laws, “hemp” is the plant *Cannabis sativa* L. and any part of it, including seeds and derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 THC concentration of not more than 0.3% on a dry weight basis. “Hemp products” are the following products containing a THC concentration of not more than 0.3% on a dry weight basis or per product volume or weight (1) commodities manufactured from the hemp plant for commercial or research purposes that are intended for human ingestion, inhalation, absorption, or other internal consumption (i.e., “manufacturer hemp products”) and (2) raw hemp products, fiber-based hemp products, or animal hemp food products made in the state (i.e., “producer hemp products”).

Third-Party Tracking

The act requires the hemp or hemp products these entities purchase from third parties to be tracked as a separate batch throughout the manufacturing process to document their disposition. Once the entity receives these products, they are deemed cannabis and the entity must comply with the applicable cannabis laws and statutes. Entities must keep a copy of the certificate of analysis for hemp or hemp products purchased and the invoice and transport documents that show the quantity purchased and date received.

Medical Marijuana Dispensaries and Laboratories

The act prohibits hemp or hemp products from being sold or distributed within a dispensary facility or the business premises of a cannabis retailer or hybrid retailer.

EFFECTIVE DATE: July 1, 2021

§ 148 — MUNICIPAL ZONING AUTHORITY AND APPROVAL REQUIREMENTS

Authorizes municipalities to enact certain zoning regulations or ordinances for cannabis establishments; temporarily prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one of each for every 25,000 residents; allows the DCP commissioner to set a cap in the future

General Zoning Authority and Restrictions

The act allows municipalities to amend their zoning regulations or enact local ordinances to take the following actions regarding cannabis establishments:

1. prohibit their establishment;
2. reasonably restrict their hours and signage; or
3. restrict their proximity to public or parochial schools, charitable institutions, hospitals, veterans’ homes, or certain military establishments or religious institutions.

The act requires municipal chief zoning officials to report these zoning changes to the OPM secretary and DCP. They must report in writing within 14 days after adopting the change.

The act generally prohibits any restrictions on cannabis establishment hours, zoning, or signage from applying to existing businesses until five years after the restriction is adopted. This delay does not apply if the business converts to a different license type.

If municipalities take no action through zoning regulations or ordinances, these establishments must be zoned as similar uses would be.

Affirmative Zoning Approval for Retailers and Micro-Cultivators

Until June 30, 2024, the act establishes a density cap of one retailer and one micro-cultivator for every 25,000 residents, as determined by the most recent decennial census, and prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than the cap allows. Beginning July 1, 2024, the act allows the DCP commissioner to establish a density cap and post it on DCP's website. If she does so, municipalities are then prohibited from granting zoning approval for more establishments than the cap allows. Any cap must ensure reasonable access to cannabis by consumers.

In order to ensure compliance, the act requires a special permit or other affirmative approval for any retailer or micro-cultivator seeking to be located within a municipality. A municipality must not grant the special permit or approval for any applicant if it would result in exceeding the applicable density cap.

When awarding final licenses for a retailer or micro-cultivator, DCP may assume that if an applicant for the final license has zoning approval, the approval does not violate this provision or any other municipal restrictions on the number or density of cannabis establishments.

EFFECTIVE DATE: July 1, 2021

§ 149 — CULTIVATOR LICENSE

Allows social equity applicants, for a limited time, to receive a cultivator license without participating in a lottery for facilities located in a disproportionately impacted area

Under the act, 30 days after the Social Equity Council posts the criteria for social equity applicants on its website, DCP must open a three-month application period for cultivators during which a social equity applicant may apply for a provisional and final cultivator license without participating in a lottery or request for proposals. This applies only to facilities located in disproportionately impacted areas.

The application for a provisional license must be granted upon (1) the Social Equity Council's verification that the applicant meets the social equity applicant criteria; (2) the applicant submitting to and passing a criminal background check; and (3) payment of a \$3 million fee to be deposited in the Social Equity and Innovation Fund. Upon granting the provisional license, DCP must notify the applicant of the act's project labor agreement requirements (see § 103).

To obtain a final cultivator license under this provision, the applicant must provide evidence of:

1. a contract with an approved seed-to-sale tracking system vendor in accordance with the act's provisions,
2. a right to exclusively occupy a location in a disproportionately impacted area where the cultivation facility will be located,
3. any necessary local zoning approval and permits for the cultivation facility,
4. a business plan,
5. a council-approved social equity plan,
6. written policies for preventing diversion and misuse of cannabis and sales of cannabis to underage individuals, and
7. blueprints of the facility and all other DCP security requirements.

EFFECTIVE DATE: July 1, 2021

§ 150 — AGREEMENTS WITH TRIBES

Authorizes the governor to enter into agreements with the Mashantucket Pequot and Mohegan tribes regarding cannabis businesses and the adult use market; deems the agreements approved without further action by the legislature

The act authorizes the governor to enter into one or more memoranda of understanding or agreements, compacts, or amendments to existing compacts ("agreements") with the Mashantucket Pequot and Mohegan tribes to coordinate the

administration and execution of the act's provisions with the tribes' laws and regulations on possessing, delivering, producing, processing, or using cannabis.

These tribal-state agreements may cover:

1. criminal and civil law enforcement; and
2. laws and regulations on (a) taxation and (b) possessing, delivering, producing, processing, or using cannabis.

Under the act, any agreement must:

3. preserve public health and safety;
4. ensure cannabis production, processing, testing, and retail facilities on tribal land are secure; and
5. regulate any business involving cannabis passing between the tribal nation's reservation and other areas in the state.

Under existing law, both houses of the legislature must approve a tribal-state compact (CGS § 3-6c). However, the act overrides this law and deems any above-described agreement (or renewal of one) approved once the governor enters into it, without further action by the legislature.

EFFECTIVE DATE: July 1, 2021

§ 151 — LEGISLATIVE COMMISSIONERS' OFFICE (LCO) TECHNICAL FIXES

Requires LCO to make any necessary technical fixes during codification

The act requires LCO to make any technical, grammatical, and punctuation changes necessary to carry out the act's purposes during its codification.

EFFECTIVE DATE: Upon passage

§ 152 — CONNECTICUT INNOVATIONS (CI) INVESTMENTS IN CANNABIS ESTABLISHMENTS

Authorizes CI to provide financial aid to, and make equity investments in, cannabis establishments

The act authorizes Connecticut Innovations, Inc. (CI) to provide financial aid to cannabis establishments, including making equity investments in these establishments.

EFFECTIVE DATE: July 1, 2021

§ 162 — HOME GROW

Starting in July 2023, allows individuals age 21 or older to grow up to three mature and three immature cannabis plants at home

The act allows any consumer (i.e., individual age 21 or older) to cultivate up to six cannabis plants in his or her primary residence (specifically, up to three mature and three immature plants), if the individual keeps the plants secure from anyone else. The act limits each household to growing no more than 12 cannabis plants at any given time.

EFFECTIVE DATE: July 1, 2023

§ 163 — PENALTY FOR SALES TO YOUNGER PERSONS

Makes it a class A misdemeanor for people age 23 or older to sell or give cannabis to people they know are underage

The act generally makes it a class A misdemeanor for someone age 23 or older to sell, deliver, or give cannabis to any person under age 21. This applies if the person knew, or should have known, that the recipient was underage.

EFFECTIVE DATE: October 1, 2021

§ 164 — OPM TRAFFIC STOP REPORT

Requires OPM's annual report on traffic stop data to include stops conducted on suspicion of DUI violations

Existing law requires OPM to, within available resources, review the prevalence and distribution of traffic stops and complaints reported to it and annually report the results to the governor and legislature. The act also requires this report to include stops conducted on suspicion of DUI violations.

EFFECTIVE DATE: Upon passage

§ 165 — DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION (DESPP) STUDY ON POLICE PHLEBOTOMY PROGRAM AND CANNABIS IMPAIRMENT TRAINING FACILITY

Requires DESPP to study the feasibility of establishing a phlebotomy program for police departments and a facility for cannabis impairment training

By January 1, 2022, the act requires DESPP to report to the governor and the Public Safety and Transportation committees on the merits and feasibility of establishing a (1) phlebotomy program for police departments in the state and (2) facility to train police officers on cannabis impairment symptoms.

EFFECTIVE DATE: Upon passage

BACKGROUND

Federal Controlled Substance Classification

Federal law classifies marijuana as a Schedule I controlled substance. Federal law generally prohibits anyone from knowingly or intentionally possessing, manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense Schedule I drugs. Licensed practitioners, including pharmacies, can use Schedule I substances in government-approved research projects. The penalty for violations varies depending on the quantity of drugs involved (21 U.S.C. §§ 812, 823 & 841 et seq.).

PA 21-2, June 2021 Special Session—SB 1202

Emergency Certification

AN ACT CONCERNING PROVISIONS RELATED TO REVENUE AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023

TABLE OF CONTENTS:

[§ 1 — COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION ALLIANCE LOAN CONVERSION](#)

Requires DOH to convert a loan made to the Community Development Financial Institution Alliance for a revolving loan fund to a grant

[§ 2 — USE OF BOND PREMIUMS](#)

Delays by two years, from July 1, 2021, to July 1, 2023, the requirement that the treasurer direct bond premiums on GO and credit revenue bonds to an account or fund to pay for previously authorized capital projects

[§§ 3-5 — DOMESTIC WORKERS](#)

Broadens the categories of written information that employers must provide to certain domestic workers when they are hired; requires the labor commissioner to establish a domestic workers education and training grant program

[§ 6 — CALL CENTERS](#)

Establishes (1) notice requirements for call centers that relocate from Connecticut to another country and makes them ineligible to receive state financial support for five years and (2) in-state requirements for state contractors who perform state business-related call center and customer service work

[§ 7 — PAID FAMILY MEDICAL LEAVE BOND REPAYMENT](#)

Requires the Paid Family and Medical Leave Insurance Authority, starting in FY 23, to begin repaying funds spent from bond authorizations allocated to it under a plan established by the OPM secretary

§ 8 — BOARD OF REGENTS REPORTING ON SYSTEM OFFICE STAFF AND FINANCES

Requires BOR to annually report on its system office and finances

§ 9 — VOLUNTEER FIRE DEPARTMENT TRAINING GRANTS

Requires the state fire administrator to annually award a grant to distressed municipalities to cover the cost of certification and recruit training for their volunteer fire departments

§ 10 — STATE EMPLOYEES RETIREMENT SYSTEM CONTRIBUTION

Requires the state's required contribution to SERS to account for the surplus funds transferred from the Budget Reserve Fund to SERS

§§ 11-14 — JUDICIAL COMPENSATION

Increases the salary and other compensation for judges and certain other judicial officials by approximately 4.5% starting in FY 22

§§ 15-19 — COVERED CONNECTICUT

Establishes the Covered Connecticut program to provide fully subsidized health insurance coverage for eligible individuals, including dental benefits and non-emergency medical transport; allows OHS to apply for a 1332 waiver to advance the program's purpose; requires DSS to apply for a 1115 Medicaid demonstration waiver to support the program

§§ 20 & 21 — LOCAL HEALTH DEPARTMENT AND DISTRICT FUNDING

Requires the Department of Public Health to increase payments to municipal and district health departments starting in FY 22

§§ 22-27 — INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY

Transfers the IMRP from Central Connecticut State University to UConn

§ 28 — PRIMARY CARE DIRECT SERVICES PROGRAM

Requires, rather allows, DPH to establish a program providing grants to community-based primary care providers, and requires DPH to do so within available resources

§§ 29-31 — SOLNIT CHILDREN'S CENTER LICENSURE

Requires Solnit Children's Center's hospital and psychiatric residential treatment facility units to obtain DPH licensure and the DPH commissioner to adopt regulations regarding the facilities' licensure

§ 32 — OFFICE OF THE UNEMPLOYED WORKERS' ADVOCATE

Requires the labor commissioner, within available appropriations, to establish the Office of the Unemployed Workers' Advocate within DOL to assist unemployed people

§ 33 — BROWNFIELD REMEDIATION GRANT FOR PRESTON

Requires DECD to pay Preston a \$7 million grant for brownfield remediation

§ 34 — OPEN EDUCATIONAL RESOURCE (OER) COORDINATING COUNCIL CARRYFORWARDS

Exempts unexpended operating funds of the OER Coordinating Council from lapsing at the end of each fiscal year

§ 35 — AMERICAN RESCUE PLAN ACT REPORTING

Requires OPM to collect data on ARPA spending and submit to the Appropriations Committee the interim and quarterly reports due to the federal government; requires separate quarterly reports to the Appropriations Committee on funds for higher education constituent units, UConn, and the judicial branch

§§ 36 & 37 — COMMUNITY HEALTH WORKER GRANT PROGRAM

Requires DPH to establish a program providing grants, through FY 23, to community action agencies that employ community health workers providing services to people adversely affected by COVID-19; directs \$6 million of the state's federal funding to the program

[§ 38 — CEMETERY RETORT AIR POLLUTION EXCEPTION](#)

Temporarily prohibits the DEEP commissioner from requiring retort relocation or installation of air pollutant control technology on certain cemetery property

[§ 39 — STATEWIDE OPIOID CLAIM](#)

Authorizes the attorney general to enter into agreements concerning any statewide opioid claim

[§§ 40-50 — RADIATION & RADIOACTIVE MATERIAL REGULATION](#)

Expands DEEP's authority to regulate radiation sources

[§ 51 — REDDING SPECIAL TAXING DISTRICT](#)

Specifies how district voting is handled when (1) a municipality is eligible to cast a vote or (2) a vote is tied

[§ 52 — FREE PHONE CALLS FOR INMATES](#)

Moves up the implementation date, from October 1, 2022, to July 1, 2022, for requiring DOC to provide free phone services to inmates and generally makes inmates eligible to use phone services for at least 90 minutes per day

[§ 53 — PHONE CALLS SUPPLANTING VISITATION FOR YOUTH](#)

Delays the effective date of PA 21-54, § 2, from upon passage to July 1, 2022, which, among other things, prohibits CSSD from supplanting in-person visits with other communication services (e.g., phone calls) for children detained in juvenile detention facilities

[§§ 54-57 — PUBLIC HIGHER EDUCATION INSTITUTION GRADUATION FEE BAN](#)

Prohibits assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, Charter Oak State College, or UConn

[§ 58 — CONNECTICUT FOUNDATION SOLUTIONS INDEMNITY COMPANY \(CFSIC\) BOARD OF DIRECTORS](#)

Specifies that the governor's nonvoting CFSIC board appointee required under PA 21-120 is to be considered an ex-officio member under CFSIC's bylaws

[§ 59 — GEOLOGICAL SOURCE REPORT \(GSR\) FOR AGGREGATE QUARRIES](#)

Specifies the type of core sample analysis that must be done as part of the GSR requirement established in PA 21-120

[§ 60 — CONCRETE AGGREGATE TESTING](#)

Changes the concrete aggregate testing standards for quarries established in PA 21-120

[§ 61 — TECHNICAL CORRECTIONS DURING CODIFICATION](#)

Requires the Legislative Commissioner's Office to make necessary technical, grammatical, and punctuation changes when codifying the act

[§ 62 — ANALYSIS OF HOUSING FUNDING ALLOCATION AND SEGREGATION](#)

Requires the OPM secretary to aggregate, analyze, and report on data related to existing state and federal housing programs and economic and racial segregation

[§ 63 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS TO MUNICIPALITIES](#)

Generally prohibits municipalities from receiving Mashantucket Pequot and Mohegan Fund grants if a public school or associated athletic team under its school board's jurisdiction uses Native American names, symbols, or images without tribal consent

[§ 64 — SHORT-TERM INVESTMENT FUND \(STIF\)](#)

Allows the state treasurer to modify or suspend the contribution to the designated surplus reserve of the STIF in certain circumstances

[§ 65 — BEVERAGE CONTAINER RECYCLING GRANT PROGRAM](#)

Establishes a grant program for new beverage container redemption locations in urban centers and environmental justice communities

[§ 66 — EXEMPTION TO FLOODPLAIN REQUIREMENTS FOR CERTAIN NORWICH PROPERTIES](#)

Authorizes certain building spaces on three Norwich properties to be used for commercial or residential purposes regardless of requirements governing floodplains

[§ 67 — DDS WAITING LIST REPORT](#)

Requires the DDS commissioner to annually report specified waiting list information to the Public Health and Appropriations committees

[§ 68 — LEVEL OF NEED ASSESSMENT SYSTEM ADVISORY COMMITTEE](#)

Establishes a 19-member committee to advise the DDS commissioner on the level of need assessment system

[§§ 69-74 — DEBT-FREE COMMUNITY COLLEGE AND ONLINE LOTTERY SALES REVENUE](#)

Expands funding for the state's debt-free community college program from online lottery ticket sales revenue

[§§ 75-76 — CRISIS INITIATIVE EXPANSION](#)

Expands the CRISIS Initiative pilot program to Troop D and establishes a task force to study expanding it throughout the state

[§ 77 — FEE-FREE DAY](#)

Requires BOR and BOT to jointly establish an annual "Fee-Free" Day

[§§ 78-80 — GEOGRAPHIC INFORMATION SYSTEMS OFFICE](#)

Creates a new GIS office within OPM and establishes a GIS information officer to oversee it and its staff; establishes a GIS Council to consult with the new officer on free and public GIS data

[§ 81 — STUDY OF EQUITY IN STATE GOVERNMENT PROGRAMS AND ACTIONS](#)

Requires CHRO to oversee a study of equity in state government programs and actions; requires DAS, in consultation with CHRO and OPM, to hire a consultant to conduct the study; specifies the study's required components and requires its submission to the GAE Committee by February 15, 2023

[§ 82 — PA 21-43 EXEMPTION](#)

Exempts from PA 21-43's requirements renewable energy projects that are under contract with another entity and approved by the relevant regulatory authority before January 1, 2022

[§ 83 — CONTRACTS BETWEEN HEALTH CARRIERS AND PARTICIPATING HEALTHCARE PROVIDERS](#)

Requires health carriers to provide 90-days' notice before changing certain participating provider contracts and allows providers to appeal any changes

[§ 84 — BACKGROUND CHECK FEE WAIVERS FOR VOLUNTEER FIRE AND AMBULANCE ORGANIZATIONS](#)

Exempts volunteer fire and ambulance organizations from fees on certain background check services and prohibits requiring proof of insurance before waiving the fees

[§ 85 — ELECTION MONITOR](#)

Requires the secretary of the state to contract with an individual to serve as an election monitor in Bridgeport for the 2021 municipal election and 2022 state election

[§ 86 — LEGISLATIVE ARPA ALLOCATIONS](#)

Specifies that the requirement for the legislature to approve ARPA allocations applies to both partial and final allocations; requires OPM to notify the Appropriations Committee when it is determined that such an approval is not allowable under federal guidance

[§§ 87-91 — ELECTRONIC SYSTEM FOR TRANSMITTING VOTER REGISTRATION APPLICATIONS](#)

Requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved and NVRA-compliant electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless an applicant declines to apply for admission

[§ 92 — E-SIGNATURE SYSTEM FOR ELECTIONS FORMS](#)

Requires the secretary of the state to implement an e-signature system for most elections-related forms and applications

[§ 93 — DISTRIBUTING VOTER REGISTRATION INFORMATION AT HIGH SCHOOLS](#)

Requires registrars of voters to annually distribute voter registration information at public high schools

[§ 94 — TIME OFF TO VOTE](#)

Requires employers to give an employee two hours of unpaid time off for state elections and certain special elections if he or she requests it in advance

[§ 95 — VOTERS WITH DEVELOPMENTAL DISABILITIES](#)

Eliminates the ban on mentally incompetent people being admitted as electors

[§§ 96-98 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY](#)

Eliminates the forfeiture of convicted felons' electoral privileges (i.e., voting rights) if they are committed to confinement in a community residence; restores these privileges to convicted felons who are on parole or special parole or confined in a community residence

[§§ 99-100 & 127-143 — EXPANDED ABSENTEE VOTING AUTHORIZATION AND UPDATED FORMS FOR ELECTIONS OCCURRING BEFORE NOVEMBER 3, 2021](#)

Extends to November 2, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19, including by (1) expanding the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness; (2) allowing municipalities to conduct certain absentee ballot pre-counting procedures; and (3) extending, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting the returns

[§§ 99 & 100 — ELECTION NOTICES](#)

Requires town clerks to post notices for state and municipal elections on the town website

[§ 101 — ONLINE SYSTEM FOR ABSENTEE BALLOT APPLICATIONS](#)

Allows individuals to apply to the secretary of the state for an absentee ballot using an online system

[§ 102 — DROP BOXES FOR RETURNING ABSENTEE BALLOTS](#)

Makes permanent the use of drop boxes for returning absentee ballots

[§ 102 — ABSENTEE BALLOT RETURN BY SIBLINGS AND DESIGNEES](#)

Expands who is eligible to return absentee ballots on behalf of a voter as an immediate family member or designee

[§ 103 — PERMANENT ABSENTEE BALLOT STATUS](#)

Makes electors suffering from a long-term illness eligible for permanent absentee ballot status, among other things

[§ 104 — VOTER REGISTRATION INFORMATION DISCLOSURE](#)

Generally, limits disclosure of certain voter registration information

[§§ 105 & 106 — DEADLINE TO CHALLENGE CERTAIN CANDIDATES](#)

Moves up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) judge of probate in a multi-town district or (2) a member of Congress

[§ 107 — POST-ELECTION AUDITS](#)

Subjects centrally counted absentee ballots to post-election audits

[§ 108 — SUPERVISED ABSENTEE VOTING](#)

Authorizes the secretary of the state to suspend supervised absentee voting or mandatory supervised absentee voting in recognition of a public health or civil preparedness emergency

[§ 109 — ABSENTEE BALLOTS FOR ELECTORS WITH A VISUAL IMPAIRMENT](#)

Requires the secretary of the state to provide an electronic absentee ballot to electors who are unable to appear at their polling place because of a visual impairment

[§ 110 — ASSISTANCE IN VOTING BOOTHS AT EDR LOCATIONS](#)

Specifies that certain electors may receive voting assistance in voting booths at designated EDR locations

[§§ 111-114 — APPOINTED POLLING PLACE CHALLENGERS](#)

Conforms the law with current practice by eliminating provisions authorizing registrars of voters to appoint challengers as polling place officials

[§ 115 — STUDY ON AGENCY DISTRIBUTION OF MAIL VOTER REGISTRATION APPLICATION FORMS](#)

Requires the secretary of the state and various agencies to study the capabilities of providing an electronic system to distribute mail voter registration application forms

[§§ 116-121 & 495 — MUNICIPAL ELECTION DATE CHANGES](#)

Generally requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years; extends existing provisions on transitioning and deferring terms of office to, and establishes new provisions for, municipalities that change their election date

[§ 122 — TASK FORCE ON ABSENTEE BALLOT ENVELOPES](#)

Establishes a task force to study the feasibility of implementing procedures under which absentee ballot applicants return absentee ballots using one envelope instead of two

[§ 123 — WORKING GROUP ON RISK-LIMITING AUDITS](#)

Establishes a working group to examine risk-limiting audits and oversee a related pilot program, within available appropriations, in five to 10 municipalities for the 2021 municipal elections

[§ 124 — MINOR PARTY RULES](#)

Increases the time period that minor party rules for nominating candidates must be on file with the secretary of the state before the party's candidates may appear on the ballot

[§ 125 — COUNCIL ON SEXUAL MISCONDUCT CLIMATE ASSESSMENTS](#)

Adds the Higher Education and Employment Advancement Committee's ranking members to the Council on Sexual Misconduct Climate Assessments

[§ 126 — TOWN COMMITTEE PRIMARIES](#)

Establishes circumstances under which town committee members who typically are chosen in a direct primary in certain municipalities are deemed elected without a primary

[§ 144 — ABSENTEE BALLOT SIGNATURE VERIFICATION PILOT PROGRAM](#)

Requires the secretary of the state to establish a pilot program to verify signatures manually or electronically on the inner envelopes for returned absentee ballots at the 2022 state election

[§ 145 — COVID-19 VACCINATION STATUS INFORMATION](#)

Requires DPH, upon request, to provide to a person (or a minor's parent or guardian) information confirming that the person received the COVID-19 vaccination, but otherwise not disclose this information without consent

[§ 146 — STUDENT ATHLETE COMPENSATION](#)

Extends the effective date by which (1) student athletes may begin earning compensation through an endorsement contract or employment in an activity unrelated to any intercollegiate athletic program and (2) higher education institutions must adopt or update their related policies; prohibits student athletes from receiving compensation for the use of their name, image, or likeness

[§§ 147 & 149 — PUBLIC AGENCY MEETINGS USING ELECTRONIC EQUIPMENT](#)

Authorizes public agencies to conduct meetings using electronic equipment until April 30, 2022, and establishes requirements and procedures for doing so

[§§ 147, 148, 150 & 151 — MEETING NOTICES GENERALLY](#)

Allows public agencies to provide meeting notice by electronic transmission; requires agencies to post certain notices of adjournment on their websites

[§ 148 — FREEDOM OF INFORMATION COMMISSION APPEALS](#)

Allows FOIC to electronically send certain documents to parties in an appeal before the commission

[§§ 152 & 153 — ORDERLY CONDUCT AT MEETINGS](#)

Allows public agencies and town meetings to deny disorderly individuals access to meetings by electronic equipment

[§ 154 — ACIR STUDY](#)

Requires ACIR to study the implementation of the act's provisions

[§§ 155 & 156 — PAYING FEES ELECTRONICALLY](#)

Allows town clerks and registrars of vital statistics to designate websites for paying recording fees and vital records fees

[§§ 157-175 — ELECTRONIC TRANSACTIONS BY MUNICIPAL PROGRAMS AND ENTITIES](#)

Makes numerous changes allowing municipal entities and other public agencies to conduct business electronically; generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment

[§ 168 — RENTERS' REBATE APPLICATIONS](#)

Requires municipalities to grant relief to renters from certain notarization requirements imposed by the municipality for program applications

[§§ 176 & 178-181 — REGIONAL COUNCILS OF GOVERNMENTS \(COG\) BYLAWS, SERVICES, AND FUNDING](#)

Makes minor changes to regional COG bylaw and procedural requirements and modifies, beginning FY22, the COG grant funding calculation

[§ 177 — REGIONAL PERFORMANCE INCENTIVE PROGRAM \(RPIP\)](#)

Modifies the entities and projects that are eligible for RPIP funding and the application requirements and selection criteria

[§ 182 — OUTDOOR DINING ALLOWED AS-OF-RIGHT NEAR FOOD ESTABLISHMENTS](#)

Beginning April 1, 2022, requires municipalities to allow outdoor food and beverage service as an accessory use to a licensed food establishment

[§ 183 — GREENHOUSE GAS REDUCTION FEE CHANGES](#)

Makes several changes related to the greenhouse gas reduction fee charged on vehicle registrations, principally to establish proportional fees for triennial registrations

[§ 184 — COLUMBIA CHARTER REVISION PROCESS](#)

Validates the initiation of Columbia's charter revision process

[§§ 185-186 — DESIGNATION OF VARIOUS DAYS, WEEKS, AND MONTHS](#)

Requires the governor to annually proclaim various days, weeks, and months as times of awareness or observation of different issues and causes

[§§ 187, 188 & 478 — ROAD AND BRIDGE NAME CHANGES](#)

Corrects road and bridge naming provisions that passed in regular session

[§ 189 — TASK FORCE ON THE STATE WORKFORCE AND RETIRING EMPLOYEES](#)

Establishes a task force to study issues related to managerial and exempt state employees' retirements and barriers to recruitment

[§ 190 — STATE AGENCY PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT \(PPE\)](#)

Generally, requires state agencies to make reasonable efforts to buy PPE from companies that changed their business model to respond to the COVID-19 pandemic

[§ 191 — AUTHORIZATION FOR BANKING ACTIVITIES AT REMOTE LOCATIONS](#)

Allows the banking commissioner to establish a process for licensed activities to be conducted from locations other than a registered office

[§ 192 — ENERGY AND ENVIRONMENTAL LEASE FINANCING](#)

Imposes an aggregate cap of \$15 million on the principal amount for energy consumption and environmental impact leases to improve state-owned buildings

[§ 193 — GREEN BUILDING CONSTRUCTION STANDARDS](#)

Requires DEEP to adopt regulations that establish construction standards for certain state-funded building projects by reference to a nationally recognized model for sustainable construction codes that promotes high-performance green buildings

[§ 194 — NON-UNION STATE EMPLOYEE RIGHTS AND BENEFITS](#)

Requires, rather than allows, the DAS commissioner to give unclassified or non-union state employees in the executive and judicial branches the same rights and benefits provided by state employee collective bargaining agreements

[§ 195 — HARBOR MASTERS](#)

Gives the governor more discretion in appointing harbor masters in municipalities in which a local harbor management commission has not submitted at least three nominees

[§§ 196 & 197 — CONFORMING CHANGES TO HIGHER EDUCATION COORDINATING COUNCIL REPEAL](#)

Makes conforming changes related to the repeal of the Higher Education Coordinating Council

[§ 198 — ROBERTA B. WILLIS SCHOLARSHIP PROGRAM ADMINISTRATIVE ALLOWANCE INCREASE](#)

Increases the Roberta B. Willis Scholarship program administrative allowance, from \$100,000 to \$350,000 for one fiscal year

[§§ 199 & 200 — PHYSICIAN ASSISTANT LICENSE RENEWAL FEE](#)

Reinstitutes the previous \$155 physician assistant licensure renewal fee by eliminating an inadvertent \$5 decrease

[§ 201 — STATE CONTRACTING STANDARDS BOARD FUNDING LAPSE](#)

Requires that part of the biennial budget act's appropriation for SCSB lapse on July 1 in FYs 22 and 23

[§ 202 — YOUTH SERVICES PREVENTION GRANTS](#)

Changes two allocations for Youth Services Prevention grants under the FY 22-23 budget

[§§ 203, 232-233, 236-237 & 253-256 — OFFICE OF WORKFORCE STRATEGY](#)

Establishes OWS as a replacement to OWC and generally transfers to OWS' chief workforce officer functions and duties formerly assigned to the labor commissioner and OWC; generally shifts appropriations from DECD for OWS to the Governor's Office for OWS for FYs 22-23; establishes additional OWS duties and reporting requirements

[§ 204 — STATE WORKFORCE STRATEGY UPDATES](#)

Requires the chief workforce officer to submit to the governor recommendations for updates to the state workforce strategy relating to certain individuals' needs and Two-Generational Advisory Board recommendations

[§ 205 — OFFICE OF WORKFORCE STRATEGY ACCOUNT](#)

Establishes a new OWS account in the General Fund to fund workforce training programs and the office's administrative expenses; requires the chief workforce officer to report to the legislature and governor on these programs and the individuals they served

[§ 206 — CREDENTIALS OF VALUE](#)

Requires OWS, in consultation with other state entities, to establish standards to designate certain credentials as "credentials of value"

[§ 207 — CREDENTIALS AND SKILLS REPORT](#)

Requires the chief workforce officer to report biennially on certain credentials, skills, and associate degree programs, starting by September 1, 2022

[§ 208 — CONNECTICUT APPRENTICESHIP AND EDUCATION COMMITTEE](#)

Makes the committee's annual reporting requirement optional; adds an OWS representative to the committee's membership

[§§ 209, 230 & 238-246 — OWS MEMBERSHIP ON BOARDS AND COMMITTEES](#)

Adds the state chief workforce officer to 10 existing boards and commissions; adds an OWS representative to DECD's Technology Talent Advisory Committee; makes various related changes to these entities' membership

§ 210 — EMPLOYMENT SERVICES FOR TANF RECIPIENTS

Removes CETC as an optional administration and services provider for DOL contracts for employment services delivery for TANF recipients

§§ 211, 214-215, 224 & 235 — GOVERNOR'S WORKFORCE COUNCIL

Replaces the Connecticut Employment and Training Commission with the Governor's Workforce Council while carrying some of the Commission's prior duties forward and adding others

§§ 212 & 213 — LABOR COMMISSIONER'S POWERS AND DUTIES

Removes certain employment-related statistical reporting requirements from the labor commissioner's report to the governor; removes certain powers and duties related to employment training programs

§§ 216-222 — REGIONAL WORKFORCE DEVELOPMENT BOARDS

Makes several changes in laws on regional workforce development boards, such as requiring that they undertake their responsibilities in accordance with specified other related initiatives and guidance

§ 223 — STATEWIDE NETWORK OF JOB CENTERS

Requires the labor commissioner to (1) participate in, rather than maintain, a statewide network of job centers and (2) consult and collaborate with the Governor's Workforce Council and chief workforce officer when undertaking related responsibilities

§ 225 — WIOA FUNDS

Limits the amount of the state's WIOA allotment that the governor may reserve for statewide investment activities; expands how reserved funds may be used

§ 226 — STATEWIDE WORKFORCE DEVELOPMENT BOARD

Recognizes the Governor's Workforce Council as the statewide workforce development board for WIOA purposes

§ 227 — STATE WORKFORCE DEVELOPMENT PLAN

Requires the governor's workforce development council to develop a four-year state workforce development plan; eliminates obsolete references to a single state plan

§ 228 — ADULT WORKFORCE DEVELOPMENT ACTIVITY FUNDS

Requires the Governor's Workforce Council, rather than CETC, to annually recommend WIOA fund appropriations for adult workforce development; eliminates certain required components for the recommendation

§ 229 — TECS AND CTC ALIGNMENT WITH BUSINESS AND INDUSTRY

Requires the TECS board, in consultation with specified entities, to assess TECS and CTC alignment with business and industry

§ 231 — INTEGRATED SYSTEM OF STATEWIDE INDUSTRY ADVISORY COMMITTEES

Requires the TECS board to create an integrated system of statewide industry advisory committees

§ 234 — EARLY CHILDHOOD PRESERVICE AND MINIMUM TRAINING REQUIREMENTS

Adds DOL, OWS, and OEC to the list of entities that must consult with the CSCU president to define early childhood preservice and minimum training requirements

§ 247 — MUNICIPAL REDEVELOPMENT AUTHORITY ASSISTANCE

Requires businesses that receive assistance from MRDA to enter into an agreement with OWS for assistance with the training and recruitment of local employees

[§ 248 — MILITARY TO MACHINISTS PROGRAM](#)

Removes Workforce Training Authority Fund expenditures as a program funding source

[§ 249 — APPRENTICESHIP CONNECTICUT](#)

Makes changes to the labor commissioner's administration of this initiative, including the RFP's timing, proposal requirements, and selection and funding requirements

[§ 250 — CONNECTICUT PRESCHOOL THROUGH TWENTY AND WORKFORCE INFORMATION NETWORK](#)

Makes changes to the CP20 WIN data sharing agreement for participating agencies; allows the chief workforce officer to make an annual data request to CP20 WIN about the state's workforce system

[§ 251 — TECHNICAL CHANGE](#)

Removes a citation to a statute that does not contain a relevant term

[§ 252 — DECD BONDING FUNDS](#)

Removes a cap on the appropriation of DECD bond funds to a DOL program

[§ 257 — CONNECTICUT AUTOMATIC ADMISSIONS PROGRAM](#)

Requires BOR to establish an automatic admissions program for the CSUs' bachelor's degree programs and other in-state participating institutions

[§ 258 — AUTOMATIC ADMISSIONS PROGRAM ELIGIBILITY](#)

Requires boards of education to calculate certain students' GPA using a standardized method and notify them of their eligibility for the automatic admissions program

[§ 259 — CTPASS PROGRAM](#)

Requires the DOT commissioner to establish the Ctpass program to allow certain individuals from eligible organizations to use specified public transit services for free or at a reduced cost

[§ 260 — EDUCATION ASSISTANCE PROGRAMS](#)

Requires certain employers to notify employees about education assistance programs they may offer

[§ 261 — UCONN EARLY COLLEGE EXPERIENCE COURSES](#)

Requires UConn to remove Early College Experience (ECE) course prerequisites as much as possible and report to the education commissioner and legislature on these efforts and related topics

[§ 262 — COLLEGE CREDIT FOR HIGH SCHOOL COURSEWORK](#)

Requires the governing boards of public colleges and universities to report on their policies for awarding college credit for exam scores earned in advanced high school courses

[§ 263 — STUDENT INFORMATION EXEMPT FROM DISCLOSURE](#)

Exempts specified student and parent information from disclosure under FOIA; prohibits the sharing of higher education student applications and immigration status with federal immigration authorities except under specified conditions

[§ 264 — CREDENTIALS DATABASE](#)

Requires OHE to create a database of the credentials offered in Connecticut; beginning by July 1, 2024, requires specified institutions and training providers to submit information about the credentials they offer to be included in the database; creates an advisory council to advise OHE on the database's implementation; establishes council membership

[§§ 265-268 — HIGHER EDUCATION PROGRAM APPROVAL](#)

Decreases, and in some cases eliminates, reporting and approval requirements for new programs and program changes; requires OHE to report on recommendations for program approval and modification requirements to the Higher Education Committee

§ 269 — STUDENT AND TRAINEE DATA COLLECTION

Requires private occupational schools and certain postsecondary training providers to submit specific data to OHE on each of their enrolled students or trainees; prohibits OHE from releasing any of this identifiable student information to the public but allows data-sharing under limited circumstances

§ 270 — QUARTERLY REPORTING REQUIREMENTS FOR EMPLOYERS

Requires employers subject to the state's unemployment law to report certain data about each employee in their quarterly wage reports to DOL, with a waiver option; exempts employers' identifying information and employees' personally identifying information from disclosure under FOIA, with certain exceptions

§ 271 — DATA SHARING AGREEMENTS

Allows state instrumentalities to enter into a data sharing agreement with non-state entities when permitted under state and federal law

§ 272 — DISCLOSURE OF TAX RETURN INFORMATION FOR RESEARCH OR CP20 WIN DATA REQUESTS

Authorizes DRS to release tax return information for evaluation or research purposes under specified conditions

§§ 273-274 — CHESLA LOAN AND AWARD ELIGIBILITY FOR CERTIFICATE PROGRAM ENROLLMENT

Allows students enrolled in a Connecticut high-value certificate program or their parents to take out student loans and receive certain financial aid from CHESLA; requires CHESLA to establish an account to fund and operate these loans

§§ 275-276 — PAID FAMILY AND MEDICAL LEAVE APPEALS

Allows, rather than requires, the labor commissioner to conduct a hearing for people aggrieved by a denial of paid family and medical leave benefits or the imposition of certain anti-fraud penalties; removes a requirement that appeals in these cases proceed under the UAPA

§§ 277-278 — THE STATE AS AN EMPLOYER UNDER CT FMLA

Removes a provision that explicitly excluded the state from being an employer covered by the FMLA

§§ 279-281 — CT FMLA HEARINGS

Requires complaints for FMLA violations to go through additional procedural steps before proceeding to a hearing

§ 282 — CONNECTICUT STATE GUARD

Allows the governor to raise and maintain the Connecticut State Guard volunteer troops at any time, rather than only when the Connecticut National Guard is, or likely will be, activated for federal service

§§ 283-286 — SMALL BUSINESS EXPRESS PROGRAM

Makes various changes to DECD's Small Business Express (EXP) program, generally increasing flexibility in the department's administration of the program and allowing for increased participation by private lenders; eliminates certain EXP administrative provisions and modifies the program's components; makes changes to DECD's EXP and annual reporting requirements and the legislative hearing requirements related to certain analyses the department must include in its annual report

§§ 287 & 491 — VISITATION RIGHTS OF INCARCERATED INDIVIDUALS

Amends PA 21-110, which was vetoed, and thus has no legal effect

§ 288 — SOLID WASTE REDUCTION PROGRAM

Requires DEEP, within available resources, to develop and implement a program to support strategies for reducing solid waste

[§ 289 — ESSENTIAL WORKERS COVID-19 ASSISTANCE PROGRAM](#)

Establishes the Essential Workers COVID-19 Assistance Program to provide benefits, within available funds, for lost wages, out-of-pocket medical expenses, and burial expenses to qualifying essential employees who could not work due to contracting COVID-19

[§ 290 — BAN ON EMPLOYEE DISCIPLINE AND MISINFORMATION FOR WORKERS' COMPENSATION CLAIMS](#)

Prohibits employers from (1) disciplining employees for filing workers' compensation claims and (2) deliberately misinforming them about or dissuading them from filing claims for workers' compensation or the Connecticut Essential Workers COVID-19 Assistance Program

[§ 291 — WORKERS' COMPENSATION BURIAL EXPENSES](#)

Increases the workers' compensation benefit for burial expenses from \$4,000 to \$12,000, with annual adjustments for inflation

[§§ 292 & 293 — INVESTMENT OF CERTAIN MUNICIPAL RETIREMENT FUNDS](#)

Allows certain municipalities to invest their retirement system assets with trust funds that are administered, held, or invested by the state treasurer

[§ 294 — HEALTH INSURANCE EXCHANGE ASSESSMENTS AND ALL-PAYER CLAIMS DATABASE](#)

Allows the state's health insurance exchange to (1) impose assessments on health carriers to cover the costs of the all-payer claims database and (2) with OPM's approval, enter into an agreement with OHS to use these funds for the database

[§ 295 — INSURANCE FUND AND OHS](#)

Requires the amount annually appropriated from the Insurance Fund to OHS to be reduced by the amount of Medicaid reimbursement the state received for allowable administrative expenses

[§§ 296-305 — WORK ZONE SPEED CAMERA PILOT PROGRAM](#)

Allows DOT to establish a two-year pilot program by January 1, 2022, to operate speed cameras at up to three highway work zones; establishes conditions and procedures for camera operation, violation enforcement, and data collection and retention

[§§ 306 & 307 — ARPA ALLOCATIONS](#)

Adjusts ARPA funding allocations made in the state budget act; allocates ARPA funds for specified broadband and technology projects

[§§ 308 & 316 — CARRYFORWARDS](#)

Adjusts certain carryforwards in the biennial budget act

[§ 309 — STATE CONTRACTING STANDARDS BOARD \(SCSB\) OVERSIGHT OF THE CONNECTICUT PORT AUTHORITY](#)

Subjects the Connecticut Port Authority to SCSB oversight until July 1, 2026

[§ 310 — MEDICARE SUPPLEMENT PLANS](#)

Allows insurers and related entities to offer Medigap plan D and makes related changes; makes a conforming change to exempt entities from offering plan C, to comport with federal law

[§ 311 — FLEX RATING LAW](#)

Delays the sunset date for the personal risk insurance “flex rating” law until July 1, 2025

[§ 312 — INSURANCE REPORT CONCERNING CLIMATE CHANGE](#)

Requires the insurance commissioner to report biennially, until April 1, 2032, on the Insurance Department’s regulatory and supervisory actions to bolster insurers’ resiliency to climate change impacts

[§ 313 — HEALTH CARE COVERAGE IDENTIFICATION CARDS](#)

Requires that health care coverage ID cards note whether the coverage is fully- or self-insured

[§ 314 — TEACHERS’ RETIREMENT DEATH BENEFIT CALCULATION](#)

Changes the death benefit for Teachers’ Retirement System (TRS) members based on accumulated years of service rather than retirement date

[§ 315 — FANTASY CONTESTS PROVISIONAL LICENSES](#)

Requires DCP to issue provisional licenses to the Mashantucket Pequot and Mohegan tribes and the Connecticut Lottery Corporation (CLC) to operate off-reservation fantasy contests

[§§ 317 & 318 — PERSONAL NEEDS ALLOWANCE INCREASE](#)

Increases from \$60 to \$75 per month, the personal needs allowance provided to certain long-term care facility residents

[§ 319 — ACUITY-BASED NURSING HOME RATES](#)

Requires DSS to establish acuity-based rates for nursing homes beginning with FY 23 and establishes related requirements; requires DSS to determine a facility’s certified bed utilization at a minimum of 90% of capacity for computing minimum allowable patient days; prohibits inflationary rate increases for nursing homes for FYs 22 and 23 unless authorized under DSS’s case-mix adjustments

[§§ 320 & 345 — COST-BASED RATEMAKING FOR FACILITIES](#)

Makes several changes to cost-based ratemaking provisions that apply to (1) nursing homes for FY 22 and (2) residential care homes and ICF-IDs; for FYs 22 and 23, (1) allows certain increases for fair rent and capital improvements for residential care homes and ICF-IDs and (2) extends a provision requiring DSS to increase nursing home rates to increase employee wages and benefits

[§ 321 — NURSING HOME TEMPORARY FINANCIAL ASSISTANCE](#)

Requires DSS to issue one-time grants to nursing homes within its \$10 million ARPA allocation

[§ 322 — PRIVATE PROVIDER GRANT PROGRAM](#)

Requires the DMHAS commissioner to establish grant programs to assist private providers

[§§ 323 & 324 — NURSING HOME EMPLOYEE WAGES AND BENEFITS](#)

Requires the DSS commissioner, within available appropriations, to provide a 4.5% increase to nursing home rates in FYs 22 and 23 for employee wages; appropriates \$15.4 million in FY 23 to provide rate increases for nursing homes that provide enhanced employee benefits

[§ 325 — INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES \(ICF-ID\) MINIMUM PER DIEM, PER BED RATE INCREASE](#)

Requires the DSS commissioner to increase the minimum per diem, per bed rates for ICF-IDs to \$501 for FYs 22 and 23

[§ 326 — CONNECTICUT HOME CARE PROGRAM FOR THE ELDERLY](#)

Reduces CHCPE copays from 9% to 4.5% and requires DSS to collect program data and report to committees of cognizance

[§ 327 — TEMPORARY FAMILY ASSISTANCE](#)

Excludes benefits received during the COVID-19 public emergency from the program's time limit; eliminates reduced benefits for children born after program enrollment; requires lapsed funds to be used for cost of living adjustments under certain conditions

[§§ 328-330 — REFUND DISREGARDS IN CERTAIN ASSISTANCE PROGRAMS](#)

Requires DSS to disregard tax refunds when calculating income eligibility for certain assistance programs

[§ 331 — MEDICAID PAYMENTS FOR ACUPUNCTURISTS AND CHIROPRACTORS](#)

Requires the state Medicaid program to cover acupuncture and chiropractic services

[§ 332 — MEDICAID PAYMENTS FOR METHADONE MAINTENANCE](#)

Eliminates performance-based rate reductions for methadone maintenance providers

[§ 333 — MEDICAID RATE PARITY FOR CERTAIN PROVIDERS](#)

Requires Medicaid rates for (1) nurse-midwives to equal obstetrician-gynecologist rates and (2) podiatrists to equal physician rates for performing the same services and procedures

[§ 334 — THIRD PARTY LIABILITY FOR MEDICAL ASSISTANCE PAYMENTS](#)

Establishes deadlines for insurers and other legally liable third parties to (1) act on claims DSS submits for covered health care items and services and (2) request refunds from DSS when they determine they are not liable for a claim for which they reimbursed DSS

[§ 335 — POSTPARTUM CARE EXTENDED TO 12 MONTHS](#)

Extends Medicaid coverage for postpartum care for 12 months after birth to a woman otherwise eligible for Medicaid, to the extent permissible under federal law

[§ 336 — POSTPARTUM CHILDREN'S HEALTH INSURANCE PROGRAM \(CHIP\) COVERAGE](#)

Extends CHIP coverage for postpartum care for 12 months after birth for HUSKY B beneficiaries, beginning April 1, 2022, to the extent permissible under federal law

[§ 337 — NONPROFIT LOAN FORGIVENESS PROTECTIONS](#)

Prohibits state agencies from reducing future contract amounts with, or demanding reimbursement from, nonprofit human services providers that receive funds through certain federal loan forgiveness programs

[§ 338 — HOME & COMMUNITY-BASED RATE INCREASES](#)

Allocates \$5 million for FYs 22 and 23 to increase the reimbursement rate for certain Medicaid-funded home and community-based programs and services and the state-funded Connecticut Home Care Program for the Elderly

[§ 339 — NONPROFIT SAVINGS INCENTIVE PROGRAM](#)

Expands and makes permanent an incentive program for nonprofit human services providers that realize savings in the state-contracted services they deliver

[§ 340 — AMBULANCE RATES](#)

Increases Medicaid reimbursement rates by 10% for ambulance services and by \$3 for ambulance transports

[§ 341 — STATE-CONTRACTED PROVIDERS FOR INTELLECTUAL DISABILITY SERVICES](#)

Requires OPM to allocate funds to increase DDS-contracted service providers' wages and benefits for FYs 22 and 23

[§ 342 — CHRONIC DISEASE HOSPITAL PER DIEM RATE INCREASE](#)

Requires DSS, within available appropriations, to increase the per diem rate for chronic disease hospitals by 4%

§ 343 — NATCHAUG HOSPITAL INPATIENT MEDICAID PER DIEM

For FY 22, requires the inpatient per diem Medicaid reimbursement rate for Natchaug Hospital to be at least \$975

§ 344 — UNBORN CHILD OPTION FOR PRENATAL CARE UNDER HUSKY B

Amends PA 21-176 to limit eligibility for prenatal care to households with incomes at or below 258% of FPL

§§ 346 & 347 — MINIMUM BUDGET REQUIREMENT (MBR)

Renews the MBR with all the previous reductions, exemptions, and exclusions and adds additional exemptions for federal funds related to COVID-19 and for state school security grants; makes the MBR law permanent by removing the sunset date; renews and makes permanent the method to determine whether a town's education aid has decreased or increased compared to the prior year when calculating MBR

§§ 348–350 — EDUCATION COST SHARING GRANT REVISIONS

Suspends for two years scheduled decreases in ECS grants for certain towns; extends the phase-in period for grant decreases until FY 29; changes several ECS formula components, including the weighting for need students; expands the regional per-student bonus to include endowed academies that function as public high schools

§ 351 — FEDERAL FUNDS FOR OTHERWISE UNENTITLED SCHOOLS

Requires SDE to distribute federal funds to certain otherwise unentitled schools, only to the extent federal law allows

§ 352 — STATE CHARTER SCHOOL FUNDING FORMULA

Replaces the uniform state charter school operating grant in prior law with a weighted grant formula based on student need

§ 353 — MATERIAL CHANGES TO CHARTER SCHOOL OPERATIONS

Requires SDE to review and recommend approval of charter school material change requests; creates new submission and review procedures for material change requests seeking to increase charter school enrollment capacity by a certain percentage

§§ 354-356 — RESIDENCY-BASED MAGNET SCHOOL GRANT CONDITIONS

Reauthorizes prohibition on SDE awarding magnet school operating grants to schools that fail to meet certain residency-based enrollment standards, but also allows the commissioner to waive certain standards

§ 357 — MAGNET SCHOOL OPERATING GRANTS

Removes requirement that SDE prorate per-pupil magnet school operating grants to reflect available appropriations

§ 358 — SUPPLEMENTAL TRANSPORTATION GRANT FOR MAGNET SCHOOLS

Changes the payment schedule and number of payments for a supplemental transportation grant for Sheff magnet schools

§ 359 — PRIORITY SCHOOL DISTRICT GRANTS

Allocates \$5 million in both FY 22 & 23 for PSDs

§ 360 — YOUTH SERVICE BUREAU GRANTS

Makes FY 21 YSB applicants eligible for a state grant

§ 361 — TECHNICAL EDUCATION AND CAREER SYSTEM WORLD LANGUAGE REQUIREMENT

Requires the TECS board or superintendent to waive the world language high school graduation requirement for the class of 2023 and 2024

§ 362 — MANUFACTURING PROGRAM TUITION AND FEE WAIVER

Requires BOR to waive tuition and fees for Ansonia High School students who participate in certain manufacturing programs

[§ 363 — REGIONAL BOARD OF EDUCATION RESERVE FUNDS](#)

Increases the amount a regional board of education may deposit in a capital and nonrecurring expenditures reserve fund

[§ 364 — CT GROWN FOR CT KIDS GRANT](#)

Requires DoAg to administer a new CT Grown for CT Kids Grant Program to help boards of education develop farm-to-school programs; requires DoAg to convene an advisory committee to help the agency in awarding grants; requires DoAg to submit a legislative report evaluating the program, including how the money was spent

[§ 365 — OPEN CHOICE PROGRAM EXPANSION](#)

Expands the Open Choice Program for the 2022-23 school year under a pilot program for up to 50 students each from Danbury and Norwalk

[§§ 365 & 408-417 — SHEFF V. O'NEILL TECHNICAL CHANGES](#)

Makes a number of technical changes to conform the education statutes with Sheff v. O'Neill settlement agreements

[§§ 366-372 — EDUCATION PROGRAM GRANT CAPS](#)

Extends to FYs 22 and 23 the grant caps for seven programs; renews the bilingual education grant for FYs 22 and 23

[§ 373 — OFFICE OF FISCAL ANALYSIS MODELING OF THE EDUCATION FUNDING PROPOSAL](#)

Requires OFA to conduct an independent modeling of the education funding proposal described in SB 948 of the 2021 regular legislative session, as reported out of the Education Committee

[§§ 374 & 375 — MODEL CURRICULUM FOR GRADES K-8](#)

Requires SDE, in collaboration with SERC, to develop a K-8 model curriculum that boards of education may use

[§§ 376 & 377 — NATIVE AMERICAN STUDIES IN PUBLIC SCHOOLS](#)

Adds Native American studies to the public school social studies curriculum beginning in the 2023-24 school year

[§§ 378 & 379 — MINORITY TEACHER CANDIDATE CERTIFICATION, RETENTION OR RESIDENCY YEAR PROGRAM](#)

Creates the minority candidate certification, retention, or residency year program for teacher certification candidates; requires each alliance district to partner with a residency program operator to enroll minority candidates; requires SDE to (1) withhold from each alliance district 10% of any increase in alliance aid and (2) use the funds to cover program-related costs

[§ 380 — PLAN TO PROMOTE TEACHING AS A CAREER](#)

Requires the education commissioner and certain higher education officials to jointly develop a plan to help school boards promote teaching as a career option to high school students; requires SDE to distribute to school boards information that promotes the teaching profession

[§§ 381-383 — IMPLICIT BIAS AND ANTI-BIAS TRAINING VIDEO MODULE](#)

Requires SDE, by July 1, 2022, to develop an implicit bias and anti-bias video training module for school district personnel who hire teachers; requires board of education employees involved in, or responsible for, hiring teachers to complete the training starting on July 1, 2023

[§ 384 — STUDY OF MULTIPLE MEASURES TO DEMONSTRATE CONTENT MASTERY FOR TEACHER CERTIFICATION](#)

Requires SDE to study a multiple-measures approach to demonstrate content-area mastery of the content assessment requirement for teacher certification; requires SDE to submit a report with any recommendations to the Education Committee by January 1, 2023

§ 385 — BLACK AND LATINO STUDIES COURSE

Requires the high school course in Black and Latino studies, which by law must be offered in the 2022-2023 school year, to also be offered in each following school year

§ 386 — SOCIAL-EMOTIONAL LEARNING ASSESSMENTS

Allows each board of education to annually administer a social-emotional learning assessment to students beginning with the upcoming school year; requires parents and guardians to be given prior notice of the assessment and grant permission before the assessment is given

§ 387 — CONNECTICUT REMOTE LEARNING COMMISSION

Requires SDE to establish a commission to analyze and provide recommendations about (1) remote learning for K-12 public school students and (2) the feasibility of establishing a statewide remote learning school

§ 388 — STATEWIDE REMOTE LEARNING SCHOOL PLAN

Requires SDE to develop a plan to create and implement a K-12 statewide remote learning school

§ 389 — REMOTE LEARNING AUDIT

Requires SDE to audit public school boards' provision of remote learning in the 2019-20 and 2020-21 school years due to the COVID-19 pandemic

§§ 390-393 — TECHNICAL & CONFORMING CHANGES

Makes minor and conforming changes mostly related to remote learning terminology

§§ 394-404 — READING CURRICULUM MODELS, CENTER FOR LITERACY, AND RELATED READING PROGRAMS

Creates a new Center for Literacy Research and Reading Success with the authority to generally require school districts to use certain reading curricula; transfers certain reading-related duties from SDE to the center; establishes a Reading Leadership Implementation Council to develop and publish the center's annual goals; adds a definition of reading to several laws; expands access to the intensive reading instruction program to any alliance district; requires the education commissioner to submit an evaluation of the literacy center to the Education and Appropriations committees

§ 405 — ANTI-DISCRIMINATION LAW

Expands the education anti-discrimination law to provide that children have equal opportunity to participate without discrimination based on disability; modifies the definition of race in the same law by conforming it to state human rights law, thus adding hair and hairstyles

§§ 406 & 407 — PROFESSIONAL DEVELOPMENT FOR BLACK AND LATINO STUDIES COURSE

Requires SERC to provide technical assistance for teacher professional development and in-service training on teaching the Black and Latino studies course; allows school districts to accept grants and gifts for the professional development and training

§ 418 — PER-STUDENT GRANT FOR REGIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY EDUCATION (VO-AG) CENTERS

Increases, by \$1,000, the per-student state grant for vo-ag centers

§§ 419-421 — BIRTH-TO-THREE PROGRAM

Generally expands the Birth-to-Three program by including certain children who turn age three during the summer to conform with PA 21-46; extends certain group and individual health insurance coverage to these children

[§§ 422-425 — CORPORATION BUSINESS TAX](#)

Extends the 10% corporation business tax surcharge to the 2021 and 2022 income years; delays the start date of the capital base tax phase-out by three years and extends the phase-out period

[§§ 426 & 427 — R&D TAX CREDITS](#)

Increases the cap on the amount of R&D tax credits corporations may claim each year from 50.01% to 70% of their annual tax liability, phased in over two years, and limits the number of years that taxpayers may carry forward unused R&D tax credits

[§ 428 — INVEST CT TAX CREDIT CAP](#)

Increases the aggregate cap on Invest CT tax credits by \$200 million

[§ 429 — FILM AND DIGITAL MEDIA PRODUCTION TAX CREDIT](#)

Allows film and digital media production tax credits to be claimed against the sales and use tax under certain conditions

[§ 430 — EARNED INCOME TAX CREDIT](#)

Increases the EITC from 23% to 30.5% of the federal credit

[§ 431 — CHILD TAX CREDIT PLAN](#)

Requires the OPM secretary to create a plan to establish a state-level child tax credit if certain changes to the federal child tax credit occur

[§ 432 — PROPERTY TAX CREDIT AGAINST THE INCOME TAX](#)

Extends, to the 2021 and 2022 tax years, the limits on eligibility for the property tax credit against the personal income tax

[§ 433 — INCOME TAX EXEMPTIONS FOR CERTAIN RETIREMENT INCOME](#)

Phases out, over four years starting with the 2023 tax year, the income tax on income from IRAs, other than Roth IRAs, for taxpayers with qualifying incomes; clarifies that teachers who qualify for the general pension and annuity exemption may take either the teacher pension exemption or the general pension and annuity exemption, whichever is greater

[§ 434 — ADMISSIONS TAX](#)

Eliminates the admissions tax beginning July 1, 2021, for all places of amusement, entertainment, or recreation except movie theaters

[§ 435 — SALES AND USE TAX EXEMPTION FOR BREASTFEEDING SUPPLIES](#)

Exempts breast pumps and certain related parts, supplies, kits, and repair services from the sales and use tax beginning July 1, 2021

[§ 436 — REVENUE FROM SALES AND USE TAX ON MEALS](#)

Allows certain businesses to keep the sales tax they collect on sales of meals during one of three specified weeks in FY 22

[§ 437 — ALCOHOLIC BEVERAGES TAX ON BEER](#)

Beginning July 1, 2023, decreases the excise tax on beer (other than beer for off-premises consumption sold on premises covered by a manufacturer's permit) from \$7.20 per barrel to \$6 per barrel

[§§ 438-443 — CREDIT CARD SERVICE FEES](#)

Generally requires state agencies accepting credit, debit, or charge card payments to charge payors a service fee for doing so and disclose the fee before imposing it

[§§ 444-449 — MUNICIPAL REVENUE SHARING ACCOUNT PROGRAM](#)

For FYs 22 and 23, requires (1) motor vehicle property tax grants to be paid from appropriations rather than from MRSA, (2) PILOTs to be paid from appropriations and any remaining part due from MRSA, and (3) specified amounts to be transferred from MRSA to the General Fund; expands the PILOTs paid from MRSA to include existing payments to specified municipalities; modifies the statutory formula for calculating motor vehicle property tax grants

§§ 445 & 446 — PILOT PROGRAM

Makes taxing districts eligible for state, municipal, and tribal property PILOTs; increases, from 45% to 100%, the reimbursement rate for Connecticut Port Authority property and certain tribal property; modifies the minimum PILOT grant amounts municipalities and districts must receive beginning in FY 22

§ 450 — DRS TAX AMNESTY PROGRAM

Requires DRS to establish a tax amnesty program that gives eligible taxpayers that owe Connecticut state taxes a 75% reduction in the interest that would otherwise be due

§ 451 — TRANSFER TO THE TOURISM FUND

Requires the comptroller to transfer specified amounts from the General Fund to the Tourism Fund for FYs 21 and 22

§ 452 — GAAP DEFICIT

Deems that \$1 is appropriated in FYs 22-23 to pay off the state's GAAP deficit for FYs 13 and 14

§ 453 — TRANSFER OF AMERICAN RESCUE PLAN ACT FUNDS TO GENERAL FUND

Requires the comptroller to transfer specified federal ARPA funds to the General Fund for FYs 22 and 23

§§ 454-458 — PUBLIC ASSISTANCE LIENS

Expands restrictions on placing liens to recover public assistance and deems additional previously filed claims released as of FY 22; adds a notification requirement and filing deadline to the process of administering certain small estates to recover state claims

§ 459 — SALES AND USE TAX EXEMPTIONS FOR BEER MANUFACTURERS

Extends specified manufacturing-related sales and use tax exemptions to beer manufacturers that are not otherwise eligible because they manufacture beer at a facility that also makes substantial retail sales

§§ 460 & 461 — SUPPLEMENTAL COLLAPSING FOUNDATION LOAN PROGRAM

Allows banks without a physical presence in Connecticut to make program loans and allows banks to charge higher closing costs for program loans made to condominium or common interest ownership associations

§§ 462-468 — AMBULATORY SURGICAL CENTERS

Beginning July 1, 2023, replaces the 6% gross receipts tax on ASCs with a 3% net revenue tax on ASC services, subject to certain exclusions; extends to the ASC net revenue tax the same administrative requirements that apply under existing law to the hospital provider tax and nursing home and ICF-ID user fees

§§ 469-474 & 482-484 — CHANGES TO FY 22-23 BOND AUTHORIZATIONS

Modifies various state general obligation bond authorizations for FYs 22 and 23 that were included in the biennial bond act (PA 21-111)

§§ 475 & 488 — ECONOMIC ACTION PLAN PROJECTS

Eliminates provisions in PA 21-111 requiring that a portion of the funds available for the state's Economic Action Plan be reserved for projects meeting specified criteria; allows the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, ARPA funds, and available resources to provide grants for selected major projects to implement the state's Economic Action Plan

§ 476 — TRS EXEMPTION FOR REEMPLOYED TEACHERS

Extends, until June 30, 2024, an exemption that allows certain retirees receiving a TRS pension to return to teaching without salary limits

[§ 477 — RESIDENTIAL FACILITIES FOR PEOPLE WITH CERTAIN DISABILITIES AND FACILITIES RECEIVING FLAT RATES](#)

Requires DSS to base FY 22 and 23 rates on FY 21 rates adjusted for inflation for (1) private residential facilities and other facilities serving individuals with certain disabilities and (2) community living arrangements and residential care homes that have their rates determined on a flat rate basis; allows DSS to provide fair rent increases in certain circumstances

[§§ 479-481 — UCONN 2000 INFRASTRUCTURE PROGRAM](#)

Reduces bond authorizations in PA 21-111 by \$55.1 million for two existing UConn 2000 Phase III projects at the UConn Health Center

[§§ 485 & 486 — CONNECTICUT BABY BOND PROGRAM](#)

Modifies the Connecticut Baby Bond Trust program established in PA 21-111 by, among other things, subjecting the bonds issued for the program to the standard Bond Commission approval process

[§§ 487 & 490 — CHANGES TO SCHOOL CONSTRUCTION GRANTS](#)

Repeals three school construction grant waivers provided by PA 21-111 and modifies the waiver for another

[§ 489 — AWARDING SCHOOL CONSTRUCTION CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES](#)

Delays, until July 1, 2022, changes to the law on awarding contracts for construction management services and maintains the selection criteria required by current law until then

[§ 492 — REPEALER](#)

Repeals a provision requiring SDE to develop a plan for a grade K-12 statewide virtual school

[§ 493 — REPEALER](#)

Repeals laws that establish the Higher Education Coordinating Council and a pilot program for people who are receiving temporary family assistance program benefits and participating in the Jobs First program

[§§ 494 & 497 — ASSORTED HIGHER EDUCATION AND JOB TRAINING REPEALERS](#)

Repeals certain laws relating to higher education certificate and workforce programs; DOL, OWC, and CETC duties; and the Workforce Training Authority

[§ 496 — NOTIFICATION REQUIREMENT FOR SMALL ESTATES](#)

Eliminates a new notification requirement and filing deadline to the process of administering certain small estates to recover state claims when a person supported or cared for by the state dies

[§ 1 — COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION ALLIANCE LOAN CONVERSION](#)

Requires DOH to convert a loan made to the Community Development Financial Institution Alliance for a revolving loan fund to a grant

The act requires the Department of Housing (DOH) to convert a loan made to the Community Development Financial Institution Alliance for a revolving loan fund to a grant. The loan was made with funds the State Bond Commission authorized on September 27, 2002.

The law authorizing the state to assist community housing development corporations in creating revolving loan funds to assist developers with constructing, rehabilitating, or renovating existing or planned low- and moderate-income housing requires such funds to be created from a loan's proceeds (CGS § 8-218). But it also allows community housing development

corporations to use state grants for various other purposes, including (1) planning and financing costs and (2) making, or creating a revolving loan fund to finance making, units accessible to people with disabilities.

EFFECTIVE DATE: Upon passage

§ 2 — USE OF BOND PREMIUMS

Delays by two years, from July 1, 2021, to July 1, 2023, the requirement that the treasurer direct bond premiums on GO and credit revenue bonds to an account or fund to pay for previously authorized capital projects

The act delays by two years, from July 1, 2021, to July 1, 2023, the requirement that the treasurer direct bond premiums on general obligation (GO) and credit revenue bond issuances to an account or fund to pay for previously authorized capital projects. (A bond premium is the extra, up-front payment investors make in exchange for a higher interest rate on the bonds.) Prior law required the treasurer to direct the bonds premiums as follows:

1. until July 1, 2021, bond premiums (as well as accrued interest and net investment earnings on bond proceed investments) were directed into the General Fund after paying bond issuance costs and interest on state debt and
2. beginning July 1, 2021, bond premiums, net of any original issue discount, and after paying the issuance costs, were directed to an account or fund to pay for previously authorized capital projects.

The act delays this requirement to July 1, 2023, thus requiring the treasurer to continue directing bond premiums to the General Fund (after paying bond issuance costs and interest on state debt) until then.

EFFECTIVE DATE: July 1, 2021

§§ 3-5 — DOMESTIC WORKERS

Broadens the categories of written information that employers must provide to certain domestic workers when they are hired; requires the labor commissioner to establish a domestic workers education and training grant program

The act broadens the written information that employers must provide to certain domestic workers when they are hired to include things such as job duties and whether the employer will charge fees for room and board.

The act also requires the labor commissioner to establish a domestic workers education and training grant program to provide grants to qualified organizations to, among other things, educate domestic workers about various labor laws.

“Domestic workers” under the act are employees who are paid or told they will be paid to perform work of a domestic nature in or about a private dwelling. This includes housekeeping; home management; childcare; laundering; meal preparation; home companion services; caretaking of sick, convalescing, or elderly individuals; and other household services for the dwelling’s occupants or their guests. They do not include irregular or intermittent babysitters or personal care attendants providing personal care assistance to consumers in state-funded programs, including the:

1. acquired brain injury Medicaid waiver program,
2. personal care assistance Medicaid waiver program,
3. Connecticut Home Care Program for the Elderly,
4. pilot program to provide home care services to disabled persons, and
5. Department of Developmental Services’ individual and family support waiver program and comprehensive waiver program.

EFFECTIVE DATE: October 1, 2021

Employer Notice Requirement

By law, employers must advise their employees in writing when they are hired about their pay rate, hours of employment, and pay schedule (CGS § 31-71f). The act requires employers to additionally provide domestic workers, upon hire, with written information about:

1. their job duties and responsibilities;
2. the availability of sick leave, rest days, vacation, personal days, and holidays, whether paid or unpaid, and the accrual rate of those days;
3. whether the employer may charge fees or costs for board and lodging and, if so, their amount; and
4. how to file a complaint about a violation of the worker’s rights.

Grant Program

The act requires the labor commissioner to establish a domestic workers education and training grants program to issue grants to qualified organizations to provide:

1. education and training for domestic workers and employers about the laws on minimum wage, overtime, sick leave, recordkeeping, wage adjudication, retaliation, and the act's notice requirement;
2. online resources for domestic workers and their employers about state laws and regulations related to domestic workers; and
3. technical and legal assistance for domestic workers and employers through legal service providers.

Under the act, a "qualified organization" eligible for the grants must be either (1) a nonprofit organization that has at least five years of experience working with domestic workers or (2) an organization that works with a nonprofit organization that has at least five years of experience advocating for domestic workers or other low-wage workers. A nonprofit organization is a 501(c)(3) tax-exempt organization.

The act allows the commissioner to enter into an agreement, under the state's laws for state consultants and personal service agreements, with a third-party person, firm, or corporation to administer the grant program. It also requires the commissioner to create guidelines needed to administer the grants, in consultation with the third-party it contracts with, if applicable.

§ 6 — CALL CENTERS

Establishes (1) notice requirements for call centers that relocate from Connecticut to another country and makes them ineligible to receive state financial support for five years and (2) in-state requirements for state contractors who perform state business-related call center and customer service work

The act establishes notice requirements for certain call centers that relocate from Connecticut to a foreign country and makes them ineligible to receive state financial support for five years after the relocation. They must also repay the value of any state financial support they received over the previous five years. The act applies to call centers that employ at least 50 employees to staff a call center who (1) work at least 20 hours per week or have been employed by the center for at least six months or (2) work at least 1,500 hours in the aggregate (excluding overtime) per week. "Call centers" are facilities or operations through which employees receive phone calls or electronic communications to provide customer assistance or service.

The act also establishes certain in-state requirements for state contractors who perform state-business-related call center and customer service work.

EFFECTIVE DATE: October 1, 2021

Call Center Relocations

Notice Requirement. The act requires call centers that intend to relocate to another country to notify the labor commissioner at least 100 days before doing so. This applies to relocations of call center facilities or operations that comprise at least 30% of a call center's or operating unit's average total call volume over the previous 12 months.

The act subjects violators of the notice requirement to a civil penalty of up to \$10,000 per day for each violation, but allows the commissioner to reduce the penalty for just cause.

Loss of State Financial Support. The act requires the labor commissioner to compile an annual list of each call center whose relocation was subject to the notice requirement. She must make the list publicly available and prominently display a link to it on the Department of Labor website.

Under the act, a call center on the list:

1. is ineligible for direct or indirect state grants, state guaranteed loans, state tax benefits, or other state financial support for five years after the list's publish date and
2. must remit the unamortized value of any state grant, guaranteed loan, state tax benefit, or other state financial support it received in the five-year period before it was placed on the list.

The act allows the commissioner, in consultation with the appropriate agency, to waive the ineligibility for state financial support and the remittance requirement if the call center shows that imposing them would threaten state or national security, result in substantial job loss in the state, or harm the environment.

State Contractor Requirements

The act requires each state agency head to ensure that for all new contracts or agreements entered into on or after October 1, 2021, all state business-related call center and customer service work is performed by state contractors, or other agents or subcontractors, entirely within the state. If any of these entities perform work outside the state and add customer service employees who will perform work under the new contracts or agreements, the act requires that the new employees be immediately employed within Connecticut. In addition, a business subject to a contract or agreement before October 1, 2021, with terms that extend beyond October 1, 2023, must meet these in-state requirements for renewal of its contract.

Other Provisions

The act also specifies that it does not:

1. prevent an employer from receiving a grant to provide training or other employment assistance to people who particularly need them due to the call center's relocation;
2. allow withholding or denying payments or other compensation or benefits provided by law (e.g., unemployment benefits, disability payments, or worker retraining or readjustment funds) to workers of employers that relocate to a foreign country; or
3. create a private cause of action against a call center that violates the act's provisions.

§ 7 — PAID FAMILY MEDICAL LEAVE BOND REPAYMENT

Requires the Paid Family and Medical Leave Insurance Authority, starting in FY 23, to begin repaying funds spent from bond authorizations allocated to it under a plan established by the OPM secretary

The act requires that any funds spent from bond authorizations allocated to the Paid Family and Medical Leave Insurance Authority to administer the Family and Medical Leave Insurance Program be reimbursed to the General Fund under a plan to be established by the Office of Policy and Management (OPM) secretary in consultation with the state treasurer.

Under the act, this plan must have a repayment schedule that provides for the authority's repayment of the debt service deemed attributable to the bond authorizations. The repayment must start during FY 23 and continue until it is complete, according to the plan's terms, although the authority may repay unpaid amounts earlier.

EFFECTIVE DATE: Upon passage

§ 8 — BOARD OF REGENTS REPORTING ON SYSTEM OFFICE STAFF AND FINANCES

Requires BOR to annually report on its system office and finances

The act requires the Board of Regents for Higher Education (BOR), starting by January 1, 2022, to annually submit a report on its system office staff and finances to the Higher Education and Employment Advancement and Appropriations committees. The report must include the:

1. methods used to allocate the current fiscal year's General Fund block grants to institutions and the total amount each institution will receive over the fiscal year and
2. amount of non-General Fund revenues transferred for the prior fiscal year from each institution to the system office for any purpose, including the methods used to determine the transferred amounts and a description of each purpose.

The report must also include a list of the institutional staff or faculty who were temporarily stationed or assigned new duties at the system office during the prior fiscal year, including which budget (i.e., institutional or system office) each individual's personal services costs were drawn from. Additionally, it must include each individual's (1) title at the institution and the system office, (2) system office duties, and (3) total time stationed at or reassigned to the system office.

EFFECTIVE DATE: October 1, 2021

§ 9 — VOLUNTEER FIRE DEPARTMENT TRAINING GRANTS

Requires the state fire administrator to annually award a grant to distressed municipalities to cover the cost of certification and recruit training for their volunteer fire departments

The act requires the state fire administrator to annually award a grant, beginning in FY 22, to any distressed municipality with a volunteer fire department to cover the cost of providing Firefighter I certification and recruit training at regional fire schools. The grant amount must equal the product of the (1) average number of enrolled volunteer firefighters in the distressed municipality and (2) average cost of the certification and training program at a regional fire school. (Presumably, the average cost is for the preceding four years, as described below.)

Additionally, the act imposes two reporting requirements relating to the grant. First, it requires each distressed municipality's volunteer fire department chief to report to the state fire administrator by January 1, 2022, and annually thereafter, on the yearly average number of volunteer firefighters who enrolled in Firefighter I certification and recruit training during the preceding four years, excluding 2020. Second, it requires the state fire administrator to report to the Appropriations Committee, by February 1, 2022, and annually thereafter, on the (1) chiefs' annual reports on the four-year average of enrolled firefighters and (2) average Firefighter I certification and recruit training program cost at a regional fire school.

EFFECTIVE DATE: July 1, 2021

§ 10 — STATE EMPLOYEES RETIREMENT SYSTEM CONTRIBUTION

Requires the state's required contribution to SERS to account for the surplus funds transferred from the Budget Reserve Fund to SERS

By law, the State Retirement Commission, which oversees the State Employees Retirement System (SERS), must annually certify the actuarially determined amount that the state must contribute to maintain the pension fund on an actuarial reserve basis. This contribution is based on an actuarial valuation of the system's assets and liabilities that the commission must prepare at least once every two years.

Regardless of these requirements, the act prohibits the commission from finalizing the valuation or certifying the amount needed to maintain the pension fund until the valuation and certification account for the funds is deemed appropriated to the fund under the Budget Reserve Fund (BRF) surplus law.

Under that law, once the BRF reaches the 15% statutory maximum, the treasurer must transfer any remaining General Fund surplus, as he determines to be in the state's best interests, to reduce either the State Employee Retirement Fund's or Teachers' Retirement Fund's unfunded liability by up to 5%. He may use any amounts that remain after that for additional payments to either retirement system or to pay off other state debt (CGS § 4-30a(c)).

EFFECTIVE DATE: July 1, 2021

§§ 11-14 — JUDICIAL COMPENSATION

Increases the salary and other compensation for judges and certain other judicial officials by approximately 4.5% starting in FY 22

Starting in FY 22, the act increases the following by approximately 4.5%: (1) salaries for judges, family support magistrates, family support referees, and judge trial referees; (2) additional amounts that certain judges receive for performing administrative duties; and (3) salaries of certain officials whose compensation, by law, is determined in relation to a Superior Court judge's salary or state referee's per-diem rate.

EFFECTIVE DATE: Upon passage

Judicial Salaries

The table below shows the act's changes to judicial salaries starting in FY 22.

Judicial Salaries

Position	Prior Salary	Salary Starting July 1, 2021 (FY 22)
Supreme Court chief justice	\$206,617	\$215,915
Chief court administrator (if a judge)	198,545	207,480
Supreme Court associate judge	191,178	199,781

<i>Position</i>	<i>Prior Salary</i>	<i>Salary Starting July 1, 2021 (FY 22)</i>
Appellate Court chief judge	189,063	197,571
Appellate Court judge	179,552	187,663
Deputy chief court administrator (if a Superior Court judge)	176,277	184,209
Superior Court judge	172,663	180,460
Chief family support magistrate	150,314	157,078
Family support magistrate	143,060	149,498
Family support referee	223/day*	233/day*
Judge trial referee	259/day*	271/day*

*Plus expenses, mileage, and retirement pay

Administrative Judges

The law provides judges extra compensation, in addition to their annual salaries, for taking on certain administrative duties. The judges who receive this additional amount are (1) the appellate system's administrative judge; (2) each judicial district's administrative judge; and (3) each chief administrative judge for (a) facilities, administrative appeals, the judicial marshal service, or judge trial referees, and (b) the Superior Court's family, juvenile, criminal, or civil divisions. The act increases these additional annual payments from \$1,177 to \$1,230 starting July 1, 2021 (i.e., FY 22).

Related Increases

The act's provisions also result in salary, rate, or maximum compensation increases for other officials or judges whose compensation is tied to those of Superior Court judges or judge trial referees. Specifically:

1. the salaries of workers' compensation commissioners vary depending on experience and are tied to those of Superior Court judges (CGS § 31-277);
2. the salaries of probate court judges vary depending on probate district classification, and range from 45% to 75% of a Superior Court judge's salary (CGS § 45a-95a);
3. senior judges receive the same per-diem rates as judge trial referees (CGS §§ 51-47b(a) & 52-434b);
4. the probate court administrator's salary is the same as that of a Superior Court judge (CGS § 45a-75); and
5. the maximum compensation a retired judge may receive is equal to the highest annual salary during the fiscal year for the judicial office the judge held at retirement (CGS § 51-47b(b)).

§§ 15-19 — COVERED CONNECTICUT

Establishes the Covered Connecticut program to provide fully subsidized health insurance coverage for eligible individuals, including dental benefits and non-emergency medical transport; allows OHS to apply for a 1332 waiver to advance the program's purpose; requires DSS to apply for a 1115 Medicaid demonstration waiver to support the program

The act establishes the Covered Connecticut program within the Office of Health Strategy (OHS) to reduce the state's uninsured rate by providing premium and cost-sharing subsidies to eligible individuals. OHS must administer the program in consultation with the Department of Social Services (DSS) commissioner, the Insurance Department commissioner, and the Connecticut Health Insurance Exchange (i.e., Access Health CT).

EFFECTIVE DATE: Upon passage

Covered Connecticut Program (§ 16)

As part of the program, OHS must provide premium and cost-sharing subsidies that are sufficient to ensure fully subsidized coverage for the following eligible people:

1. on and after July 1, 2021, parents and needy caretaker relatives, and their tax dependents that are 26 or younger, who are eligible for premium and cost-sharing subsidies for a qualified health plan (QHP), but over-income for

Medicaid and (a) have household income up to 175% of the federal poverty level (FPL) and (b) are covered by a silver-level health plan offered on the exchange and

2. on and after July 1, 2022, all parents and needy caretaker relatives, as well as nonpregnant low-income adults, between ages 18 and 64 who are eligible for QHP premium and cost-sharing subsidies, but over-income for Medicaid and who (a) have household income up to 175% of FPL and (b) are covered by a silver-level health plan offered on the exchange.

No earlier than July 1, 2022, OHS must also provide dental benefits and non-emergency medical transportation services, as those services are provided under Medicaid, for the people described in (2) above.

OHS must establish procedures to reimburse health carriers quarterly for the premium and cost-sharing subsidies described above.

The act specifies that any benefits or subsidies provided to people through the Covered Connecticut program are not income for state income tax purposes.

Beginning by January 1, 2022, every six months OHS must report a description of Covered Connecticut's operations, finances, and progress made for the preceding six months to the Appropriations, Human Services, and Insurance and Real Estate committees.

1332 Waiver (§ 16)

Subject to legislative approval, the act allows OHS to seek a Section 1332 waiver to advance the Covered Connecticut program purposes. If approved by the federal government, OHS must implement the waiver. (A 1332 waiver is named after an authorizing section of the federal Affordable Care Act (ACA) and allows a state to waive certain ACA requirements that might otherwise prohibit it from implementing certain programs, such as essential health benefits or marketplace functions.)

Before seeking a 1332 waiver, the act requires OHS to submit a report to the Appropriations, Human Services, and Insurance and Real Estate committees with the proposed waiver. Within 30 days after the submission, these committees must hold a joint public hearing on the proposed waiver, separately vote to approve or reject it, and advise OHS of their decisions. If any committee takes no action within 30 days, the waiver is deemed rejected.

Medicaid Demonstration Waiver (§§ 17 & 18)

The act requires the DSS commissioner to seek a Section 1115 Medicaid demonstration waiver to apply for federal funds to support the Covered Connecticut program. The act requires her to (1) consult with the insurance commissioner and OHS for the waiver and (2) implement it once approved by the federal Centers for Medicare and Medicaid Services (CMS). Medicaid demonstration waivers are intended to approve experimental, pilot, or demonstration projects that promote the objectives of the Medicaid program.

By law, before submitting a waiver application to CMS, DSS must submit the waiver application to the Appropriations and Human Services committees. For the Section 1115 waiver required under the act, DSS must also submit the application to the Insurance and Real Estate Committee. By law, and under the act, the committees must hold a public hearing no later than 30 days after receiving the application and advise the DSS commissioner of their approval, disapproval, or modifications of the application.

§§ 20 & 21 — LOCAL HEALTH DEPARTMENT AND DISTRICT FUNDING

Requires the Department of Public Health to increase payments to municipal and district health departments starting in FY 22

The act increases funding to local and district health departments as follows: (1) from \$1.18 to \$1.93 per capita for municipal health departments and (2) from \$1.85 to \$2.60 per capita for district health departments.

By law, to qualify for this funding, among other things, (1) municipalities must have a full-time health department and a population of at least 50,000 and (2) health districts must have a total population of at least 50,000 or serve three or more municipalities.

EFFECTIVE DATE: July 1, 2021

§§ 22-27 — INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY

Transfers the IMRP from Central Connecticut State University to UConn

The act transfers the financial assets of the Institute for Municipal and Regional Policy (IMRP) from the Connecticut State University System to UConn. It also transfers IMRP's records, files, and intellectual property and copyright rights from Central Connecticut State University to UConn.

The act also makes several conforming changes.

EFFECTIVE DATE: October 1, 2021

§ 28 — PRIMARY CARE DIRECT SERVICES PROGRAM

Requires, rather allows, DPH to establish a program providing grants to community-based primary care providers, and requires DPH to do so within available resources

The act requires, rather than allows, the Department of Public Health (DPH) to establish a program providing three-year grants to community-based primary care providers to expand access to care for the uninsured. DPH must do so by January 1, 2022. The act requires the department to establish the program within available resources (see *Background*); prior law allowed it to establish the program within available appropriations.

Under existing law, the grants may be used for, among other things, (1) funding for direct services and (2) providing loan repayment to primary care clinicians (e.g., family practice physicians, pediatricians, advanced practice registered nurses, and physician assistants) and registered nurses who meet program requirements.

EFFECTIVE DATE: July 1, 2021

Background — Related Act

PA 21-35, § 21, requires DPH, in FY 22 and within available appropriations, to implement the state loan repayment program for community-based providers in primary care settings.

§§ 29-31 — SOLNIT CHILDREN'S CENTER LICENSURE

Requires Solnit Children's Center's hospital and psychiatric residential treatment facility units to obtain DPH licensure and the DPH commissioner to adopt regulations regarding the facilities' licensure

The act requires the (1) Albert J. Solnit Children's Center's hospital and psychiatric residential treatment facility units ("South Campus") to obtain licensure from the Department of Public Health (DPH) and (2) DPH commissioner to adopt regulations regarding the licensure of these psychiatric residential treatment facilities. Under the act, a "psychiatric residential treatment facility" is a nonhospital facility with an agreement with the Department of Social Services to provide inpatient services to Medicaid-eligible individuals under age 21.

The act allows the DPH commissioner to implement policies and procedures about the licensure of the Solnit Center's psychiatric residential treatment facilities while it adopts the regulations, so long as (1) notice of intent to adopt regulations is published on the eRegulations System within 20 days after the implementation date and (2) the policies and procedures are consistent with the proposed regulations. Under the act, these policies and procedures are valid until the final regulations are adopted.

EFFECTIVE DATE: April 1, 2022

§ 32 — OFFICE OF THE UNEMPLOYED WORKERS' ADVOCATE

Requires the labor commissioner, within available appropriations, to establish the Office of the Unemployed Workers' Advocate within DOL to assist unemployed people

The act requires the labor commissioner, within available appropriations, to establish the Office of the Unemployed Workers' Advocate within the Department of Labor (DOL) to assist unemployed people. It requires the commissioner, by October 1, 2021, to designate an "unemployed workers' advocate," who serves at the pleasure of the commissioner, to manage the office's daily activities and duties. The advocate must have expertise and experience in unemployment benefits and advocacy for unemployed people's rights, among other qualifications. The advocate must, within available appropriations, appoint and employ the assistants, employees, and personnel needed to effectively and efficiently run the office.

The act allows the Office of the Unemployed Workers' Advocate to:

1. help unemployed people (a) seeking unemployment benefits, (b) understand their rights and responsibilities related

- to unemployment benefits, and (c) file unemployment benefit appeals;
 - 2. provide information to the public, state agencies, legislators, and others about unemployed people's problems and concerns, and make recommendations for resolving them;
 - 3. analyze and monitor the development and implementation of federal, state, and local laws, regulations, and policies related to unemployed people, and recommend changes to the appropriate governmental entity;
 - 4. receive and review unemployed people's complaints and make recommendations for resolving them to the labor commissioner;
 - 5. access an unemployed person's prior employment records as allowed by state and federal law;
 - 6. establish and maintain a website and a toll-free number, or other free calling option, that allows unemployed people to access the office's services and information; and
 - 7. take any other actions needed to fulfill the act's purposes.
- EFFECTIVE DATE: Upon passage

§ 33 — BROWNFIELD REMEDIATION GRANT FOR PRESTON

Requires DECD to pay Preston a \$7 million grant for brownfield remediation

The act requires the Department of Economic and Community Development (DECD) to pay Preston a \$7 million grant for brownfield remediation. DECD must pay the grant from the Brownfield Remediation and Revitalization Program grants authorized under the 2020 bond act (PA 20-1).

PA 20-1 earmarked \$7 million of the total \$30 million authorization for a grant to Preston. The State Bond Commission allocated the earmarked funds at its July 2020 meeting, but it required that they be held in escrow and used only for pending remediation work after a cost-efficient remediation plan is instituted.

EFFECTIVE DATE: Upon passage

§ 34 — OPEN EDUCATIONAL RESOURCE (OER) COORDINATING COUNCIL CARRYFORWARDS

Exempts unexpended operating funds of the OER Coordinating Council from lapsing at the end of each fiscal year

Unless specifically authorized, all unexpended state appropriations lapse at the end of the fiscal year. The act exempts from this requirement appropriations for Connecticut Open Educational Resource Coordinating Council operating funds.

By law, the council must establish a program to lower the cost of textbooks and course materials for high-impact courses (i.e., those with high (1) student enrollment or (2) prices for required materials) at state higher education institutions.

EFFECTIVE DATE: July 1, 2021

§ 35 — AMERICAN RESCUE PLAN ACT REPORTING

Requires OPM to collect data on ARPA spending and submit to the Appropriations Committee the interim and quarterly reports due to the federal government; requires separate quarterly reports to the Appropriations Committee on funds for higher education constituent units, UConn, and the judicial branch

The act requires the Office of Policy and Management (OPM) secretary to collect data on the use of funds by each executive branch agency and each private entity that receives an allocation, under the act or under the budget act, for funds the state received under the Coronavirus State Fiscal Recovery Fund established by the American Rescue Plan Act of 2021 (P.L. 117-2).

It requires the OPM secretary to submit to the Appropriations Committee the (1) interim report due on August 31, 2021, and (2) quarterly Project and Expenditure Reports, that must be submitted to the United States Treasury.

The act also requires reporting by the:

- 1. Board of Regents for Higher Education (as to the regional community-technical colleges, the Connecticut State University System, and Charter Oak College);
- 2. UConn Board of Trustees (as to UConn); and
- 3. Chief Court Administrator (as to judicial branch state agencies).

In each case, they must report quarterly to the Appropriations Committee beginning by October 1, 2021, through April 1, 2024, on a full accounting of funding allocated under the act. The reports must include (for each constituent unit, UConn, or each judicial branch agency, as appropriate) the (1) total amount of funds received, (2) programmatic or other permitted purposes for which they were used, and (3) amount of funds used for each program or purpose.

EFFECTIVE DATE: Upon passage

§§ 36 & 37 — COMMUNITY HEALTH WORKER GRANT PROGRAM

Requires DPH to establish a program providing grants, through FY 23, to community action agencies that employ community health workers providing services to people adversely affected by COVID-19; directs \$6 million of the state's federal funding to the program

The act requires DPH to establish a program to provide grants, through FY 23, to community action agencies that employ community health workers who provide services to people adversely affected by the COVID-19 pandemic. The act allows DPH to enter into a personal service agreement with an outside person, firm, corporation, or other entity to operate the program.

The 2021 budget act allocated \$3 million per year in FYs 22 and 23 to DPH for community health workers, from the state's federal funding under the American Rescue Plan Act of 2021 (ARPA). This act specifies that these funds are for the community health worker grant program. It limits each grant to \$30,000 annually and total program grants to \$6 million.

Among other related provisions, the act requires DPH to:

1. establish criteria for grant eligibility;
2. publish on its website a notice of grant availability, including the eligibility criteria, for the period from the act's passage until June 30, 2023; and
3. report on the program by January 1, 2022, and again by January 1, 2024, to the Public Health and Human Services committees.

EFFECTIVE DATE: Upon passage

Application and Review Process

Under the act, each community action agency applying for a program grant must apply in a form and manner the DPH commissioner prescribes. The application must include:

1. the location of the applicant's principal place of business,
2. the number of community health workers the applicant employs or seeks to employ and their range of services,
3. an explanation of the grant's intended use, and
4. such other information that the commissioner deems necessary.

DPH must review all applications and determine which are eligible for funding, using criteria it establishes.

DPH Reporting

Under the act, by January 1, 2022, the DPH commissioner must report to the Public Health and Human Services committees on the program's progress and any required legislative proposals to accomplish the program's goals.

By January 1, 2024, the commissioner must report again to the same committees on:

1. the number and amount of program grants provided;
2. which community action agencies received grants;
3. the intended use of each grant, as described in the applications; and
4. the number of community health workers employed by each grant recipient and information on the workers' services, (a) when the agency received the grant and (b) upon the program's conclusion.

Definitions

The act defines a "community action agency," as under existing law, as a public or private nonprofit agency that has previously been designated by, and authorized to accept funds from, the federal Community Services Administration for community action agencies under the Economic Opportunity Act of 1964 or a successor agency established under law.

A "community health worker" is a public health outreach professional with an in-depth understanding of a community's experience, language, culture, and socioeconomic needs. These workers provide a range of services, including outreach, engagement, education, coaching, informal counseling, social support, advocacy, care coordination, research related to social determinants of health, and basic screenings and assessments of any risks associated with these determinants.

§ 38 — CEMETERY RETORT AIR POLLUTION EXCEPTION

Temporarily prohibits the DEEP commissioner from requiring retort relocation or installation of air pollutant control technology on certain cemetery property

The act prohibits the DEEP commissioner, notwithstanding state air pollution control law and regulation, from imposing certain requirements on permittees seeking to replace a retort (i.e., chamber where cremation occurs) that constitutes or is part of a stationary air emission source located on certain cemetery property. Specifically, she may not require relocating an associated stack or installing best available control technology for any hazardous air pollutant. The restriction applies to a property that (1) has at least 250 acres, (2) is on the National Register of Historic Places, and (3) was established before 1865. The permittee must also replace the retort by October 1, 2023.

EFFECTIVE DATE: Upon passage

§ 39 — STATEWIDE OPIOID CLAIM

Authorizes the attorney general to enter into agreements concerning any statewide opioid claim

The act authorizes the attorney general to enter into agreements on claims the state asserts, or could assert, concerning opioid manufacturing, marketing, distributing, selling, or related activities (i.e., “statewide opioid claims”). Under the act, these agreements may include an agreement to compromise, release, waive, or otherwise settle the claim, on behalf of the state and any political subdivisions. The act prohibits claimants from asserting any statewide opioid claim for which the state has entered into such an agreement.

EFFECTIVE DATE: Upon passage

§§ 40-50 — RADIATION & RADIOACTIVE MATERIAL REGULATION

Expands DEEP’s authority to regulate radiation sources

The act expands the DEEP commissioner’s authority to regulate radiation sources. It does so by requiring her to adopt specific regulations on sources of ionizing radiation and radioactive materials, instead of only general regulations needed to carry out prior law’s ionizing radiation sources provisions. Under the act, “radioactive materials” means any solid, liquid, or gas that spontaneously emits ionizing radiation.

By requiring the commissioner to adopt regulations on radioactive materials sources, the act allows for the state to pursue “agreement state status” from the U.S. Nuclear Regulatory Commission (NRC). “Agreement state status” authorizes states to assume NRC responsibility for regulating and licensing byproduct materials (radioisotopes), source materials (uranium and thorium), and certain amounts of special nuclear materials. NRC remains responsible for regulating nuclear power plants (e.g., Millstone); uses of nuclear material, such as in nuclear medicine; and nuclear waste.

To hold agreement state status there must be, among other things, an agreement between the governor of the state and the NRC chairman and supporting legislation and regulations. (Governor Lamont submitted a letter of intent to become an agreement state to the NRC in December 2020.)

Under the act, the required regulations must include provisions on such things as (1) regulating ionizing radiation and radioactive materials sources; (2) planning for, and responding to, emergency events; (3) recognizing other state or NRC licenses; and (4) setting fees, which must be deposited into the General Fund. The act also requires the commissioner to review other state agency regulations and procedures on radiation sources for consistency.

The act prohibits certain actions with respect to radioactive materials and extends existing penalties to those actions. It authorizes the commissioner to address exposure hazards and contamination from radiation and makes those responsible for the contamination liable for cleanup costs and expenses.

The act also makes many minor, conforming, and technical changes, including several to effectuate the transition to agreement state status. Some of these changes include (1) updating the state’s atomic energy policy to include cooperation with NRC and other states for uniformity of radiation laws and regulations, and in administering and enforcing them (§ 49), and (2) generally aligning definitions with corresponding federal law (§§ 40 & 46; see 42 U.S.C. § 2014).

EFFECTIVE DATE: October 1, 2021

DEEP Regulatory Authority (§§ 40-42 & 50)

General Regulations. The act requires the commissioner to adopt regulations on sources of both ionizing radiation and

radioactive materials. Under the act, she must adopt regulations that are:

1. needed to (a) secure “agreement state status,” pursuant to § 274 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, and (b) carry out the state radiation and radioactive materials law;
2. related to (a) constructing, operating, controlling, tracking, securing, or decommissioning ionizing radiation sources, including modifying or altering them, and (b) producing, transporting, using, storing, possessing, managing, treating, disposing of, or remediating radioactive materials;
3. related to planning for, and responding to, actual or potential terrorist or other emergency events that involve or may include radioactive materials (see “Guidelines,” below);
4. for reciprocating recognition of specific licenses issued by NRC or another “agreement state status” state; and
5. concerning fees to license ionizing radiation sources that, with certain existing registration fees, are enough to administer, implement, and enforce an ionizing radiation program.

Other Agency Regulations. The act requires the commissioner to consult with and review the regulations and procedures of other state agencies on radiation sources for consistency and to prevent unneeded duplication, inconsistencies, or gaps in the requirements.

Licensing. Prior law authorized the commissioner to, through regulation, use general or specific licenses for ionizing radiation sources. The act instead requires her to do so and allows her to (1) issue, deny, renew, modify, suspend, or revoke a license and (2) include terms and conditions in licenses as she deems necessary.

By law, ionizing radiation includes gamma rays, x-rays, alpha and beta particles, neutrons, protons, high-speed electrons, and other atomic or nuclear particles, but not sound or radio waves, or visible, infrared, or ultraviolet light.

Guidelines. The act allows the commissioner to establish radiation exposure guidelines for first responders and the public to manage emergencies involving radioactive materials. The guidelines must be compatible with recommendations from the federal government and the National Council on Radiation Protection and Measurements.

Outside Experts. The act allows the commissioner, in addition to the governor as allowed under prior law, to hire necessary consultants, experts, and technicians to investigate and report on matters related to implementing the state’s radiation and radioactive materials law.

Prohibited Acts (§§ 43 & 45)

Existing law prohibits the following actions related to ionizing radiation sources unless the source is exempt or properly licensed or registered: using, manufacturing, producing, transporting, transferring, receiving, acquiring, owning, or possessing. The act expands the prohibited actions to include constructing, operating, or decommissioning. It also explicitly prohibits failing to register a source.

The act prohibits the following actions with respect to radioactive materials, unless done in compliance with the law and any associated regulation, regulation, or license: producing, transporting, storing, possessing, managing, treating, remediating, distributing, selling, installing, repairing, or disposing.

The act extends existing penalties for violations of the state’s radioactive materials laws to these prohibited acts. By law, unchanged by the act, the commissioner may, among other things, issue cease and desist orders. She may also, through the attorney general, seek injunctive relief related to violations or probable violations. Someone who knowingly commits certain actions or commits certain actions with criminal negligence is subject to fines, imprisonment, or both (CGS §§ 22a-158a to -158c).

The act also makes anyone who negligently or knowingly violates (1) the radiation and radioactive materials law’s prohibited acts; (2) requirements for registration, licensing, and record keeping; or (3) requirements tied to the new regulations, including any associated regulation or order, liable to the state for reasonable costs. This includes costs to (1) detect, investigate, control, and abate the violation and (2) restore natural resources to their former condition, if practicable and reasonable. If restoration is not practicable or reasonable, the person is liable for damage caused by the violation. By law, a lawsuit to recover damages, costs, and expenses, does not prevent other remedies.

Radiation Contamination Remediation (§ 44)

Commissioner Actions. The act authorizes the DEEP commissioner to take actions she deems necessary to protect human health and the environment if someone (1) causes or is responsible for certain exposures or contamination related to radioactive material and (2) does not immediately act to prevent, stop, or remedy it to the commissioner’s satisfaction. She may investigate, monitor, abate, contain, mitigate, or remove an actual or potential hazard, pollution, or contamination and may contract with anyone to address it.

This applies to the following:

1. an actual or potential exposure hazard from radioactive materials, radioactive waste, or an ionizing radiation source

or

2. actual or potential pollution or contamination of natural resources (e.g., land, air, water) due to a discharge, spill, uncontrolled loss, release, leak, seep, or filtration of radioactive material or radioactive waste.

The act allows the commissioner to take the same actions if the responsible person is unknown and the actual or potential hazard, pollution, or contamination is not being addressed by the federal government, a state agency, a municipality, or a regional or interstate authority.

Liability to the State. The act makes anyone who causes or is responsible for the exposure hazards, pollution, or contamination (or potential ones) described above, liable for the costs and expenses incurred by the commissioner to address the situation. It includes the costs and expenses for restoring the natural resources, attorney's fees, court costs, and other legal expenses. The act allows the commissioner to seek additional compensation or other relief from the court, including punitive damages.

Under the act, if an actual or potential hazard, pollution, or contamination is due to the action, or failure to act, of multiple people, each is jointly and severally liable. If the commissioner requests it, the act requires the attorney general to bring a civil action to recover costs and expenses, including those from related contractual obligations, from the responsible persons.

If the responsible party is unknown, the act requires the commissioner to ask the federal government to assume the contractual obligations to the extent allowed under federal law.

Liability to an Individual. Under certain circumstances, the act entitles individuals who prevent, abate, contain, remove, or mitigate an actual or potential exposure hazard, pollution, or contamination, as described above, to reimbursement of the reasonable costs of doing so. This applies when the actual or potential exposure, pollution, or contamination was due to someone's negligent, reckless, knowing, or intentional action or failure to act. If more than one person is responsible, each person is jointly and severally liable.

§ 51 — REDDING SPECIAL TAXING DISTRICT

Specifies how district voting is handled when (1) a municipality is eligible to cast a vote or (2) a vote is tied

The act amends the governing special act for a special taxing district in Redding, established to clean up and redevelop contaminated property and provide municipal services.

As under prior law, people and entities that own land in the district, among others, may vote at district meetings. The act specifies who casts the vote in situations where a municipality is an eligible voter.

Under the act, a municipality's vote is cast by the person authorized to vote by:

1. the board of selectmen in a town that does not have a charter, special act, or home rule ordinance relating to its form of government;
2. the council, board of aldermen, representative town meeting, board of selectmen, or other elected legislative body described in a charter, special act, consolidation ordinance, or home rule ordinance relating to the form of government in a city, consolidated town and city, consolidated town and borough, or town; or
3. the board of burgesses or other elected legislative body in a borough.

The act also stipulates how tied votes are handled. Under the act, the deciding vote is cast by the property owner holding the greatest share of real property, calculated by land mass area, in the district.

EFFECTIVE DATE: Upon passage

§ 52 — FREE PHONE CALLS FOR INMATES

Moves up the implementation date, from October 1, 2022, to July 1, 2022, for requiring DOC to provide free phone services to inmates and generally makes inmates eligible to use phone services for at least 90 minutes per day

PA 21-54, § 1, requires the Department of Correction (DOC) to provide voice communication services ("phone services") for inmates in correctional facilities. It allows the commissioner to supplement phone services with other telecommunications services, including video communication and email. Any communication service the commissioner provides must be free of charge to the inmates and to the people who initiate or receive the communication.

This act moves up the implementation date, from October 1, 2022, to July 1, 2022. It also makes the corresponding date change for the provisions prohibiting the state from receiving revenue for these phone or telecommunications services.

Under the act, each inmate is eligible to use phone services for at least 90 minutes each day he or she is confined as long as providing these services does not interfere with the facility's standard operations.

EFFECTIVE DATE: Upon passage

§ 53 — PHONE CALLS SUPPLANTING VISITATION FOR YOUTH

Delays the effective date of PA 21-54, § 2, from upon passage to July 1, 2022, which, among other things, prohibits CSSD from supplanting in-person visits with other communication services (e.g., phone calls) for children detained in juvenile detention facilities

PA 21-54, § 2, requires the judicial branch's Court Support Services Division (CSSD) to provide phone services for children detained in a juvenile detention facility. Among other things, it prohibits the CSSD executive director from supplanting in-person contact visits with phone or other communication services the child may be eligible to receive. This act delays the effective date of that provision from upon passage to July 1, 2022.

EFFECTIVE DATE: Upon passage

§§ 54-57 — PUBLIC HIGHER EDUCATION INSTITUTION GRADUATION FEE BAN

Prohibits assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, Charter Oak State College, or UConn

The act prohibits BOR from assessing or charging a graduation fee to students enrolled in a regional community-technical college, the CSUS, or Charter Oak State College. It also prohibits UConn's board of trustees from assessing these fees to UConn enrolled students.

EFFECTIVE DATE: July 1, 2021

§ 58 — CONNECTICUT FOUNDATION SOLUTIONS INDEMNITY COMPANY (CFSIC) BOARD OF DIRECTORS

Specifies that the governor's nonvoting CFSIC board appointee required under PA 21-120 is to be considered an ex-officio member under CFSIC's bylaws

PA 21-120 requires the governor to appoint two members to the Connecticut Foundation Solutions Indemnity Company (CFSIC) volunteer board of directors, one of whom must be a nonvoting ex-officio member. This act specifies instead that the non-voting appointee is to be considered an ex-officio member under CFSIC's adopted bylaws.

CFSIC is the captive insurance company created by law to distribute money to homeowners with concrete foundations that are deteriorating due to the presence of pyrrhotite.

EFFECTIVE DATE: July 1, 2021

§ 59 — GEOLOGICAL SOURCE REPORT (GSR) FOR AGGREGATE QUARRIES

Specifies the type of core sample analysis that must be done as part of the GSR requirement established in PA 21-120

PA 21-120 § 8 requires the operator of a quarry that produces concrete aggregate to prepare and quadrennially update a GSR and submit it to the state geologist and DEEP commissioner. It also establishes the GSR's minimum contents. One of the requirements was for the GSR to include core sample analyses completed by a qualified geologist, unless the commissioner waived the requirement.

The act amends this requirement by specifying that the analyses must be of representative core samples and evaluated through petrography.

EFFECTIVE DATE: July 1, 2021

§ 60 — CONCRETE AGGREGATE TESTING

Changes the concrete aggregate testing standards for quarries established in PA 21-120

Third-Party Testing Standard

PA 21-120, § 9, requires the operator of a quarry that sells or provides aggregate intended for use in concrete to at least annually provide a written report to the state with the results of a third-party test of the aggregate's sulfur content (total S) and further testing for pyrrhotite, if applicable. It required the third-party tester to be certified or accredited in accordance with the American Society for Testing Materials (ASTM) C33/C33M, Standard Specification for Concrete Aggregates.

The act changes the required testing standard to ASTM E1621, Standard Guide for Elemental Analysis by Wavelength Dispersive X-ray Fluorescence Spectrometry.

Additional Testing for Samples With Pyrrhotite

Under PA 21-120, § 9, if sample testing showed that pyrrhotite is present and the total S by mass is 0.1% or more but less than 1%, then DEEP's commissioner, in consultation with the state geologist, could require additional testing, including a mortar bar expansion test pursuant to ASTM C1293 (Standard Test Method for Determination of Length Change of Concrete Due to Alkali-Silica Reaction) or C227 (Standard Test Method for Potential Alkali Reactivity of Cement-Aggregate Combinations).

The act eliminates the specific tests the commissioner may require and instead allows her to require additional petrographic and materials testing. It correspondingly eliminates a requirement that any adopted regulations define "mortar bar expansion test."

EFFECTIVE DATE: July 1, 2021

§ 61 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires the Legislative Commissioner's Office to make necessary technical, grammatical, and punctuation changes when codifying the act

The act requires the Legislative Commissioners' Office to make technical, grammatical, and punctuation changes as necessary to codify the act, including internal reference corrections.

EFFECTIVE DATE: Upon passage

§ 62 — ANALYSIS OF HOUSING FUNDING ALLOCATION AND SEGREGATION

Requires the OPM secretary to aggregate, analyze, and report on data related to existing state and federal housing programs and economic and racial segregation

The act requires the OPM secretary, within available appropriations, to aggregate and analyze data on state and federal housing programs to determine how they impact economic and racial segregation. Under the act, the analysis must include data on:

1. housing development programs,
2. housing affordability initiatives,
3. communities where low-income housing tax credits and rental assistance are spent, and
4. specific neighborhood racial and economic demographics.

Additionally, the act requires the OPM secretary to (1) use in the analysis measures such as the U.S. Census Bureau's dissimilarity index and five dimensions of segregation and (2) submit a report with its analysis findings and recommendations to the Housing Committee by January 1, 2022, and then biennially.

EFFECTIVE DATE: Upon passage

§ 63 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS TO MUNICIPALITIES

Generally prohibits municipalities from receiving Mashantucket Pequot and Mohegan Fund grants if a public school or associated athletic team under its school board's jurisdiction uses Native American names, symbols, or images without tribal consent

Beginning in FY 23, the act generally makes municipalities ineligible for grants from the Mashantucket Pequot and Mohegan Fund if a school or associated intramural or interscholastic athletic team under its board of education's jurisdiction uses any of the following in its mascot, nickname, logo, or team name: a name, symbol, or image that depicts, refers to, or is associated with a Native American individual, custom, tradition, or state- or federally-recognized tribe.

However, the act allows these municipalities to retain their grant eligibility if the school or athletic team uses a name, symbol, or image that:

1. depicts or refers to a state- or federally-recognized tribe, and the specific tribe consents to it; or
2. is associated with a Native American individual, custom, or tradition, with the consent of a tribe that is either (a) historically associated with the school or team or (b) located in or associated with the school's geographic region.

The act additionally provides a grace period until FY 24 for municipalities that provide timely notification to the Office of Policy and Management (OPM), in a form and manner the OPM secretary determines, that (1) a covered school or team uses an otherwise-disqualifying name, symbol, or image that they intend to change or seek tribal consent to use and (2) includes the reason why the school or team has not changed it or sought such consent already.

The act requires that the tribe's consent be demonstrated in a form and manner determined by the OPM secretary. The consent must be in writing and include a tribal council resolution, an agreement between a tribal government and municipality, or a consent statement endorsed by a tribal government.

EFFECTIVE DATE: July 1, 2021

§ 64 — SHORT-TERM INVESTMENT FUND (STIF)

Allows the state treasurer to modify or suspend the contribution to the designated surplus reserve of the STIF in certain circumstances

The act allows the state treasurer to modify or suspend the contribution to the designated surplus reserve of the STIF when, in his discretion, market conditions warrant doing so for the fund's investors' best interests. Under the act, he may do so regardless of any other state law. The Office of the State Treasurer manages the STIF as an investment pool for money market instruments for state and municipal funds.

EFFECTIVE DATE: Upon passage

§ 65 — BEVERAGE CONTAINER RECYCLING GRANT PROGRAM

Establishes a grant program for new beverage container redemption locations in urban centers and environmental justice communities

The act requires DEEP to implement a beverage container recycling grant program to provide forgivable grants for new beverage container redemption centers in urban centers and environmental justice communities lacking access to redemption locations. It establishes a beverage container recycling grant program account and DEEP must use all funds in it for the program's purpose.

Under the act, the DEEP commissioner must issue a grant application process by December 1, 2021. The act requires grant proceed distribution to occur on a rolling basis. It (1) caps the amount of an awarded grant at \$150,000 in any fiscal year and (2) limits the use of grant funds to (a) infrastructure, technology, and other costs associated with establishing a redemption center and (b) initial operational expenses.

The act requires grant recipients to provide DEEP with annual financial audits of their grant expenditures. If the DEEP commissioner finds that a grant was used for a purpose other than allowed under the act, she may require its repayment.

EFFECTIVE DATE: Upon passage

Program Recipients

Under the act, grant recipients must be from either an urban center (i.e., a municipality classified as a "regional center" under the state plan of conservation and development) or an environmental justice community. Under the state's environmental justice law, an environmental justice community is a (1) distressed municipality or (2) U.S. census block group for which at least 30% of the population consists of low-income people who are not institutionalized and have an income of less than 200% of the federal poverty level (CGS § 22a-20a).

The act requires that the program prioritize grants to (1) first-time redemption center owners and (2) centers that are locally-owned, minority-owned, or women-owned businesses. When awarding the grants, the DEEP commissioner or her designee must also consider the following:

1. current access to beverage container redemption locations,
2. walking distances to these locations,
3. public access to reliable transportation,
4. population density,
5. customer convenience,
6. redemption center technology used at a proposed center, and
7. volume of beverage containers sold in the applicable community.

Audit and Reporting

The act requires grant recipients, by October 1 annually and until all grant funds are expended, to provide the DEEP commissioner with a financial audit of their grant expenditures prepared by an independent auditor.

§ 66 — EXEMPTION TO FLOODPLAIN REQUIREMENTS FOR CERTAIN NORWICH PROPERTIES

Authorizes certain building spaces on three Norwich properties to be used for commercial or residential purposes regardless of requirements governing floodplains

The act authorizes certain building spaces on three properties in Norwich (601, 603, and 609 Norwich Avenue) to be used for commercial or residential purposes regardless of (1) local zoning regulations and ordinances governing floodplains and (2) a statutory requirement that these regulations comply with National Flood Insurance Program (NFIP) requirements. (Under federal law, municipalities that fail to maintain or enforce regulations meeting the NFIP's minimum floodplain management requirements may be suspended from the federal flood insurance program (44 C.F.R. § 59.24).)

EFFECTIVE DATE: Upon passage

§ 67 — DDS WAITING LIST REPORT

Requires the DDS commissioner to annually report specified waiting list information to the Public Health and Appropriations committees

The act requires the Department of Developmental Services (DDS) commissioner to annually report to the Public Health and Appropriations committees on the number of individuals the department determines as eligible for DDS funding or services and who (1) have unmet residential care or employment opportunity and day service needs or (2) are eligible for DDS's behavioral services program and are waiting for funding.

As under existing law, the commissioner must also post this information on the department's website.

EFFECTIVE DATE: Upon passage

§ 68 — LEVEL OF NEED ASSESSMENT SYSTEM ADVISORY COMMITTEE

Establishes a 19-member committee to advise the DDS commissioner on the level of need assessment system

The act establishes a level of need assessment system advisory committee to advise the DDS commissioner on matters relating to the system.

The committee includes the DDS commissioner, or his designee, and 18 appointed members, as follows:

1. two each appointed by the House speaker and Senate president pro tempore;
2. one each appointed by the House and Senate majority and minority leaders; and
3. 10 appointed by the DDS commissioner, including (a) one each representing CT DDS Families First and The Arc Connecticut and (b) eight representing families with firsthand experience with individuals with composite scores of one to eight on DDS's level of need assessment and screening tool.

Under the act, the DDS commissioner must appoint a member to fill any vacancy of one year or more. When doing so, the commissioner must notify the appointing authority of his selection at least 30 days before making the appointment.

The act requires the committee to (1) meet at least quarterly and (2) starting by January 1, 2022, annually report on its activities to the Public Health Committee.

The act (1) allows DDS to provide the committee with administrative support and (2) requires DDS to post the committee's meeting dates and minutes on the department's website.

EFFECTIVE DATE: Upon passage

§§ 69-74 — DEBT-FREE COMMUNITY COLLEGE AND ONLINE LOTTERY SALES REVENUE

Expands funding for the state's debt-free community college program from online lottery ticket sales revenue

The act makes several changes affecting the state's debt-free community college program (see *Background*) and online lottery ticket sales by the Connecticut Lottery Corporation (CLC). Principally, if certain conditions are met, it earmarks up to \$14 million in online lottery sales revenue for the program annually beginning in FY 24.

PA 21-23 established a framework by which CLC may, under a master wagering license, sell lottery tickets for lottery draw games through its website, online service, or mobile application. (This gaming activity is defined as “online lottery ticket sales” for the purposes of this act and other specific lottery statutes.) If CLC is so licensed, this act requires that all revenue from its online lottery ticket sales be deposited into an “online lottery ticket sales fund” that the corporation must establish to specifically collect that revenue, separate from all other CLC revenues.

The act requires the CLC president, on a weekly basis, to estimate and certify to the state treasurer the portion of the balance in this fund that exceeds the corporation’s current needs for paying prizes and current operating expenses and funding its reserves. Under the act, CLC must transfer the certified amount to the General Fund or debt-free community college account (which the act establishes as a separate, non-lapsing account within the General Fund) after being notified that the state treasurer received the certification.

Specifically, for FYs 22 and 23, CLC must transfer the certified amounts to the General Fund. For FY 24 and each subsequent fiscal year, CLC must first transfer the certified amounts to the debt-free community college account until \$14 million has been transferred; any amounts exceeding that figure must be transferred to the General Fund.

In addition to CLC’s transfers, the act requires that the debt-free community college account contain any money required by law to be deposited into it, including state appropriations for the debt-free community college program. It also requires BOR to spend the money in the debt-free community college account on the debt-free community college program.

Additionally, by January 1, 2023, July 1, 2023, January 1, 2024, and on each January 1 thereafter, the CLC president must report to BOR (1) the amount of revenue CLC received from online lottery ticket sales during the current fiscal year and (2) an estimate of the amount to be deposited in the debt-free community college account from those sales during the next fiscal year.

The act also makes technical and conforming changes.

Background — Debt-Free Community College Program

The 2019 state budget implementer established a debt-free community college program for certain Connecticut high school graduates who enroll as first-time, full-time regional community-technical college students (PA 19-117, § 362).

EFFECTIVE DATE: July 1, 2021

§§ 75-76 — CRISIS INITIATIVE EXPANSION

Expands the CRISIS Initiative pilot program to Troop D and establishes a task force to study expanding it throughout the state

The act requires the State Police, in conjunction with the Department of Mental Health and Addiction Services (DMHAS), to expand the Connection to Recovery through Intervention, Support, and Initiating Services Initiative pilot program (i.e., CRISIS Initiative) to Troop D. Previously, the pilot program existed for Troop E.

Additionally, the act establishes an eight-member task force to study the costs and benefits of expanding the pilot program throughout the state. A statewide program would include, at a minimum, the pilot program’s components requiring state police officer training, coordination between state police officers and mental health professionals, and referrals to mental health services facilities. The task force must consider input and recommendations from the pilot program’s participants at Troop E, community stakeholders, and other interested parties.

Under the act, the task force must consist of:

1. the Department of Emergency Services and Public Protection (DESPP) and DMHAS commissioners, or their respective designees;
2. a member of the mental health services community, appointed by the House speaker;
3. a sworn member of the State Police, appointed by the Senate president;
4. a representative of the Connecticut Police Chiefs Association, appointed by the House majority leader;
5. a member of a board of directors at a hospital in the state, appointed by the Senate majority leader;
6. an emergency medical responder, emergency medical technician, advanced emergency medical technician, or paramedic, appointed by the House minority leader; and
7. a representative of Griswold PRIDE, appointed by the Senate minority leader.

Under the act, appointed members may be legislators. All initial task force appointments must be made by July 23, 2021, and any vacancy must be filled by the appointing authority.

The act requires the House speaker and the Senate president to select the task force’s chairpersons from among its members. The chairpersons must schedule the task force’s first meeting by August 22, 2021. The Public Safety and Security Committee’s administrative staff must serve as the task force’s administrative staff.

By January 1, 2022, the task force must submit a report on its findings and recommendations to the Public Safety and Security Committee. The task force terminates on the date that it submits its report or January 1, 2022, whichever is later.
EFFECTIVE DATE: Upon passage

§ 77 — FEE-FREE DAY

Requires BOR and BOT to jointly establish an annual “Fee-Free” Day

The act requires BOR and the UConn board of trustees (BOT) to jointly establish on November 1, or another date the boards jointly choose, an annual “Fee-Free Day.”

Under the act, BOR and BOT cannot charge an application fee to any high school student who applies for admission to any public higher education institution governed by the boards on this day. The student must have already completed the Free Application for Federal Student Aid (FAFSA).

EFFECTIVE DATE: Upon passage

§§ 78-80 — GEOGRAPHIC INFORMATION SYSTEMS OFFICE

Creates a new GIS office within OPM and establishes a GIS information officer to oversee it and its staff; establishes a GIS Council to consult with the new officer on free and public GIS data

The act establishes a:

1. Geographic Information Systems (GIS) office within OPM and a GIS information officer position to oversee the new office and its staff and
2. Geographic Information Systems Advisory Council (GIS Council) to consult with the information officer on GIS matters, including making GIS data free and publicly available.

Under the act, the GIS information officer is generally responsible for coordinating GIS data collection and compilation, and its dissemination across the state to governmental entities and others. The act also makes the officer, or the officer’s designee, a nonvoting member of the Connecticut Data Analysis Technology Advisory Board.

EFFECTIVE DATE: October 1, 2021

GIS Office and Officer

The act requires the OPM secretary to designate an employee to (1) serve as the GIS information officer and (2) oversee the new GIS office and its staff.

The act requires the officer to have (1) extensive knowledge of GIS and spatial data, analysis, and related technology and (2) experience in project management, administration, policy development, coordinating services, and planning.

Under the act, the officer must establish goals for the office in conjunction with the GIS Council the act establishes (see below). The goals must be within the scope of the officer’s powers and duties, which are to:

1. coordinate the collection and compilation of GIS data and disseminate it to state, local, and regional governmental entities and others across the state;
2. manage a geospatial data clearinghouse that is publicly accessible online through the Connecticut Open Data Portal;
3. support economic development efforts by making its data accessible;
4. provide training and outreach on its data;
5. administer the creation and acquisition of geospatial data, including aerial imagery and elevation and parcel information;
6. adopt geospatial data standards, guidelines, and procedures to ensure data consistency and quality; and
7. aggregate and organize existing data sets and create new ones.

GIS Advisory Council

The act establishes a GIS Council to consult with the information officer on matters regarding free and public GIS data (e.g., procurement, processing, storage, and distribution) and OPM’s powers and duties regarding geospatial information systems under existing law (CGS § 4d-90).

The council must also (1) develop priorities, (2) annually create a five-year plan for the priorities, and (3) make recommendations to the information officer on the priorities and plan.

Under the act, the task force consists of fourteen members. It includes the information officer, or the officer's designee, who serves as the task force's chairperson; the chief data officer, or the officer's designee; and 12 appointed members, as shown in the table below.

Appointed Member Qualifications

Appointing Authority	Number of Appointments	Qualifications
Department of Energy and Environmental Protection commissioner	One	GIS expertise
Department of Transportation commissioner	One	GIS expertise
Department of Emergency Services and Public Protection commissioner	One	GIS expertise
Department of Public Health commissioner	One	GIS expertise
Connecticut Association of Councils of Government chairperson	Two	GIS expertise, including acquiring aerial imagery and providing geographic information to municipalities; appointments must represent different regional councils of government
Connecticut Conference of Municipalities president	Two	Connecticut GIS network membership and GIS expertise; appointments must represent different municipalities
UConn president	One	UConn representative with experience providing the state's geospatial information, including statewide aerial imagery and elevation, to various constituencies
Public Utility Regulatory Authority chairperson	One	Public utility company representative
Planning and Development Committee chairpersons	One	Representative from a private company (but not public utility company) with commercial mapping expertise
Planning and Development Committee ranking members	One	Representative from a private company (but not public utility company) with commercial mapping expertise

The act sets members' terms at two years, or until the appointment of a qualified successor. Initial appointments must be made by January 1, 2022, and the appointing authorities fill vacancies, either for expired terms or for their unexpired portions. By March 1, 2022, and at least every two years after that, the chairperson must convene an advisory council meeting.

Connecticut Data Analysis Technology Advisory Board

The act makes the information officer, or the officer's designee, a non-voting member of the Connecticut Data Analysis Technology Advisory Board, which is a board within the Legislative Department that, among other things, advises state government and municipalities on data policy.

Prior law required the board's eight voting members to have professional experience or academic qualifications in data analysis, management, or policy, or related fields. The act adds that they may qualify based on experience or qualification in GIS.

§ 81 — STUDY OF EQUITY IN STATE GOVERNMENT PROGRAMS AND ACTIONS

Requires CHRO to oversee a study of equity in state government programs and actions; requires DAS, in consultation with CHRO and OPM, to hire a consultant to conduct the study; specifies the study's required components and requires its submission to the GAE Committee by February 15, 2023

The act requires the Commission on Human Rights and Opportunities (CHRO) to oversee a study of equity in state government programs and actions. It requires the Department of Administrative Services (DAS), in consultation with CHRO and OPM, to issue a request for proposals (RFP), by October 1, 2021, to hire a national consultant with qualitative and quantitative research expertise to conduct the study and make recommendations. The deadline to receive proposals must be no more than 75 days from the RFP's issue date.

The act requires CHRO, in consultation with DAS and OPM, to:

1. develop proposal evaluation criteria, including the (a) anticipated cost and timeline for completion and (b) consultants' relevant experience;
2. evaluate the submitted proposals and select a consultant by February 1, 2022; and
3. submit the study's findings and any legislative recommendations to the Government Administration and Elections Committee by February 15, 2023.

EFFECTIVE DATE: Upon passage

Study Components

Best Methods to Assess Equity and COVID-19 Impacts. The act requires the selected consultant to examine the best methods to assist state agencies in assessing equity with respect to race, national origin, ethnicity, religion, income, geography, sex, gender identity, sexual orientation, and disability from those methods identified in the federal Office of Management and Budget's 2021 study on this topic. In doing so, they must determine whether these methods are appropriate for assessing state agency policies and actions or, if not, what alternative methods would be more appropriate for use at the state level.

Additionally, the consultant must identify the best methods to help state agencies assess the barriers to equity for underserved communities experiencing negative COVID-19-related economic and health impacts. The consultant must consider recommending legislation to create pilot programs to test model assessment tools (and to assist state agencies in doing so).

The consultant must complete this work consistent with applicable law and in consultation with DAS, CHRO, and OPM.

Barriers to Equity in State Programs and Policies. The act requires the selected consultant, in consultation with the agencies listed above and each executive branch department head, to:

1. evaluate each state agency's key programs and policies, as identified by each department head, to assess any systemic barriers that underserved communities and their members face in accessing benefits and opportunities available under those programs and policies;
2. analyze potential barriers underserved communities and individuals may face in enrolling in and accessing benefits and services in state programs;
3. evaluate existing inequities or barriers in department programs or policies that were revealed or worsened by COVID-19; and
4. evaluate whether new policies, regulations, or guidance documents are necessary to advance equity in state agency actions or programs.

In doing so, the consultant, department heads, and CHRO must consult with members of communities that are historically underrepresented in state government and underserved by, or subject to discrimination in, state policies and programs. Department heads must evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with community-based and civil rights organizations.

Definitions

Under the act, "equity" and "equitable" mean efforts, regulations, policies, programs, standards, processes, and any other government functions or principles of law and governance intended to:

1. identify and remedy past and present patterns of discrimination, inequality, and disparities for protected classes under state law;
2. ensure that these intentional or unintentional patterns are not reinforced or perpetuated; and
3. prevent the emergence and persistence of foreseeable future patterns of discrimination against, or outcome disparities for, these protected classes.

"Underserved communities" means populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as Black, Latino, and Indigenous and Native American people; Asian Americans and Pacific Islander and other people of

color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer people; people with disabilities; people who live in rural areas; and people otherwise adversely affected by persistent poverty or inequality.

§ 82 — PA 21-43 EXEMPTION

Exempts from PA 21-43's requirements renewable energy projects that are under contract with another entity and approved by the relevant regulatory authority before January 1, 2022

PA 21-43 requires renewable energy project developers to meet certain requirements if their project meets certain criteria (e.g., it begins construction after July 1, 2021, and has a generating capacity of at least two megawatts (MW)). This act exempts from PA 21-43's requirements projects that are under contract with another entity and approved by the relevant regulatory authority, as applicable, before January 1, 2022. (PA 21-43 also exempts projects (1) selected in a competitive solicitation conducted by the Department of Energy and Environmental Protection or an electric distribution company (i.e., Eversource or United Illuminating) and (2) approved by the Public Utilities Regulatory Authority before January 1, 2022.)

Under PA 21-43, developers of covered projects must generally (1) establish a workforce development program, (2) enter into a community benefits agreement if the project has a nameplate capacity of at least five MW, and (3) ensure that the contractors and subcontractors on the project meet certain criteria. In addition, (1) construction workers on covered projects must be paid wages and benefits at least equal to those required under the state's prevailing wage law and (2) operations, maintenance, and security employees in any building or facility created in the project must be paid wages and benefits that are at least equal to those required under the state's standard wage law.

EFFECTIVE DATE: July 1, 2021

§ 83 — CONTRACTS BETWEEN HEALTH CARRIERS AND PARTICIPATING HEALTHCARE PROVIDERS

Requires health carriers to provide 90-days' notice before changing certain participating provider contracts and allows providers to appeal any changes

Existing law generally requires health carriers to (1) timely notify participating providers of any material change to the contract between them and (2) define a "material change" and what is considered timely notice of one.

For contracts entered into, renewed, or amended on or after July 1, 2022, between a health carrier and participating healthcare providers, the act requires the:

1. health carrier (or its intermediary) to disclose all provider manuals and policies incorporated by reference, in addition to other provisions and documents incorporated by reference as under existing law, and
2. health carrier to provide 90-days' written notice of any change to these materials or documents that will result in a material change to the contract or policies a provider must follow under it.

Additionally, these contracts must include provisions:

1. disclosing the 90-day advance written notice requirement;
2. disclosing what is considered a material change; and
3. affording participating providers a right to appeal proposed changes to contract provisions or other documents, provider manuals, or policies that must be disclosed.

EFFECTIVE DATE: October 1, 2021

§ 84 — BACKGROUND CHECK FEE WAIVERS FOR VOLUNTEER FIRE AND AMBULANCE ORGANIZATIONS

Exempts volunteer fire and ambulance organizations from fees on certain background check services and prohibits requiring proof of insurance before waiving the fees

The act extends to (1) volunteer fire companies and departments and (2) volunteer ambulance services and companies, an existing fee waiver for certain background check services conducted by DESPP. By law, federal, state, and municipal agencies are already exempted from these fees. The fees for services that DESPP must waive are as follows:

1. name search, \$36;
2. fingerprint search, \$75;
3. personal record search, \$75;
4. letters of good conduct search, \$75;
5. bar association search, \$75;
6. fingerprinting, \$15; and

7. criminal history record information search, \$75.

The act prohibits the DESPP commissioner from requiring these volunteer fire and ambulance organizations to provide proof of insurance before waiving the fees.

EFFECTIVE DATE: July 1, 2021

§ 85 — ELECTION MONITOR

Requires the secretary of the state to contract with an individual to serve as an election monitor in Bridgeport for the 2021 municipal election and 2022 state election

For the 2021 municipal election and the 2022 state election, the act requires the secretary of the state to contract with an individual to serve as an election monitor in any municipality with a population of at least 140,000, according to the most recent State Register and Manual (i.e., Bridgeport). The election monitor's purpose is to detect and prevent irregularity and impropriety within the municipality in managing election administration procedures and conducting the election.

Specifically, the monitor must (1) conduct inspections, inquiries, and investigations of any duty or responsibility required by state election law and carried out by a municipal official or his or her appointee and (2) immediately report to the secretary of the state any irregularity or impropriety discovered. Toward that end, the act requires that the election monitor have access to all records, data, and material maintained by, or available to, any such municipal official or appointee.

The act (1) specifies that the election monitor is not a state employee and (2) requires the secretary of the state to contract with an individual to serve in this capacity until December 31, 2022, unless the secretary terminates the contract for any reason before that date. The election monitor must be compensated in accordance with the contract and reimbursed for necessary expenses. Costs related to the election monitor's service must be paid from funds appropriated to the secretary of the state for that purpose. The municipality must provide the monitor with office space, supplies, equipment, and services necessary to properly carry out his or her duties.

The act specifies that it does not prohibit the State Elections Enforcement Commission (SEEC) from exercising its authority. By law, SEEC, among other things, investigates alleged election law violations, inspects campaign finance records and reports, refers evidence of violations to the chief state's attorney or the attorney general, and levies civil penalties for elections violations.

EFFECTIVE DATE: Upon passage

§ 86 — LEGISLATIVE ARPA ALLOCATIONS

Specifies that the requirement for the legislature to approve ARPA allocations applies to both partial and final allocations; requires OPM to notify the Appropriations Committee when it is determined that such an approval is not allowable under federal guidance

SA 21-1 requires that allocations of funding from the federal American Rescue Plan Act of 2021 (ARPA) be authorized by a public or special act of the legislature. This act specifies that the requirement applies to both partial and final allocations of ARPA funds.

The act also requires the OPM secretary to immediately notify the Appropriations Committee whenever it is determined that a legislative ARPA allocation is not allowable under guidance from the federal government. The secretary's notice must include the reason for the determination and the allocation's specific amount and recipient.

EFFECTIVE DATE: Upon passage

§§ 87-91 — ELECTRONIC SYSTEM FOR TRANSMITTING VOTER REGISTRATION APPLICATIONS

Requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved and NVRA-compliant electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless an applicant declines to apply for admission

By law, the Department of Motor Vehicles (DMV) commissioner must include a voter registration application as part of each application for a driver's license, driver's license renewal, or an identity card. Similarly, voter registration agencies (see *Background*) must include a voter registration application with each service or assistance application, recertification, renewal, or change of address. Public higher education institutions must distribute mail voter registration application forms.

The act requires DMV, voter registration agencies, and public higher education institutions to use a secretary of the state-approved electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless the applicants decline to apply for admission. The system must also comply with the National Voter Registration Act (NVRA). (In practice, DMV must already do this under a memorandum of understanding (MOU) between the agencies (see *Background*).)

The act also makes several technical and conforming changes.

EFFECTIVE DATE: Upon passage, except that the changes affecting voter registration agencies and public higher education institutions are effective January 1, 2022.

Eligibility Verification

By law, voter registration forms include a statement that specifies each eligibility requirement and an attestation that the applicant meets each requirement (CGS § 9-20). The act allows DMV, voter registration agencies, and public higher education institutions to waive attestation for any requirement for which they can verify an applicant's eligibility independently through a federally approved identity verification program or through other acceptable evidence. The electronic system may provide for transmittal of applicants' signatures on file with DMV, a voter registration agency, or public higher education institution, as applicable, to the secretary of the state.

The act prohibits DMV, voter registration agencies, and public higher education institutions from processing voter registration applications using the electronic system if they determine that an individual applying for a credential, service, or assistance is not a U.S. citizen. If they cannot determine whether the individual is a U.S. citizen, then the applicant must attest to his or her citizenship before these entities may process the voter registration application through the electronic system.

Transmittal

Under the act, if DMV determines that an applicant for a new driver's license or renewal, or for an identity card (i.e., "DMV credential"), meets each eligibility requirement for admission as an elector, then the commissioner must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. Similarly, if a voter registration agency or public higher education institution determines that an applicant for assistance or services meets each eligibility requirement for admission as an elector, then the agency or institution must use an electronic system to immediately transmit a voter registration application for that individual unless he or she declines to apply for admission. In all cases, the application must be transmitted to the registrar of voters in the municipality where the individual resides.

Address Changes

The act additionally requires DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes for voter registration purposes. Under the act, the electronic system (1) may provide for the transmittal of an applicant's signature, on file with DMV, to the secretary of the state and (2) must comply with NVRA requirements.

If DMV uses such a system, the secretary of the state may (1) prescribe alternative procedures for sending required information to electors who are removed from the registry list because they have moved out of town and (2) waive the requirement that registrars send the mail-in voter registration form to these electors.

Background

Voter Registration Agencies. The NVRA requires covered states to designate as voter registration agencies (1) all offices that provide federal or state public assistance, (2) all offices that provide state-funded programs primarily engaged in providing services to individuals with disabilities, and (3) Armed Forces recruitment offices. States must also designate additional voter registration agencies, which may include (1) state or local offices such as public libraries or schools, fishing and hunting license bureaus, or unemployment compensation offices or (2) with their agreement, federal or nongovernmental offices (52 U.S.C. § 20506).

NVRA. The NVRA (P.L. 103-31) generally requires states to offer eligible citizens the opportunity to register to vote by:

1. applying as part of a driver's license application or renewal;
2. sending a mail-in application; or

3. applying in person at a designated voter registration agency, including offices providing public assistance or services to individuals with disabilities.

The requirements apply to federal elections; however, in practice, states such as Connecticut have extended the procedures to state and local elections.

MOU. Connecticut began implementing an automatic voter registration (AVR) system under a 2016 MOU between the Office of the Secretary of the State and DMV requiring that the system be fully implemented by August 7, 2018. Under the MOU, the AVR system must, among other things:

1. establish a schedule and method for DMV to electronically provide registrars of voters with the records of individuals who apply for or renew a DMV credential (i.e., driver's license or identity card) and
2. provide a way for (a) records transmitted by the system to constitute a completed voter registration application, and (b) registrars of voters to register applicants to vote unless an applicant is ineligible to do so, declines registration, or does not attest to meeting all voter eligibility requirements.

The MOU prohibits DMV from electronically transmitting through the AVR system the records of individuals who (1) were issued a DMV credential but were not U.S. citizens at the time of issuance or (2) have a "drive only" license, indicating that they cannot establish their legal presence in the U.S. or may not have a Social Security number.

§ 92 — E-SIGNATURE SYSTEM FOR ELECTIONS FORMS

Requires the secretary of the state to implement an e-signature system for most elections-related forms and applications

The act requires the secretary of the state to develop and implement one or more systems through which she may allow individuals to submit an electronic signature to sign elections-related forms and applications, other than those for campaign finance purposes. It gives the secretary the discretion to determine the forms or applications included in the system. Under the act, any form or application with such an electronic signature appearing on it is deemed to have the original signature.

The act requires state agencies to provide any information to the secretary, upon her request, that she deems necessary to maintain the system. The secretary may use this information only for purposes of the elections-related e-signature system.

EFFECTIVE DATE: Upon passage

§ 93 — DISTRIBUTING VOTER REGISTRATION INFORMATION AT HIGH SCHOOLS

Requires registrars of voters to annually distribute voter registration information at public high schools

The act requires the registrars of voters to annually distribute information, on the fourth Tuesday in September, at each public high school about the qualifications and procedures for registering to vote. Under the act, registrars and the high school principal must determine the best distribution method.

By law, registrars must hold a voter registration session between January 1 and the last day of school in each public high school in their municipality. In regional school districts, registrars of each member municipality hold the sessions on a rotating basis.

EFFECTIVE DATE: Upon passage

§ 94 — TIME OFF TO VOTE

Requires employers to give an employee two hours of unpaid time off for state elections and certain special elections if he or she requests it in advance

The act requires employers, through June 30, 2024, to give an employee two hours of unpaid time off from his or her regularly scheduled work on the day of a regular state election to vote, if the employee requests it in advance. In the case of a special election for a U.S. Senator, U.S. Representative, state senator, or state representative, the requirement applies only to employees who are already electors. In both cases, the time off must occur during regular voting hours (i.e., from 6:00 a.m. to 8:00 p.m.), and the employee must make the request at least two working days before the election.

By law, Connecticut conducts Election Day Registration (EDR) during regular, but not special, elections (see *Background*). Therefore, under the act, it appears that employees who are not yet electors may take time off to register to vote through EDR for a regular state election, if qualified, and then vote.

EFFECTIVE DATE: Upon passage

Background — EDR

Connecticut conducts EDR during regular state and municipal elections. Under EDR, a person may register to vote and cast a ballot on election day if he or she meets the eligibility requirements for voting in Connecticut and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality (CGS § 9-19j).

§ 95 — VOTERS WITH DEVELOPMENTAL DISABILITIES

Eliminates the ban on mentally incompetent people being admitted as electors

The act eliminates the ban on mentally incompetent people being admitted as electors. It keeps existing law's procedure for determining voting competency at the request of a person's guardian or conservator. Under this procedure, a person's guardian or conservator may file a petition in probate court to determine his or her competency to vote in a primary, election, or referendum. The court must hold a hearing within 15 days after the filing date, which must receive priority for trial (CGS § 45a-703).

EFFECTIVE DATE: Upon passage

§§ 96-98 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY

Eliminates the forfeiture of convicted felons' electoral privileges (i.e., voting rights) if they are committed to confinement in a community residence; restores these privileges to convicted felons who are on parole or special parole or confined in a community residence

Forfeiture of Electoral Privileges (§ 97)

By law, a person forfeits his or her right to be an elector, and all accompanying electoral privileges (i.e., the right to vote, run for public office, and hold an office), upon conviction of a felony and commitment to a state or federal prison. The act eliminates a requirement that these people forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside of Connecticut) for confinement in a community residence (e.g., halfway house, group home, or mental health facility).

The act also specifies that if a person regains his or her electoral privileges after forfeiture, he or she must again forfeit them upon returning to confinement in a correctional institution or facility from:

1. parole or special parole;
2. release to (a) an educational program or work, (b) a community residence, (c) a zero-tolerance drug supervision program, (d) home confinement for certain motor vehicle and drug offenses, or (e) a community-based nursing home for palliative and end-of-life care; or
3. specified furloughs granted at the commissioner's discretion (e.g., to permit attendance at a relative's funeral or to obtain medical services not otherwise available).

Notice to Secretary of the State and Registrars of Voters (§ 96)

The act makes conforming changes to monthly reports that the (1) DOC commissioner must send to the secretary of the state and (2) secretary must transmit to registrars of voters. Under prior law, the commissioner had to send the secretary a list by the 15th of each month of all people convicted of a felony and committed to DOC custody in the previous calendar month for confinement in a correctional institution, facility, or community residence. The secretary then sent the list to the registrars of voters in towns where (1) the people resided at the time of their conviction or (2) she believed they may have been electors.

The act (1) eliminates the requirement that the DOC commissioner's report include a list of these people committed for confinement in a community residence and (2) requires that it also include a list of people returned to confinement in a correctional institution or facility for violating the terms of their parole, special parole, release, or furlough, along with the date and nature of these violations (see above).

The act makes conforming changes to the information the secretary must provide registrars of voters by similarly requiring her to notify registrars in towns where (1) people returned to confinement resided at the time of their parole, special parole, release, or furlough violation (as applicable) or (2) she believes they may be electors.

By law, after sending a written notice by certified mail to the person's last known address, the registrars must remove his or her name from the registry list.

Restoration of Electoral Privileges (§ 98)

Under prior law, someone imprisoned for a felony regained the right to vote and accompanying electoral privileges after paying all fines and completing any required prison and parole time.

The act allows convicted felons to regain their electoral privileges upon release from confinement in a correctional institution or facility. It eliminates prior law's requirements that these people also, as applicable, (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The act specifies that a convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored.

Under the act, the DOC commissioner must, within available appropriations, inform people who are on parole or special parole or confined in a community residence of their right to become electors and the process for restoring their privileges.

The act also makes conforming changes to a related monthly report that the DOC commissioner must send to the secretary of the state. Prior law required the commissioner to send the secretary a list by the 15th of each month of all people convicted of a felony who were released in the previous calendar month from a correctional institution or facility or a community residence and, if applicable, discharged from parole. The act eliminates the requirement that the list include community residence releases and parole discharges and instead requires it to include people who began confinement in a community residence.

By law, unchanged by the act, the secretary must send this list to the registrars in the towns where (1) the people lived at the time of their conviction or (2) she believes they may be electors.

EFFECTIVE DATE: July 1, 2021

§§ 99-100 & 127-143 — EXPANDED ABSENTEE VOTING AUTHORIZATION AND UPDATED FORMS FOR ELECTIONS OCCURRING BEFORE NOVEMBER 3, 2021

Extends to November 2, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19, including by (1) expanding the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness; (2) allowing municipalities to conduct certain absentee ballot pre-counting procedures; and (3) extending, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting the returns

The act extends to November 2, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19. For a state or municipal election, primary, or referendum occurring before November 3, 2021 ("covered election, primary, or referendum"), the act does the following, among other things:

1. expands the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness;
2. gives the secretary of the state broad authority to change absentee voting forms and materials to conform to the expanded eligibility;
3. authorizes town clerks to mail absentee voting sets using a third-party vendor that the secretary of the state approves and selects;
4. authorizes municipalities to conduct certain absentee ballot pre-counting procedures;
5. authorizes the secretary of the state, subject to certain conditions, to waive requirements under the mandatory supervised absentee voting law;
6. moves up the deadline by which an elector who has returned a completed absentee ballot but later finds he or she is able to vote in person must go to the town clerk's office to request that the ballot be withdrawn; and
7. extends, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting the returns.

The act also makes several technical changes.

EFFECTIVE DATE: Upon passage

Expanded Authorization and Updated Forms (§§ 127-129)

For a covered state or municipal election, primary, or referendum, the act expands the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness (see *Background*).

The act requires that absentee ballots be updated for a covered election, primary, or referendum by inserting on the inner envelope's statement "the sickness of COVID-19" as a reason for which electors may vote absentee. As with other types of absentee voters, those who vote by absentee ballot due to the COVID-19 sickness must sign the ballot under penalties of false statement in absentee balloting.

The act also gives the secretary of the state broad authority to make changes to absentee voting forms and materials for a covered election, primary, or referendum when, in her opinion, changes are necessary to conform to law. The authorization applies to prescribed absentee voting forms and printed, recorded, or electronic materials.

Delivery of Absentee Ballots to Voters (§ 130)

The act, with certain exceptions, authorizes town clerks to mail absentee voting sets for a covered election, primary, or referendum using a third-party vendor that the secretary of the state approves and selects. It also requires (1) town clerks to mail the absentee voting sets within 48 hours, rather than within 24 hours, after receiving an application and (2) that any contract between the secretary and a third-party vendor require the vendor to mail each set within 72 hours after receiving the application from the clerk.

The act's provisions on mailing absentee ballot sets do not apply when a referendum is held with fewer than three weeks' notice since, by law, town clerks may provide absentee ballots for these referenda only to people who apply in person (CGS § 9-369c(a)).

Delivery of Returned Absentee Ballots to Registrars (§ 131)

By law, town clerks must sort into voting districts any absentee ballots received by the day before an election, primary, or referendum. For ballots received by 11:00 a.m. on this day, the law requires registrars of voters to check the names of applicants returning absentee ballots on the official registry list with "A" or "Absentee." This sorting and checking must be completed before, and the clerk must deliver the sorted and checked ballots to the registrars on, the day of the election, primary, or referendum.

For a covered election, primary, or referendum, the act authorizes clerks to begin sorting ballots 14 days beforehand, rather than seven days beforehand as the law otherwise provides. For a covered election, primary, or referendum, the act requires the town clerk to deliver these ballots at 6:00 a.m., unless a later time is mutually agreed upon, rather than between 10:00 a.m. and noon (unless a later time is mutually agreed upon) as the law otherwise provides.

The act also allows town clerks to deliver sorted and checked ballots to the registrars before the day of a covered election, primary, or referendum to begin certain pre-counting procedures (see below). Specifically, it allows any ballots received, sorted, and checked by 5:00 p.m. on the fourth day before the election, primary, or referendum to be delivered to the registrars at that time. It similarly allows ballots received, sorted, and checked by 5:00 p.m. on the third and second days before the election, primary, or referendum to be delivered to the registrars at those times.

In each case, the act allows the clerk to deliver the ballots at a later time that he or she mutually agrees upon with the registrars. The act also requires the (1) clerk to include with the ballots an up-to-date copy of the duplicate checklist and (2) clerk and registrars to execute an affidavit of delivery and receipt stating the number of ballots delivered. Existing law applies these requirements to ballots delivered on the day of an election, primary, or referendum.

Requirements for Opting in to Pre-Counting (§ 132)

Under the act, any municipality conducting pre-counting procedures for a covered election, primary, or referendum must do so at a central location. The registrars of voters must designate the location in writing to their respective town clerks at least 10 days before the election, primary, or referendum, and the location must be published in the warning for the election, primary, or referendum (see below).

If a municipality opts to use the pre-counting procedures, the act requires the registrars of voters and town clerk to jointly certify this decision to the secretary of the state, in writing, at least 10 days before the election, primary, or referendum. The certification must include the (1) name, street address, and relevant contact information for the designated central location and (2) name and address of each absentee ballot counter.

The secretary must approve or disapprove the certification within two days after receiving it. The act also allows her to require the municipality to appoint one or more additional absentee ballot counters.

By law, municipalities must count absentee ballots at a central location unless the registrars of voters agree to count them in each polling place. The act specifies that any ballots delivered to the registrars on the day of a covered election, primary, or referendum (i.e., those not delivered for pre-counting procedures) may still be counted in the polling places.

Notifying the Public of Covered Elections and Primaries (§§ 99-100 & 133-134)

By law, the town clerk must notify the municipality's electors about a state or municipal election or primary by publishing the warning in a newspaper. The act generally delays the period during which municipalities must publish these warnings, as shown in the table below.

Notice Requirements

Act §	Requirement	Deadline or Timeframe Under Existing Law	Deadline or Timeframe for Covered Election, Primary, or Referendum in 2021
§ 99	Town clerk or assistant town clerk must notify electors of a vacancy election for member of Congress, probate judge, or state legislator by publishing the warning in a general circulation newspaper	From five to 15 days before the election	From four to seven days before the election
§ 100	Town clerk or assistant town clerk must notify electors of a municipal election by publishing the warning in a general circulation newspaper	From five to 15 days before the election	From four to seven days before the election
§ 133	Town clerk must notify electors of a primary for state or district office by publishing the warning in a general circulation newspaper	Upon receiving notice from the secretary of the state that a primary is to be held	From four to seven days before the primary
§ 134	Town clerk must notify electors of a primary for municipal office, or for election as town committee member, by publishing the warning in a general circulation newspaper	Upon receiving notice from the registrar of voters that a primary is to be held	From four to seven days before the election or primary

Authorized Pre-Counting Procedures (§ 135)

By law, absentee ballot sets consist of an outer envelope, which contains information about the elector (e.g., name and address), and an inner envelope, which contains the elector's marked ballot and a statement signed by the elector under penalty of false statement in absentee balloting. (By law, false statement in absentee balloting is a class D felony (see [Table on Penalties](#)).)

The law sets out numerous absentee ballot counting steps, which are generally completed by absentee ballot counters or moderators. It requires that each of these steps be completed beginning on election day.

For municipalities that opt to use pre-counting procedures, the act authorizes them to complete the following steps, beginning at 5:00 p.m. on the fourth day before the covered election, primary, or referendum:

1. remove the inner envelopes from the outer envelopes;
2. report to the moderator separately the total number of absentee ballots received; and
3. reject ballots for which the inner envelope statement is improperly executed.

Under the act, once the above steps are completed, the absentee ballots must be counted beginning on the election, primary, or referendum day in accordance with existing law.

Securing the Absentee Ballots Until Election Day. The act requires that absentee ballots be secured throughout any pre-counting process. Specifically, the ballots must be secured according to (1) instructions from the secretary of the state and (2) existing statutory requirements on securing absentee ballots and related materials. Under the act, the secretary must issue these instructions at least 10 days before the covered election, primary, or referendum.

Mandatory Supervised Absentee Voting (§ 136)

The act authorizes the secretary of the state to waive any requirements under the mandatory supervised absentee voting law for a covered election or primary (see *Background*). To waive a requirement, she must do so in recognition of the governor's March 10, 2020, declaration of public health and civil preparedness emergencies.

Before any waiver, the secretary must do the following:

1. consult with the public health commissioner, or the commissioner's designee;
2. give written notice to the town clerk and registrars of voters in each affected municipality; and
3. submit a report to the Government Administration and Elections Committee, advising of the waiver and specifying alternative actions that will be taken to provide any affected electors with absentee voting opportunities.

(The act also authorizes the secretary of the state to suspend supervised absentee voting that happens upon request, or mandatory supervised absentee voting, if she does so in recognition of a public health or civil preparedness emergency declared by the governor. This authority applies to elections and primaries generally (i.e., it does not expire November 3, 2021, see § 108).)

Deadline for Withdrawing a Submitted Absentee Ballot (§ 137)

By law, electors who submit an absentee ballot must go to the town clerk's office and request to withdraw it if they later find they can vote in person. For a covered election, primary, or referendum, the act moves up this deadline from 10:00 a.m. on the election, primary, or referendum day to 5:00 p.m. on the fourth day before it, which is the same time that municipalities may begin pre-counting procedures.

Extension of Certain Deadlines & Timeframes (§§ 138-143)

The act extends, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting returns for a covered election, primary, or referendum (see CGS §§ 9-369c(f) and 9-381a) (see *Background*). The changes also generally apply to a referendum held in conjunction with a covered election.

The table below lists, in chronological order, the deadlines and timeframes under existing law and the act.

Changes to the 2021 Election Calendar

Act §	Requirement	Deadline or Timeframe Under Existing Law	Deadline or Timeframe for Covered Election, Primary, or Referendum in 2021
§ 140	After submitting the preliminary list of returns, moderator completes the canvass, which includes announcing (1) each candidate's name and absentee vote count and (2) the results for any ballot questions	48 hours after the polls close	96 hours after the polls close
§ 142	Moderator submits to the secretary of the state the duplicate list of returns (1) by electronic means and (2) in sealed, hard copy	• 48 hours after the polls close for the electronic submission • Three days after the election, primary, or referendum for the sealed, hard copy	• 96 hours after the polls close for the electronic submission • Five days after the election, primary, or referendum for the sealed, hard copy
§ 139	Moderator deposits certificate (from the official checkers) with town clerk indicating the total number of names on the official checklist and the number checked as having voted	48 hours after the polls close	96 hours after the polls close

Act §	Requirement	Deadline or Timeframe Under Existing Law	Deadline or Timeframe for Covered Election, Primary, or Referendum in 2021
§ 139	Registrars deposit signed registry list with town clerk	48 hours after the polls close	96 hours after the polls close
§ 143	Registrars provide town clerk with results of votes cast	48 hours after the polls close	96 hours after the polls close
§ 143	For municipalities divided into voting districts, the (1) head moderators, town clerk, and registrars meet to identify any errors in the election or primary night returns and (2) moderators correct any errors and file an amended return with the secretary of the state, town clerk, and registrars	• 9:00 a.m. on the third day after the election, primary, or referendum for the meeting • 1:00 p.m. on the third day after the election, primary, or referendum for any amended return	• 9:00 a.m. on the fifth day after the election, primary, or referendum for the meeting • 1:00 p.m. on the fifth day after the election, primary, or referendum for any amended return
§ 141	If there appears to be a discrepancy, tie vote, or close vote, including a close vote in a referendum, the head moderator calls for a recanvass (CGS §§ 9-311a, -311b, & -370a)	Three days after the election, primary, or referendum	Five days after the election, primary, or referendum
§ 141	When a recanvass is required due to a discrepancy, tie vote, or close vote, including a close vote in a referendum, the recanvass officials meet to recanvass the returns (CGS §§ 9-311a, -311b, & -370a)	Five business days after the election, primary, or referendum	Seven business days after the election, primary, or referendum
§ 138	In the event of a recanvass, absentee ballot depository envelopes may be unsealed by court order or State Elections Enforcement Commission subpoena	Five business days after the election, primary, or referendum	Seven business days after the election, primary, or referendum
§ 141	If a discrepancy, close vote, or tie vote recanvass results in a correction to the original returns, the moderator files one copy of the corrected recanvass return with the secretary of the state and another with the town clerk	10 days after the election, primary, or referendum	12 days after the election, primary, or referendum

Background

Permitted Reasons for Voting by Absentee Ballot. The state constitution authorizes the General Assembly to pass a law allowing eligible voters to cast their votes by absentee ballot if they are unable to appear at a polling place on election day because of (1) absence from their city or town, (2) sickness or physical disability, or (3) the tenets of their religion prohibit secular activity (Art. VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

CGS § 9-135 permits eligible voters to vote by absentee ballot if:

1. they are absent from the municipality in which they reside during all hours of voting;
2. they are ill or have a physical disability;
3. the tenets of their religion forbid secular activity on the day of the primary, election, or referendum;
4. they are in active service in the U.S. Armed Forces; or

5. their duties as a primary, election, or referendum official outside of their voting district will keep them away during all hours of voting.

Issuing Absentee Ballot Sets. By law, town clerks begin issuing absentee voting sets 31 days before an election and 21 days before a primary, or if that day falls on a weekend or holiday, the next preceding business day. Generally, clerks begin issuing the sets 19 days before a referendum or when an elector applies for an absentee ballot, whichever is later. However, when a referendum is held with fewer than three weeks' notice, clerks must make the sets available no later than four business days after the question is finalized (CGS §§ 9-140(f) and 9-369c(a) & (e)).

Mandatory Supervised Absentee Voting. Under the mandatory supervised absentee voting law, registrars of voters or their designees must supervise absentee voting at "institutions" (e.g., nursing homes and other residential care and mental health facilities) in which at least 20 patients are registered voters (including patients who are registered in a municipality other than the one where the institution is located). During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots. Voters have the right to complete their ballots in secret, but registrars observe the process and are available to assist upon request.

Application of Election Procedures to Primaries and Referenda. By law, unless otherwise provided, procedures for regular elections apply to primaries as nearly as possible (CGS § 9-381a). Similarly, absentee ballot procedures for elections (e.g., issuing and returning the ballots and declaring the count) also apply to referenda as nearly as possible (CGS § 9-369c(f)).

§§ 99 & 100 — ELECTION NOTICES

Requires town clerks to post notices for state and municipal elections on the town website

The act requires town clerks to post notices of state and municipal elections on their municipal website, in addition to placing them in a town or general circulation newspaper as required under existing law. Just as the law requires for newspaper notices, the online notices must appear not more than 15 days, nor less than five days, before an election. (For certain elections that occur before November 3, 2021, the act delays the period during which clerks must provide the notices (see below).) It also requires that the notices include the time and location for each EDR location and, as required by existing law, each polling place.

EFFECTIVE DATE: Upon passage

§ 101 — ONLINE SYSTEM FOR ABSENTEE BALLOT APPLICATIONS

Allows individuals to apply to the secretary of the state for an absentee ballot using an online system

The act allows individuals to apply to the secretary of the state for an absentee ballot using an online system, which she must establish and maintain for that purpose. To use the system, an applicant's signature must be obtained from a state or federal agency's database, another state's voter registration database, or the e-signature system established by the act (see § 92) and imported into the online system. By law, unchanged by the act, people may also apply for an absentee ballot with the town clerk in the municipality where they are eligible to vote or applied to register to vote.

EFFECTIVE DATE: July 1, 2021

Procedure

Under the act, an applicant using the online system must, on a secretary-prescribed form, type his or her name and indicate the municipality in which he or she is eligible to vote or applied to register to vote. Within 24 hours after receiving an application through the system, the secretary must transmit it to the applicable town clerk.

Required Affirmation

Applicants must swear or affirm the following under penalty of false statement in absentee balloting:

1. I am the person whose name is provided, and I desire to apply for an absentee ballot.
2. I am eligible to vote in the municipality indicated or have applied for eligibility.
3. I authorize the Department of Motor Vehicles or other Connecticut state agency to transmit to the Connecticut Secretary of the State my signature that is on file with the agency and understand that the signature will be used by the Secretary for an absentee ballot as if I had signed this form personally.

By law, making a false statement in absentee balloting is a class D felony (see [Table on Penalties](#)) (CGS § 9-359a).

§ 102 — DROP BOXES FOR RETURNING ABSENTEE BALLOTS

Makes permanent the use of drop boxes for returning absentee ballots

By law, voters may return completed absentee ballots via mail (e.g., the U.S. Postal Service) or in person at the town clerk's office. Under the act, for a state or municipal election, primary, or referendum, they may also deposit them in secure drop boxes designated for that purpose by the town clerk. Drop boxes were first implemented for the 2020 state election, and prior law limited their use to that election. As under prior law, town clerks must designate the drop boxes following instructions that the secretary of the state prescribes.

Similar to prior law, beginning 29 days before a primary, election, or referendum, and each weekday after that until the polls close, the act requires town clerks to retrieve absentee ballots from the secure drop boxes. (Presumably, for primaries and referenda, the requirement applies only after town clerks begin issuing absentee ballot sets (see *Background*).) The act eliminates a requirement that applied during the 2020 state election for a police officer to escort the town clerk in retrieving absentee ballots from any drop box located outside of a building other than the clerk's office building.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

Background — Issuing Absentee Ballot Sets

By law, town clerks begin issuing absentee voting sets 31 days before an election and 21 days before a primary; or, if that day falls on a weekend or holiday, on the next preceding business day. Generally, clerks begin issuing the sets 19 days before a referendum or when an elector applies for an absentee ballot, whichever is later. However, when a referendum is held with fewer than three weeks' notice, clerks must make the sets available no later than four business days after the question is finalized (CGS §§ 9-140(f) and 9-369c(a) & (e)).

§ 102 — ABSENTEE BALLOT RETURN BY SIBLINGS AND DESIGNEES

Expands who is eligible to return absentee ballots on behalf of a voter as an immediate family member or designee

The act expands who is eligible to return absentee ballots on behalf of absentee voters. First, the act authorizes the siblings of absentee voters to return absentee ballots on their behalf, in person to the town clerk, by expanding the definition of "immediate family member" for this purpose. Similarly, it authorizes the siblings of absentee voters who are students to mail absentee ballots on their behalf. In both cases, existing law also grants this eligibility to the following immediate family members: a dependent relative living with the voter, or a spouse, child, or parent.

The act also expands who is eligible to be a "designee" for purposes of mailing or returning in person an absentee ballot to the town clerk on behalf of a person with an illness or physical disability. Under the act, a designee includes a police officer, registrar of voters, or deputy or assistant registrar under any circumstance. Prior law allowed these individuals to serve as designees only when another designee was unavailable or did not consent. Under existing law, "designee" also means (1) a person who cares for the applicant because of an illness or physical disability (e.g., physician or nurse) or (2) a designated family member who consents to the designation.

EFFECTIVE DATE: Upon passage

§ 103 — PERMANENT ABSENTEE BALLOT STATUS

Makes electors suffering from a long-term illness eligible for permanent absentee ballot status, among other things

The act makes electors suffering from a long-term illness eligible for permanent absentee ballot status, in addition to those with a permanent physical disability as under existing law. By law, electors with permanent absentee ballot status receive an absentee ballot for each election, primary, and referendum in which they are eligible to vote.

The law requires registrars of voters to send an annual address confirmation notice to determine if those with the status continue to reside at the address on their permanent absentee ballot application. By law, registrars must remove electors from permanent status if (1) the notice was returned as undeliverable or (2) the elector fails to return it to the registrars within a certain time after it was sent. The act gives electors up to 60 days, instead of 30, to return the notice. (However, it also provides that failing to return the notice does not result in an elector's removal from permanent status.)

EFFECTIVE DATE: Upon passage

§ 104 — VOTER REGISTRATION INFORMATION DISCLOSURE

Generally, limits disclosure of certain voter registration information

The act limits disclosure of a voter's date of birth maintained under state election law to year and month of birth unless the information is requested and used for a governmental purpose, as determined by the secretary of the state. In that case, the complete birth date must be provided. The act specifies that "a governmental purpose" must at least include jury administration.

The act also makes a voter's name and address confidential and prohibits their disclosure from the voter registry list if the voter submits a signed statement to the secretary of the state indicating that nondisclosure is necessary for the safety of the voter or his or her family. It requires that the statement be signed under penalty of false statement. By law, giving a false statement is a class A misdemeanor (see [Table on Penalties](#)). Under the act, primary, election, or referendum officials may view the voter's information on the official registry list at the polling place during a primary, election, or referendum.

Additionally, the act conforms the law to current practice by specifying that unique identifiers that generate voter registration records, or are added to these records pursuant to the federal Help America Vote Act, are confidential. It also prohibits their disclosure (see *Background*). Under the act, "unique identifiers" include motor vehicle license numbers, identity card numbers, and Social Security numbers.

EFFECTIVE DATE: Upon passage

Background — Unique Identifiers

The Freedom of Information Commission has consistently declined to order disclosure of Social Security numbers, employee identification numbers, and driver's license numbers (see for example Docket #FIC 2014-032 and Docket #FIC 2014-438).

§§ 105 & 106 — DEADLINE TO CHALLENGE CERTAIN CANDIDATES

Moves up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) judge of probate in a multi-town district or (2) a member of Congress

The law establishes procedures that major political parties must follow when nominating candidates to run in a special election (i.e., an election to fill a vacancy) (see *Background*). For vacancies in the offices of judge of probate in a multi-town district and U.S. representative and U.S. senator, it generally allows the party's endorsed candidate to be challenged in a primary unless the vacancy occurs between the 125th day and 63rd day before a regular November state or municipal election (in which case the endorsed candidate becomes the nominee).

Under prior law, a person who sought a primary against an endorsed candidate for these offices had to file a candidacy for nomination with the secretary of the state within 14 days after the party's endorsement. The act moves up this filing deadline to the day after the endorsement and makes conforming changes. As under existing law, a person may file a candidacy for nomination to these offices if he or she (1) receives at least 15% of the convention delegates on any roll-call vote taken on the endorsement or (2) submits a petition with a specified number of signatures from enrolled party members (i.e., 2% of statewide members for U.S. senator; 2% of district members for U.S. representative; and 5% of district members for judge of probate) (CGS § 9-400).

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

Background — Major Parties

By law, a "major party" is one whose (1) candidate for governor received, under the party's designation, at least 20% of the votes cast for governor in the preceding gubernatorial election or (2) enrolled membership comprises at least 20% of the total number of enrolled members of all political parties in the state (as of the most recent gubernatorial election) (CGS § 9-372(5)).

§ 107 — POST-ELECTION AUDITS

Subjects centrally counted absentee ballots to post-election audits

By law, registrars of voters must audit at least 5% of the state's voting districts after a federal, state, or municipal regular election or primary. The secretary of the state selects the districts to be audited in a random drawing that is open to the public.

The act subjects centrally counted absentee ballots to post-election audits by designating central-count locations as voting districts for this purpose. Previously, centrally counted absentee ballots were excluded from post-election audits because they were not counted within a voting district.

EFFECTIVE DATE: Upon passage

§ 108 — SUPERVISED ABSENTEE VOTING

Authorizes the secretary of the state to suspend supervised absentee voting or mandatory supervised absentee voting in recognition of a public health or civil preparedness emergency

The act authorizes the secretary of the state to suspend supervised absentee voting that happens upon request, or mandatory supervised absentee voting (see *Background*), if she does so for a public health or civil preparedness emergency declared by the governor. It requires the secretary to submit a report to the Government Administration and Elections (GAE) Committee on the suspension and actions that will be taken to provide absentee voting opportunities for the affected electors.

It also eliminates registrars' prior discretionary authority to hold supervised absentee voting sessions in locations where the town clerk receives at least 20 absentee ballot applications from the same street address in town, such as an apartment building.

(The secretary may also waive requirements for mandatory supervised absentee voting for a state or municipal election, primary, or referendum occurring before November 3, 2021 (see § 136).)

EFFECTIVE DATE: Upon passage

Background — Supervised Absentee Voting

Under supervised absentee voting, registrars of voters or their designees supervise absentee voting at certain "institutions" (e.g., nursing homes and other residential care and mental health facilities). During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots. Voters have the right to complete their ballots in secret, but registrars observe the process and may help upon request.

Registrars must hold a session in an institution in which at least 20 patients are registered voters (including patients who are registered in a municipality other than the one where the institution is located). For institutions with fewer than 20 residents, registrars generally hold a session upon request by the institution's administrator or a registrar of voters of the town where the residents are electors (CGS §§ 9-159q & 9-159r).

§ 109 — ABSENTEE BALLOTS FOR ELECTORS WITH A VISUAL IMPAIRMENT

Requires the secretary of the state to provide an electronic absentee ballot to electors who are unable to appear at their polling place because of a visual impairment

The act requires the secretary of the state to electronically provide an absentee ballot to an elector who is unable to appear at his or her polling place because of a visual impairment. The absentee ballot must be in a format that can be read by a computer-related device and printed. It also requires that the ballot, if signed by the elector, be counted if it otherwise satisfies all the requirements for returned absentee ballots (e.g., returned no later than the close of the polls).

EFFECTIVE DATE: Upon passage

§ 110 — ASSISTANCE IN VOTING BOOTHS AT EDR LOCATIONS

Specifies that certain electors may receive voting assistance in voting booths at designated EDR locations

By law, electors who are blind, have a disability, or cannot read or write may receive voting assistance from anyone other than their employer, employer's agent, union representative, or with one exception, candidates whose names appear on the ballot. (A candidate may assist if the elector making the request is an immediate family member.) Under existing law, a person assisting an elector may accompany the elector into the voting booth. The act specifies that this authorization applies both at polling places and designated EDR locations.

EFFECTIVE DATE: Upon passage

§§ 111-114 — APPOINTED POLLING PLACE CHALLENGERS

Conforms the law with current practice by eliminating provisions authorizing registrars of voters to appoint challengers as polling place officials

Prior law authorized each municipality's registrar of voters to appoint up to two challengers per polling place who could challenge the right of anyone attempting to vote. The act conforms the law with current practice by eliminating registrar-appointed challengers as authorized poll workers during a primary or election.

Existing law, unchanged by the act, authorizes any elector to act as a challenger if he or she knows, suspects, or reasonably believes that there is doubt as to a voter's identity, residence, or disenfranchisement status. The moderator decides any challenge.

EFFECTIVE DATE: Upon passage

§ 115 — STUDY ON AGENCY DISTRIBUTION OF MAIL VOTER REGISTRATION APPLICATION FORMS

Requires the secretary of the state and various agencies to study the capabilities of providing an electronic system to distribute mail voter registration application forms

The act requires the secretary of the state to study the technological and staffing capabilities of various state agencies to provide an electronic system that distributes mail voter registration application forms. In conducting the study, she must consult with department heads, including at least the commissioners of consumer protection, emergency services and public protection, energy and environmental protection, and veterans' affairs.

The act requires the secretary to submit a report to the GAE Committee by February 1, 2023, with the study's findings and legislative recommendations for authorizing state agencies to provide the electronic system.

EFFECTIVE DATE: Upon passage

§§ 116-121 & 495 — MUNICIPAL ELECTION DATE CHANGES

Generally requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years; extends existing provisions on transitioning and deferring terms of office to, and establishes new provisions for, municipalities that change their election date

Starting January 1, 2022, the act requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years unless its legislative body votes by a three-fourths majority to hold the election on the first Monday in May of odd-numbered years. Under the act, a municipality that opts for a May election date using this procedure may subsequently move its election date to November through a majority vote of its legislative body. The act eliminates provisions in prior law that (1) allowed municipalities to change the date of their biennial municipal election by vote of their legislative body approved at a referendum or by charter and (2) prohibited municipalities from changing an upcoming election's date within six months before its occurrence.

The act generally extends, to municipalities that change their election date, existing law's provisions on transitioning and deferring terms of office. It also makes several technical and conforming changes, including repealing an obsolete statute on transitioning terms of office.

EFFECTIVE DATE: January 1, 2022

Transitioning and Deferring Terms of Office

The table below summarizes existing law's transition provisions and their application under the act.

Transitioning and Deferring Terms of Office

§	<i>Municipalities to Which Provision Applies</i>	<i>Requirement or Authorization</i>
116	Any municipality whose election date is changed by	The terms of any elected officials that are set to expire before the next regular election because of an election date change

§	<i>Municipalities to Which Provision Applies</i>	<i>Requirement or Authorization</i>
	the act	must be extended to the date of that election.
117	Any municipality whose election date is changed by the act	For boards or commissions with a rotating membership and some members elected before the election date change to terms beginning approximately one year after that election, the legislative body may defer the terms in order to continue the rotation. (For certain bodies, such as zoning boards of appeals, this may be done by ordinance.)
118	A municipality that changes its election date from November to May	The terms of incumbent municipal elected officials must be reduced to conform to the change, but by no more than nine months.
118	A municipality that changes its election date from May to November	The terms of incumbent municipal elected officials must be extended to conform to the change, but by no more than nine months.

Background — Municipalities and Boroughs Holding May Municipal Elections

According to the Office of the Secretary of the State, the following five municipalities hold biennial municipal elections on the first Monday in May in odd-numbered years: Andover, Bethany, Union, Woodbridge, and the City of Groton. The remaining municipalities (including the Town of Groton) hold their elections in November.

In addition, the following eight boroughs hold biennial municipal elections on the first Monday in May in odd-numbered years:

1. Bantam (Litchfield)
2. Danielson (Killingly)
3. Fenwick (Old Saybrook)
4. Jewett City (Griswold)
5. Litchfield
6. Newtown
7. Stonington
8. Woodmont (Milford)

§ 122 — TASK FORCE ON ABSENTEE BALLOT ENVELOPES

Establishes a task force to study the feasibility of implementing procedures under which absentee ballot applicants return absentee ballots using one envelope instead of two

The act establishes a 12-member task force to study the feasibility of implementing procedures for absentee ballot applicants to return absentee ballots using one envelope instead of two. The study must examine and identify each section of the general statutes that requires amending to implement the procedures.

EFFECTIVE DATE: Upon passage

Membership

Under the act, the task force consists of the following members:

1. the secretary of the state or her designee;
2. one member each appointed by the Senate president pro tempore, House speaker, and Senate and House minority leaders;
3. one member each appointed by the GAE Committee chairpersons and ranking members;
4. two members, enrolled in different political parties, appointed by the president of the Registrars of Voters Association of Connecticut; and
5. one member appointed by the president of the Connecticut Town Clerks Association.

Initial appointments must be made by July 23, 2021. Legislative appointments may be legislators, and appointing authorities fill vacancies. The House speaker and Senate president pro tempore must select the task force chairpersons from among its members.

Meetings, Staff, and Reporting

The act requires the chairpersons to hold the task force's first meeting by August 22, 2021, and the GAE Committee's administrative staff must serve as its administrative staff. By January 1, 2022, the task force must report its findings and recommendations to the GAE Committee. It terminates on that date or when it submits the report, whichever is later.

§ 123 — WORKING GROUP ON RISK-LIMITING AUDITS

Establishes a working group to examine risk-limiting audits and oversee a related pilot program, within available appropriations, in five to 10 municipalities for the 2021 municipal elections

The act establishes a 12-member working group on risk-limiting audits. The group's purpose is to (1) consider risk-limiting audits for determining election results' accuracy and (2) oversee a pilot program, within available appropriations, in five to 10 municipalities on one or more risk-limiting audit methods for the 2021 municipal election. As part of its work, the working group must at least examine the following:

1. feasibility of implementing risk-limiting audits;
2. different methods used in these audits and the practical considerations for implementing each method within Connecticut's existing laws; and
3. procedures, potential equipment, and statutory changes needed to implement one or more of these methods.

EFFECTIVE DATE: Upon passage

Membership

Under the act, the working group consists of the following members:

1. the secretary of the state, or her designee;
2. one member each appointed by the Senate president pro tempore, House speaker, and Senate and House minority leaders;
3. two members, enrolled in different political parties, appointed by the GAE Committee chairpersons and ranking members;
4. two members appointed by the secretary of the state, one with election law expertise and admitted to practice law in Connecticut, and the other a statistician;
5. two members, enrolled in different political parties, appointed by the president of the Registrars of Voters Association of Connecticut; and
6. the director of UConn's Center for Voting Technology Research, or the director's designee.

Initial appointments must be made by July 23, 2021. Legislative appointments may be legislators, and appointing authorities fill vacancies. The secretary of the state, or her designee, serves as the group's chairperson.

Meetings, Staff, and Reporting

The act requires the secretary of the state, or her designee, to hold the working group's first meeting by August 22, 2021. The GAE Committee's administrative staff must serve as the group's administrative staff. By January 31, 2022, the working group must report its findings and recommendations to the GAE Committee and the secretary of the state. It terminates on that date or when it submits the report, whichever is later.

§ 124 — MINOR PARTY RULES

Increases the time period that minor party rules for nominating candidates must be on file with the secretary of the state before the party's candidates may appear on the ballot

By law, minor parties must nominate candidates and certify the list of candidates no later than 62 days before the election (CGS § 9-452). Under prior law, a copy of the party nominating rules had to be on file with the secretary of the

state for at least 60 days before the nomination in order for a candidate's name to appear on the official ballot. The act extends this time period to at least 180 days before the nomination. "Party rules" includes any amendments to them.

By law, a "minor party" is one that is not a major party and whose candidate for the office in question received, under the same party designation, at least 1% of the votes cast for the same office at the last regular election (CGS § 9-372(6)).

EFFECTIVE DATE: Upon passage

§ 125 — COUNCIL ON SEXUAL MISCONDUCT CLIMATE ASSESSMENTS

Adds the Higher Education and Employment Advancement Committee's ranking members to the Council on Sexual Misconduct Climate Assessments

The act adds the Higher Education and Employment Advancement Committee's ranking members to the Council on Sexual Misconduct Climate Assessments, increasing its size to 22 members.

PA 21-81 established the council within the Legislative Department. The council must, among other things, develop a list of data points for higher education institutions to collect using sexual misconduct climate assessments and recommend guidelines for implementing the assessments.

EFFECTIVE DATE: July 1, 2021

§ 126 — TOWN COMMITTEE PRIMARIES

Establishes circumstances under which town committee members who typically are chosen in a direct primary in certain municipalities are deemed elected without a primary

The act establishes circumstances under which town committee members who typically are chosen in a direct primary in certain municipalities are deemed elected to the committee without a primary. Under the act, in municipalities with a population of 100,000 or more as estimated by the most recent version of the State Register and Manual, no direct primary is held if, by 4:00 p.m. on the 49th day before the primary (i.e., 15 days before the deadline for filing candidacy petitions), the number of people who have requested petition forms and filed a statement consenting to be a candidate (1) does not exceed the number of town committee members being elected but (2) is at least 25% of that number.

The act exempts these candidates from the law's primary petition deadline and signature requirements and deems them elected to the town committee without a direct primary. (Generally, the law requires that these petitions be (1) filed with the registrar of voters by 4:00 p.m. on the 34th day before the primary; (2) signed by at least 5% of the enrolled party members in the town, or a lesser number if provided in the party rules; and (3) certified by the registrar of voters (CGS §§ 9-405 to -406 & -412).)

EFFECTIVE DATE: Upon passage

Background — Town Committees

Under existing law, major political parties must select a town committee in each town. They must choose party-endorsed candidates at a caucus unless the party rules provide for a direct primary (CGS §§ 9-390(c) & -392).

By law, a party's endorsed candidates for town committee are deemed elected to the committee unless candidates numbering at least 25% of the seats to be filled on the committee successfully petition for a primary (CGS §§ 9-415(d) & -417). If the party rules provide for a direct primary, then the party does not make any endorsements. Rather, all committee members are elected in the primary (unless the act's provisions apply) (CGS § 9-390(g)). Town committee primaries are held on the first Tuesday in March in even-numbered years (CGS § 9-425).

By law, a "major party" is one whose (1) candidate for governor received, under the party's designation, at least 20% of the votes cast for governor in the preceding gubernatorial election or (2) enrolled membership comprises at least 20% of the total number of enrolled members of all political parties in the state (as of the most recent gubernatorial election) (CGS § 9-372(5)).

§ 144 — ABSENTEE BALLOT SIGNATURE VERIFICATION PILOT PROGRAM

Requires the secretary of the state to establish a pilot program to verify signatures manually or electronically on the inner envelopes for returned absentee ballots at the 2022 state election

The act requires the secretary of the state to establish a pilot program to verify signatures manually or electronically on the inner envelopes for returned absentee ballots at the 2022 state election. The secretary must randomly select five municipalities to participate in the program, based on their population according to the most recent version of the State Register and Manual. Specifically, she must select one municipality from each of the following population groups: less than 10,000; between 10,000 and 24,999; between 25,000 and 49,999; between 50,000 and 99,999; and 100,000 or greater.

By January 1, 2023, the secretary must submit a report on the program's findings and recommendations for legislation to the GAE Committee.

EFFECTIVE DATE: October 1, 2021

§ 145 — COVID-19 VACCINATION STATUS INFORMATION

Requires DPH, upon request, to provide to a person (or a minor's parent or guardian) information confirming that the person received the COVID-19 vaccination, but otherwise not disclose this information without consent

Under the act, if a person has received a COVID-19 vaccination, DPH must provide to that person, upon request, information on the person's COVID-19 vaccination status as provided to DPH by the vaccination provider. This same requirement applies if a parent or guardian requests this information for a minor child.

The act prohibits DPH from disclosing such a person's COVID-19 vaccination status to anyone else unless the person, parent, or guardian authorizes it, in a form and manner the commissioner prescribes.

EFFECTIVE DATE: Upon passage

§ 146 — STUDENT ATHLETE COMPENSATION

Extends the effective date by which (1) student athletes may begin earning compensation through an endorsement contract or employment in an activity unrelated to any intercollegiate athletic program and (2) higher education institutions must adopt or update their related policies; prohibits student athletes from receiving compensation for the use of their name, image, or likeness

The act modifies provisions from PA 21-132 on student athlete compensation in higher education institutions. Specifically, it extends, from September 1, 2021, to January 1, 2022, the date by which:

1. student athletes may earn compensation through an endorsement contract or employment in an activity unrelated to any intercollegiate athletic program and
2. each higher education institution's governing board must adopt or update its related policies.

In addition, the act prohibits student athletes from receiving compensation for the use of their name, image, or likeness, as an incentive to attend, enroll in, or continue attending a specific higher education institution or intercollegiate athletic program.

EFFECTIVE DATE: July 1, 2021

§§ 147 & 149 — PUBLIC AGENCY MEETINGS USING ELECTRONIC EQUIPMENT

Authorizes public agencies to conduct meetings using electronic equipment until April 30, 2022, and establishes requirements and procedures for doing so

Under the Freedom of Information Act (FOIA), public agencies must make their meetings, other than executive sessions, open to the public. The act allows these agencies, until April 30, 2022, to hold meetings that are accessible to the public through electronic equipment or through electronic equipment in conjunction with an in-person meeting.

The act establishes several requirements for meetings held using electronic equipment, including that votes generally be conducted by roll call and that members of the public have the same participation opportunities as they would for an in-person meeting.

EFFECTIVE DATE: July 1, 2021, except that certain definitions are effective upon passage.

Electronic Equipment (§§ 147 & 149(a))

Under prior law, FOIA's definition of "meeting" included those held by electronic equipment, but it did not explicitly authorize, or establish procedures for, telephone or other remotely held meetings (see *Background*).

The act defines “electronic equipment” for purposes of FOIA as any technology facilitating real-time access to meetings, including telephone, video, or other conferencing platforms.

Notice and Agenda (§ 149(a) & 149(c))

Regular Meetings. The act requires public agencies, other than the legislature, to provide at least 48 hours’ notice before conducting a regular meeting by electronic equipment. The agency must notify its members in writing or by electronic transmission and post a notice in its regular office or place of business and on its website, if available. Additionally, (1) state and quasi-public agencies must post a notice on the secretary of the state’s website and in her office and (2) public agencies of political subdivisions, other than quasi-public agencies, must post notice in the (a) subdivision’s clerk’s office or (b) clerk’s office for each municipal member of a multi-town district or agency.

The act requires that the agenda for any regular meeting held by electronic equipment be posted at least 24 hours before the meeting in the same manner described above. Both the notice and agenda must include instructions for the public to attend and provide comment or otherwise participate in the meeting through electronic equipment or in person, as applicable and permitted by law. Under the act, both the notice and agenda must comply with FOIA.

Special Meetings. The act requires public agencies, other than the legislature, to include in the notice of a special meeting whether it will be held solely or in part by electronic equipment. The agency must post the notice and agenda at least 24 hours before the meeting in accordance with FOIA’s existing requirements (e.g., specify the meeting’s time and place and business to be transacted).

The act also requires that the above instructions for meeting attendance and participation be included in any notice and agenda of a special meeting that will be held by electronic equipment. (A special meeting is one held to consider business that (1) was unforeseen when scheduling regular meetings and (2) should be addressed before the next regular meeting.)

Conducting Meetings (§ 149(b), 149(d), 149(e) & 149(g))

Under the act, if a public agency holds a meeting (other than an executive session or emergency special meeting) solely by electronic equipment, then it must provide any member of the public with (1) a physical location and electronic equipment needed to attend the meeting in real-time, if requested in writing at least 24 hours before the meeting, and (2) the same opportunities to comment, testify, or otherwise participate that he or she would have for an in-person meeting. However, the act specifies that it does not require public agencies to offer any of these participation opportunities to members of the public attending electronically if they are not legally required to do so for members of the public attending in person.

Under the act, if a quorum of a public agency’s members attends a meeting by electronic equipment from the same physical location, then the agency must allow the public to attend the meeting at that location. Additionally, any public agency that holds a meeting must provide its members with the opportunity to participate by electronic equipment.

For meetings that agencies conduct by electronic equipment, the act requires participants (both agency members and the public) to make a good-faith effort to state their name and title each time before speaking during an uninterrupted dialogue or series of questions and answers. For meetings in which at least one member participates electronically, it requires that agencies conduct all votes by roll call unless the vote is unanimous.

Recording and Transcript (§ 149(b))

Under the act, if a public agency holds a meeting (other than an executive session or emergency special meeting) solely by electronic equipment, then it must ensure that the meeting is recorded or transcribed (other than the parts in executive session). The agency must post the recording or transcript on its website and make it available to the public to view, listen, and copy within seven days after the meeting and for at least 45 days afterwards.

Meeting Minutes (§ 149(d))

FOIA requires public agencies to make meeting minutes available no later than seven days after a meeting. Among other things, they must record all votes taken at the meeting. The act requires that the minutes of a meeting during which any member participated by electronic equipment also list the agency members who attended in person, as well as those who attended electronically.

Electronic Equipment Interruptions (§ 149(b) & 149(f))

The act establishes conditions under which a public agency may resume an interrupted meeting being held by electronic equipment. It applies to meetings interrupted by (1) the equipment's failure, disconnection, or degradation (as determined by the chairperson), or (2) losing a quorum because a member's connection by electronic equipment is interrupted, fails, or becomes degraded.

The act allows the agency to resume the meeting between 30 minutes to two hours after the interruption or chairperson's determination. The agency may do so in person if a quorum is present in person, or by electronic means solely or in part if a quorum is restored by electronic means. It must also restore electronic access to the public if this capability has been restored.

The act also requires the public agency, if practicable, to post a notice on its website and inform attendees by electronic means of the expected resumption time or of the meeting's adjournment or postponement. The agency may also announce at the beginning of the meeting preplanned procedures for resuming an interrupted meeting.

The act specifies that it does not require a public agency to adjourn or postpone a meeting if a member of the agency or the public experiences an electronic equipment connection interruption, failure, or degradation, unless the agency member's participation is needed for a quorum.

Background — Telephone Meetings Under FOIA

Although FOIA previously did not explicitly authorize telephone or other remotely held meetings, its definition of "meeting" includes those held by electronic equipment (CGS § 1-200(2)).

In its only advisory opinion on the subject, the Freedom of Information Commission (FOIC) advised that public agencies conducting business over the phone must comply with FOIA's open meeting requirements. According to FOIC, agencies must make sure that the public has "access to the entire proceedings taking place during the course of a meeting."

Specifically, the commission advised that the meeting must comply with at least the following conditions:

1. members of the public who want to attend the meeting must be accommodated at a place where the greatest number of participating agency members is located;
2. people attending the meeting, including members of the public, must be able to see and inspect copies of any physical or demonstrable materials presented or used; and
3. all those attending the meeting, at whatever location, must be able to hear and identify adequately all participants in the proceedings, including individual remarks and votes (Advisory Opinion 41, 1980).

§§ 147, 148, 150 & 151 — MEETING NOTICES GENERALLY

Allows public agencies to provide meeting notice by electronic transmission; requires agencies to post certain notices of adjournment on their websites

Electronic Meeting Notices to Interested Parties (§§ 147-148 & 150)

FOIA requires public agencies, where practicable, to give notice of each regular and special meeting at least seven days in advance to a person who makes a written request for this notice. The act gives public agencies the option of providing this notice by electronic transmission. Under prior law, agencies had to provide the notice by mail. It defines "electronic transmission" as any communication form or process that (1) does not directly physically transfer paper or another tangible medium and (2) the recipient may retrieve (including in paper form, specifically), retain, or reproduce.

FOIA allows a person who does not receive proper notice of a meeting to appeal to FOIC. Existing law presumes that a political subdivision agency (e.g., a municipal agency) has given proper notice if it timely sends the notice by first-class mail to the address provided by the requestor. The act additionally presumes proper notice if it is timely sent by electronic transmission to the requestor's information processing system (e.g., email account). (By law, an "information processing system" is an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.)

Notices of Adjournment (§ 151)

Existing law requires public agencies, when a meeting is adjourned (1) to a specified time and place or (2) because all members are absent, to post a notice of adjournment on or near the door of the meeting's location within 24 hours after the adjournment. The act requires agencies to also post this notice on their websites, if applicable.

EFFECTIVE DATE: July 1, 2021

§ 148 — FREEDOM OF INFORMATION COMMISSION APPEALS

Allows FOIC to electronically send certain documents to parties in an appeal before the commission

By law, a person who is denied a right conferred by FOIA (e.g., inspecting or copying public records or attending a public agency's meeting) may file an appeal with FOIC. Existing law requires that specified documents and notices be provided to parties to the appeal.

The act allows the following types of documents to be provided by electronic transmission:

1. service of the appeal notice by FOIC upon all parties (and any other commission notice or order);
2. notice by a public agency to an employee (and his or her collective bargaining representative, if any) of any appeal to FOIC involving the employee's personnel, medical, or similar file;
3. notice by FOIC to any person against whom the commission levies a civil penalty (by law, FOIC may levy a civil penalty of \$20-\$1,000 against (a) a complainant whom it finds acted frivolously or (b) a respondent whom it finds unreasonably denied a request); and
4. service by FOIC upon all parties of a public agency's petition for relief from a vexatious requestor (when the executive director determines that a hearing is warranted for the petition) and any other commission notice or order.

EFFECTIVE DATE: July 1, 2021

§§ 152 & 153 — ORDERLY CONDUCT AT MEETINGS

Allows public agencies and town meetings to deny disorderly individuals access to meetings by electronic equipment

Under existing law, a town meeting moderator may order a proper officer to take a disorderly person into custody and remove him or her from the meeting if necessary. Additionally, FOIA allows a public agency's members, when order cannot be restored by removing disorderly individuals, to order the room cleared before continuing with the meeting.

The act expands this authority to include disorderly individuals attending a meeting by electronic equipment. It allows town meeting moderators and public agency members to terminate these individuals' attendance by electronic equipment until they conform to order or, if necessary, until the meeting is over.

EFFECTIVE DATE: Upon passage for town meetings and July 1, 2021, for the FOIA provisions.

§ 154 — ACIR STUDY

Requires ACIR to study the implementation of the act's provisions

The act requires the Advisory Committee on Intergovernmental Relations (ACIR) to study the (1) implementation of the act's remote meeting provisions and (2) feasibility of remote participation and voting during meetings, including through conference call, videoconference, or other technology. ACIR must conduct the study in consultation with FOIC, the Connecticut Association of Municipal Attorneys, and the state's chief information officer or his designee.

The act requires ACIR to report to the Government Administration and Elections and Planning and Development committees by February 1, 2022. The report must include (1) findings, including any challenges encountered; (2) best practice recommendations for implementing the act's remote participation and voting provisions; (3) a feasibility analysis for remote participation and voting during meetings; and (4) funding sources to implement remote participation and voting during meetings using electronic equipment.

EFFECTIVE DATE: Upon passage

§§ 155 & 156 — PAYING FEES ELECTRONICALLY

Allows town clerks and registrars of vital statistics to designate websites for paying recording fees and vital records fees

The act allows town clerks to designate a website for paying recording fees (e.g., recording documents on the land records) and accept payments for these fees through the website in a manner they prescribe. It also allows registrars of vital statistics to similarly designate a website for paying vital records fees (e.g., birth certificates). (Typically, the town clerk serves as the registrar of vital statistics.)

EFFECTIVE DATE: October 1, 2021

§§ 157-175 — ELECTRONIC TRANSACTIONS BY MUNICIPAL PROGRAMS AND ENTITIES

Makes numerous changes allowing municipal entities and other public agencies to conduct business electronically; generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment

The act makes numerous changes allowing municipal entities or programs to conduct business or otherwise operate using electronic means as shown in the table below. Generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment.

The act defines “electronic equipment” for these purposes as any technology facilitating real-time communication between two or more individuals, including telephone, video, or other conferencing platforms.

EFFECTIVE DATE: October 1, 2021, except that most provisions affecting property tax circuit breakers are effective July 1, 2021.

Electronic Transactions Authorized by the Act

§	Municipal Entity or Program	Action	Electronic Option Allowed by the Act
158-159	Discriminatory practices board	Hearing on alleged discriminatory practice	Allows hearing to be conducted by electronic equipment
160	Municipal revenue-sharing agreements	Opportunity for public participation in the negotiations between the municipalities	Specifies that public participation may be in person, writing, or by electronic equipment
161	Foreclosed residential property registration	Registration with town clerk of a residential property on which a plaintiff commences a foreclosure action	Allows registration to be completed electronically in a manner the clerk prescribes
		Registration with clerk of a residential property by the person with whom title vests after a foreclosure (or registration update if the person was the plaintiff in the action)	Allows registration or update to be sent by email
		Notice to clerk by plaintiff or registrant of any change in the registration information	Allows plaintiff or registrant to provide this information by email
162	Parking violation hearings	Notice to vehicle owner or operator of fines, penalties, costs, or fees for alleged parking violations	Allows notice to be sent to the owner's or operator's email address if known
		Request by owner or operator for a hearing before a parking violation hearing officer	Allows owners and operators to make this request by email
		Hearing	Allows hearing to be held in person or by electronic equipment
163-165	Municipal water pollution control authority	Public hearing on sewerage system connection and use charges	Allows hearing to be conducted by electronic equipment Requires that hearing notice be

§	Municipal Entity or Program	Action	Electronic Option Allowed by the Act
			published on municipality's website, as well as in a newspaper as existing law requires
		Charges that are finalized or revised after the public hearing	Requires that copy of the charges be published on municipality's website, as well as in a newspaper as existing law requires (the act retains existing law's requirement that it also be filed in the municipal clerk's office)
		Public hearings on orders issued to building owners to (1) connect the building to an available sewerage system or (2) construct and connect the building to an alternative sewage treatment system	Allows hearing to be conducted by electronic equipment
166	Boards of assessment appeals	Appeals to board by taxpayers aggrieved by a municipal assessor's actions	Allows taxpayers to file appeals by email in a manner the board prescribes
167	Local chief executive officer, tax assessors, and boards of assessment appeals	Notice to OPM of deadline extensions to assessors' or boards' duties granted by the municipal chief executive officer	Allows notice to be provided by email in a manner the OPM secretary prescribes
		Request by municipality to OPM for a revaluation delay	Eliminates requirement that supporting information provided by board of assessment appeals and chief executive officer be in writing
		Notice to taxpayers of assessment increases in municipalities for which OPM authorizes a revaluation delay	Allows notice to be sent by email
168-169	Renters' Rebate program	Rebate applications filed with municipal assessor	Allows applications to be filed electronically in a manner the OPM secretary prescribes
		Appeals filed with OPM by persons aggrieved by assessor's decision	Allows appeals to be filed electronically in a manner the secretary prescribes
170	Property tax freeze for seniors	Program applications	Requires that applications be made in writing or electronically in a manner the municipal assessor prescribes
		Applicants' income tax returns	Allows taxpayers to present an electronic copy of the return
		Biennial notice by municipal assessor to program participants of reapplication requirements (by law, program participants must reapply to the program biennially)	Allows assessors to provide notice electronically at the taxpayer's option

§	<i>Municipal Entity or Program</i>	<i>Action</i>	<i>Electronic Option Allowed by the Act</i>
171-172	Property tax circuit breaker for seniors and homeowners with disabilities	Affidavit filed with municipal assessor stating applicant's income; notice of income in excess of program's limits in second year of biennial cycle	Allows affidavit and notice to be filed electronically in a manner the assessor prescribes
		Program application	Allows application to be submitted by email in a manner the OPM secretary or municipal assessor (as applicable) prescribes
		Biennial notice by municipal assessor to program participants of reapplication requirements (by law, program participants must reapply to the program biennially)	Allows assessors to provide notice electronically at the taxpayer's option
		Notice by grantee to municipal assessor of a property transfer by a grantor who was previously approved for the circuit breaker	Allows grantee to provide notice by email in a manner the assessor prescribes
		Notice by tax collector to grantee of any additional tax due after a property transfer	Allows tax collector to provide notice by email at the grantee's option
		Application to assessor for a grant in lieu of a property tax reduction	Allows applicant to submit application by email in a manner the assessor prescribes
		Appeal to the OPM secretary by a person aggrieved by an assessor's decision	Allows person to appeal by email in a manner the secretary prescribes
173-174	Municipal building permits	Permit application	Requires that applications be filed in person, by mail, or by email, in a manner the building official prescribes
		Permit applications containing plans and specifications previously approved by the state building inspector	Allows applications to be delivered in person, by mail, or by email, in a manner the building official prescribes
175	Municipal building officials	Appeals filed with municipal board of appeals by persons aggrieved by the building official's decision	Allows appeals by email in a manner the board prescribes
		Appeals filed with municipal chief executive officer when there is no board of appeals	Allows appeals by email in a manner the chief executive officer prescribes

§ 168 — RENTERS' REBATE APPLICATIONS

Requires municipalities to grant relief to renters from certain notarization requirements imposed by the municipality for program applications

In practice, some municipalities require applicants for the Renters' Rebate program to provide a notarized landlord verification of property rental with their application. The act requires these municipalities to exempt a renter from this requirement if a verification for the same property rental by the same renter was previously notarized. It also prohibits these municipalities from delaying an application's submission to the OPM secretary if the renter misses the notarization deadline but is otherwise qualified.

EFFECTIVE DATE: October 1, 2021

§§ 176 & 178-181 — REGIONAL COUNCILS OF GOVERNMENTS (COG) BYLAWS, SERVICES, AND FUNDING

Makes minor changes to regional COG bylaw and procedural requirements and modifies, beginning FY22, the COG grant funding calculation

COG Bylaws (§ 176)

The act modifies COG bylaw requirements in the following ways:

1. allowing COG representatives to serve more than two consecutive terms in the same position,
2. eliminating a requirement that a COG treasurer be bonded,
3. allowing, rather than requiring, COGs to establish an executive committee for the COG and regional planning commission, and
4. removing the express authorization for the chairman to call meetings.

COGs' Provision of Regional Services (§ 178)

The act requires a COG's member municipalities to affirmatively vote to approve the COG's provision and administration of regional services. It specifies that an interlocal agreement is not required for a COG to provide these regional services.

Regional Performance Incentive Account Grant Amounts (§§ 179-180)

Beginning in FY 22, the act requires the OPM secretary to annually distribute a grant from the regional planning incentive account to each COG in the amount of \$185,500 plus 68 cents per capita. (In practice, this grant is referred to as a regional service grant-in-aid.)

Prior law required the OPM secretary to distribute \$4.1 million from this account to the COGs for each of FYs 20 and 21 (PA 19-117, § 29). From this amount, it required the secretary to allocate to each COG \$125,000 plus 50 cents per capita. COGs composed of one or more planning regions that voluntarily merged before 2014 received an additional \$125,000 for each merged region. Prior law also required the secretary to distribute an additional amount, within available appropriations, based on a formula established by the secretary.

The regional planning incentive account is a separate, nonlapsing General Fund account funded by 6.7% of the revenue generated by the room occupancy tax and 10.7% of the revenue generated by the rental car tax (CGS § 12-411(1)(J)).

Proposed Spending Plan (§ 179)

Under existing law and the act, COGs must annually submit a proposed spending plan to OPM by July 1 to be eligible for a grant that fiscal year. The act authorizes the secretary to establish an approval process for biennial submissions of these spending plans.

The act specifies that the proposed spending plans may describe the following:

1. state or municipal functions, activities, or services that a COG, Regional Education Service Center (RESC), or similar entity may provide in a more efficient, cost-effective, responsive, or quality manner;
2. anticipated cost savings related to sharing government services (e.g., joint purchasing);
3. the standardization and alignment of the state's regions; and
4. other initiatives that may facilitate service delivery to the public in a more efficient, cost-effective, responsive, or quality manner.

MRSA Grant Funding (§ 181)

The act removes the requirement that \$7 million from the municipal revenue sharing account (MRSA) be used to fund

COG grants each year and makes conforming changes. It also eliminates obsolete provisions in the MRSA law.

EFFECTIVE DATE: July 1, 2021, except the provision requiring an affirmative vote to authorize a COG to provide and administer regional services (§ 178) is effective upon passage.

§ 177 — REGIONAL PERFORMANCE INCENTIVE PROGRAM (RPIP)

Modifies the entities and projects that are eligible for RPIP funding and the application requirements and selection criteria

Entities Eligible to Apply

The act limits eligibility to apply for RPIP grants to councils of governments (COG) and regional educational service centers (RESC), or any combination of them. This makes economic development districts, boards of education, and municipalities applying through COGs no longer eligible to apply directly.

Eligible Purposes

The act expands the purposes for which the Office of Policy and Management (OPM) may award the grants to include:

1. redistributing specified state grants to municipalities according to regional priorities (i.e., Small Town Economic Assistance Program, Main Street Investment Fund, Intertown Capital Equipment Purchase Incentive Program, and Local Capital Improvement Fund grants) and
2. revenue sharing among municipalities that have entered certain agreements to do so.

The act removes OPM's ability to award grants for (1) planning studies on joint services and (2) shared information technology services.

As under existing law, OPM may also award the grants for (1) the provision of a service that a member municipality or board of education currently provides, but is not provided on a regional basis, and (2) for regional special education initiatives to RESCs that serve more than 100,000 people.

Application and Other Requirements

As under existing law, applicants must provide certain information to OPM about the proposal and its projected benefits. The act expands the required information to include:

1. an acknowledgment from any employee organization potentially impacted by the proposal that it was informed of, and consulted about, the proposal (under the act, an "employee organization" is a labor or other lawful organization whose primary purpose is to improve wages, hours, and other employment conditions);
2. a resolution from the impacted COG or COGs endorsing the proposal (prior law required endorsement from each participating municipality's legislative body); and
3. a resolution from the applying COG or RESC stating that it will fund at least 25% of the proposal's first year costs and all its costs by the fourth year.

The act also modifies the existing application requirements by specifying that the explanations about (1) economies of scale must pertain to participating members and (2) legal obstacles must also cover how the obstacles will be resolved.

Additionally, the act specifies that COGs, RESCs, member municipalities, and boards of education are not required to execute an interlocal agreement to implement a proposal.

Selection Criteria

Under the act, the OPM secretary must award grants to proposals that she determines best meet specified criteria, specifically those that:

1. will be available to or benefit all COG or RESC members;
2. demonstrate, compared to existing service delivery, an increased capacity and efficiency; a cost benefit to members; increased cost savings; and a diminished need for state funding;
3. promote cooperation among members that may lead to a reduction in economic or social inequality;
4. were approved by most members; and
5. comply with application requirements about employee labor organizations and proposal funding.

Prior law required OPM to prioritize certain grant proposals (e.g., proposals submitted by boards of education and economic development districts).

The act allows boards of education that are awarded a grant (e.g., through a RESC), and realize cost savings as a result, to deposit those cost savings into an unexpended education fund account.

Reporting Requirements

The act requires applicants to send a copy of their applications to the legislators representing the participating local or regional boards of education. Existing law already requires them to send a copy to the participating municipalities' legislators.

Under existing law, the OPM secretary must annually submit to the governor and Finance, Revenue and Bonding Committee a report that lists the grant amounts, their potential to leverage other public and private investments, and property tax reductions achieved. The act also requires the report to describe any service improvements due to the program.

EFFECTIVE DATE: Upon passage

§ 182 — OUTDOOR DINING ALLOWED AS-OF-RIGHT NEAR FOOD ESTABLISHMENTS

Beginning April 1, 2022, requires municipalities to allow outdoor food and beverage service as an accessory use to a licensed food establishment

The act requires municipalities to allow outdoor food and beverage service (“dining”) as an accessory use to a licensed food establishment (e.g., restaurant or food market). The act’s requirement is not time-limited and applies regardless of conflicting state laws or local ordinances or charters.

Under the act, a food establishment may provide outdoor dining as-of-right unless it is a nonconforming use (i.e., if the establishment does not comply with current zoning regulations, it is not allowed to offer outdoor dining as-of-right). Under the act, a food establishment must seek an administrative site plan review to determine whether the proposed outdoor dining use conforms with zoning requirements not contemplated by the act (e.g., regulations unrelated to providing pedestrian pathways and parking). If outdoor dining is approved, food establishments can offer it until 9:00 p.m. or later if allowed by the zoning commission.

EFFECTIVE DATE: April 1, 2022

Dining in Pedestrian Pathways

The act specifically allows outdoor dining on public sidewalks and other pedestrian pathways where vehicles are not allowed, if the area used abuts the business and a pathway is provided that meets the act’s requirements. Specifically, the pathway must:

1. be constructed in compliance with the federal Americans with Disabilities Act’s (ADA) physical accessibility guidelines;
2. extend for the length of the lot (parcel);
3. be at least four feet wide (excluding any portion that is on a street or highway); and
4. remain unobstructed for pedestrian use.

The municipal official or agency that issues right-of-way or obstruction permits may impose reasonable conditions on using a pedestrian pathway for outdoor dining.

Dining in Parking Areas and Other Open Areas

The act also allows outdoor dining (1) in off-street parking spaces associated with the business and (2) on any lot, yard, court, or open space abutting the food establishment. The act specifies that these non-parking areas can be used for outdoor dining if:

1. they are in a zoning district that allows food establishments;
2. the use complies with any applicable requirements for access or pathways under the ADA’s physical accessibility guidelines; and
3. the owner of these non-parking areas gives written permission, a copy of which must be provided to the zoning commission.

Background — Related Act

SA 21-3, signed by the governor on March 31, 2021, generally incorporates the outdoor dining and retail provisions contained in Executive Order (EO) 7MM (2020), as amended by subsequent EOs, and extends them until March 31, 2022.

§ 183 — GREENHOUSE GAS REDUCTION FEE CHANGES

Makes several changes related to the greenhouse gas reduction fee charged on vehicle registrations, principally to establish proportional fees for triennial registrations

By law, a greenhouse gas reduction fee is assessed on passenger, motor home, combination, and antique vehicle registrations. Prior law set the fee at \$10 for two-year registrations of new vehicles and \$5 for two-year new or renewal registrations of used vehicles. Under existing law, however, the initial registration term is generally three years (e.g., CGS § 14-49(a)) and the DMV commissioner may, generally, renew most registrations for either two or three years (e.g., CGS § 14-22(a)).

The act makes several changes to account for triennial registrations. It eliminates the \$10 fee for two-year registrations of new vehicles and replaces it with a \$15 fee for three-year registrations. The act also establishes a \$7.50 fee for three-year new or renewal registrations on used vehicles while maintaining the \$5 biennial fee in existing law.

Relatedly, prior law also set the greenhouse gas reduction fee at \$5 for people age 65 or older for one-year registrations of new passenger motor vehicles and \$2.50 for a one-year new or renewal registration of used passenger vehicles. However, state law does not allow a one-year period for new registrations; it is only available to these individuals at the time of renewal (CGS § 14-49(a)). Thus, the act eliminates erroneous provisions for fees on new one-year registrations.

The act also makes a technical change. (PA 21-40, § 22, makes additional technical changes.)

EFFECTIVE DATE: Upon passage

§ 184 — COLUMBIA CHARTER REVISION PROCESS

Validates the initiation of Columbia's charter revision process

The act validates the initiation of Columbia's charter revision process, including the appointment and composition of the charter revision commission members. The act deems legally valid any acts by the town's officers and officials (including the commission) taken in reliance on the board of selectmen's actions on September 1, 2020. And the act applies despite the statute on commission appointment and any other statute, special act, charter, or ordinance that may prescribe different processes or requirements.

EFFECTIVE DATE: Upon passage

§§ 185-186 — DESIGNATION OF VARIOUS DAYS, WEEKS, AND MONTHS

Requires the governor to annually proclaim various days, weeks, and months as times of awareness or observation of different issues and causes

The act changes Advance Directive Awareness Day under prior law to Advance Directive Awareness Week and extends it to include the week of April 16 each year. It also requires the governor to annually proclaim the following:

1. the second week of February to be Kindness Week, to promote acts of kindness among the state's residents;
2. the month of March to be Peace Corps Month, in recognition of Peace Corps volunteers' service in supporting the global community;
3. May 13 to be Xeroderma Pigmentosum Awareness Day, to raise awareness of this genetic disorder characterized by an extreme sensitivity to ultraviolet rays;
4. the second Sunday of June to be Connecticut Race Amity Day, to reflect and affirm the dignity of Connecticut residents' diverse racial, cultural, and religious backgrounds;
5. the last week of June to be Social Media Safety and Awareness Week, to raise awareness of social media usage's potential effect on mental health and social media safety; and
6. the month of September to be Brain Aneurysm Awareness Month, to raise public awareness of the associated presentation and available treatments for brain aneurysms.

Under the act, suitable observance exercises may be held in the State Capitol and elsewhere as the governor designates.

EFFECTIVE DATE: Upon passage, except that the provision on Advance Directive Awareness Week is effective October 1, 2021.

§§ 187, 188 & 478 — ROAD AND BRIDGE NAME CHANGES

Corrects road and bridge naming provisions that passed in regular session

The act corrects three road and bridge naming provisions that passed in PA 21-175.
EFFECTIVE DATE: Upon passage

§ 189 — TASK FORCE ON THE STATE WORKFORCE AND RETIRING EMPLOYEES

Establishes a task force to study issues related to managerial and exempt state employees' retirements and barriers to recruitment

The act establishes an 18-member task force to study the state workforce and retiring employees. The study must at least (1) examine adequate succession planning for state employees in order to recruit and maintain the best talent in the state workforce and (2) review barriers to managerial recruitment.

The task force must submit a report on its findings and recommendations to the Labor and Public Employees and GAE committees by January 1, 2022. This report must at least review:

1. the number of managerial and exempt employees eligible to retire from the task force's convening through the end of 2022;
2. executive branch agency succession planning to prepare for retirements; and
3. barriers to recruitment into the managerial and exempt workforce including, (a) parity in pay structure and health care insurance contributions compared to employees in collective bargaining units, (b) salary compression and inversion among managerial employees and employees in collective bargaining units, and (c) opportunities for professional development and continuing education.

Under the act, the task force's members include (1) the chairpersons and ranking members of the Labor and Public Employees and GAE committees; (2) one appointed by each of the six top legislative leaders; and (3) four appointed by the task force's chairpersons. Of the chairperson-appointed members, one must be an executive branch employee in the MP (i.e., managerial) pay plan, one must be a judicial employee in the MP pay plan, one must be a higher education employee in the MP pay plan, and one must represent an organization that advocates for the rights of managerial employees in the state.

The act requires that all initial appointments to the task force be made within 30 days after the act passes (i.e., July 23, 2021). Any of the appointments made by the legislative leaders may be a state legislator, and any vacancy must be filled by the appointing authority.

The act makes the Labor and Public Employees Committee chairpersons the task force's chairpersons and requires them to schedule and hold the task force's first meeting within 60 days after the act passes (i.e., August 22, 2021). The Labor and Public Employees Committee's administrative staff must serve as the task force's administrative staff.

The task force terminates when it submits its required report or on January 1, 2022, whichever is later.

EFFECTIVE DATE: Upon passage

§ 190 — STATE AGENCY PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT (PPE)

Generally, requires state agencies to make reasonable efforts to buy PPE from companies that changed their business model to respond to the COVID-19 pandemic

The act requires the DAS commissioner, by October 1, 2021, to compile and post on the department's website, a list of Connecticut companies that changed their business model to produce personal protective equipment (PPE) to respond to the COVID-19 pandemic during the governor's March 10, 2020, public health and civil preparedness emergency declarations and any extensions. The commissioner must also periodically update the list.

Regardless of any state law, beginning August 1, 2021, the act requires state agencies, when purchasing PPE, to make reasonable efforts to purchase at least 25% of the equipment from the listed companies. The requirement does not apply if the equipment is not available for purchase or does not meet the agency's requirements.

The act specifies that it does not (1) require purchasing PPE that is expired or does not meet industry standards or (2) waive any required competitive bidding requirements.

By July 31, 2021, and annually thereafter, the act requires the DAS commissioner to submit a report with the most recent list to the Appropriations and Commerce committees.

EFFECTIVE DATE: Upon passage

§ 191 — AUTHORIZATION FOR BANKING ACTIVITIES AT REMOTE LOCATIONS

Allows the banking commissioner to establish a process for licensed activities to be conducted from locations other than a registered office

Existing law generally requires individuals to conduct activities licensed or regulated by the Department of Banking at a registered office. The act authorizes the banking commissioner to establish a process to allow individuals to conduct these activities from other locations as well.

EFFECTIVE DATE: July 1, 2021

§ 192 — ENERGY AND ENVIRONMENTAL LEASE FINANCING

Imposes an aggregate cap of \$15 million on the principal amount for energy consumption and environmental impact leases to improve state-owned buildings

The act caps at \$15 million the aggregate principal amount for state agency energy consumption and environmental impact leases. The cap applies to leases in effect on or after July 1, 2021, that are:

1. entered into by the state directly or through a state agency to improve state-owned buildings,
2. to reduce energy consumption or environmental impacts, and
3. not otherwise exempt from the cap by law.

Under the act, state agencies include any office, department, board, council, commission, institution, higher education constituent unit, technical education and career school, and other agency in the executive, legislative, or judicial branch.

EFFECTIVE DATE: July 1, 2021

§ 193 — GREEN BUILDING CONSTRUCTION STANDARDS

Requires DEEP to adopt regulations that establish construction standards for certain state-funded building projects by reference to a nationally recognized model for sustainable construction codes that promotes high-performance green buildings

By law, the Department of Energy and Environment Protection (DEEP) must adopt regulations that establish construction standards for certain state-funded building projects. Prior law required that these regulations be based on a nationally recognized model for sustainable construction codes that promotes constructing high-performance green buildings that, among other things, (1) have reduced emissions; (2) are designed to conserve water resources and promote sustainable and regenerative materials cycles; and (3) provide enhanced resilience to natural, technological, and human-caused hazards.

The act requires that these regulations adopt the same nationally recognized model for sustainable construction codes by reference, rather than being based on them. It extends the deadline for DEEP to do so from January 1, 2020, to January 1, 2022. It also limits amendments to the construction standards to (1) administrative matters; (2) geotechnical- and weather-related portions of the standards; (3) amendments required by state statute; and (4) any other matter that, based on substantial evidence, requires amending the standards.

By law, the regulations apply to constructing or renovating state facilities and public schools that meet certain cost and funding thresholds. However, the DEEP commissioner, in consultation with the Department of Administrative Services (DAS) commissioner and the Institute for Sustainable Energy, must exempt facilities from the regulations if she, in consultation with the Office of Policy and Management secretary and DAS commissioner, finds that complying would not be cost effective (CGS § 16a-38k).

EFFECTIVE DATE: July 1, 2021

§ 194 — NON-UNION STATE EMPLOYEE RIGHTS AND BENEFITS

Requires, rather than allows, the DAS commissioner to give unclassified or non-union state employees in the executive and judicial branches the same rights and benefits provided by state employee collective bargaining agreements

The act requires the DAS commissioner to issue orders that grant executive or judicial branch employees who are exempt from the classified service or not covered by a collective bargaining agreement (CBA) at least the same rights and benefits as those granted to employees in the classified service or covered under those agreements. Prior law allowed the commissioner to do this.

The act similarly requires, rather than allows, the commissioner to issue orders that make the retirement benefits for state employees exempt from the classified service or not covered by a CBA the same as those most frequently provided under the terms of approved CBAs at the time of the adjustment.

Under existing law, unchanged by the act, (1) the board of trustees of any constituent unit of the state higher education system may issue orders that give the board's unclassified employees at least the same rights and benefits as those granted to board employees covered by a CBA and (2) the above orders from DAS or a board of trustees are subject to the OPM secretary's approval.

EFFECTIVE DATE: July 1, 2021

§ 195 — HARBOR MASTERS

Gives the governor more discretion in appointing harbor masters in municipalities in which a local harbor management commission has not submitted at least three nominees

Existing law (1) requires the governor to appoint a harbor master for Branford, Bridgeport, New Haven, New London, Norwalk, Norwich, Stamford, and Stonington harbors and (2) authorizes him to appoint harbor masters and deputy harbor masters for any municipality with navigable waters. Under prior law, if the municipality adopted a harbor management plan, the governor had to choose from a list of at least three nominees submitted by the local harbor management commission when making these appointments. The act maintains this general rule but provides an exception for when a harbor management commission does not submit at least three nominees. In those cases, the act allows the governor to appoint any of the commission's nominees or any other person the governor deems qualified.

By law, harbor masters are (1) responsible for the general care and supervision of the harbors and navigable waterways over which they have jurisdiction and (2) subject to the direction and control of the DEEP commissioner.

EFFECTIVE DATE: July 1, 2021

§§ 196 & 197 — CONFORMING CHANGES TO HIGHER EDUCATION COORDINATING COUNCIL REPEAL

Makes conforming changes related to the repeal of the Higher Education Coordinating Council

The act makes conforming changes related to the repeal of statutes establishing the Higher Education Coordinating Council (HECC) (see § 493).

EFFECTIVE DATE: Upon passage

§ 198 — ROBERTA B. WILLIS SCHOLARSHIP PROGRAM ADMINISTRATIVE ALLOWANCE INCREASE

Increases the Roberta B. Willis Scholarship program administrative allowance, from \$100,000 to \$350,000 for one fiscal year

The Roberta B. Willis Scholarship program is a state-funded scholarship available to Connecticut residents who attend an in-state public or private higher education institution. By law, the scholarship program receives an administrative allowance of \$100,000 or 0.25% of the annual appropriation, whichever is greater.

The act increases the administrative allowance to the greater of \$350,000 or 0.25% of the annual appropriation for FY 22.

EFFECTIVE DATE: July 1, 2021

§§ 199 & 200 — PHYSICIAN ASSISTANT LICENSE RENEWAL FEE

Reinstitutes the previous \$155 physician assistant licensure renewal fee by eliminating an inadvertent \$5 decrease

The act increases, from \$150 to \$155, the annual licensure renewal fee for physician assistants. In doing so, it restores the fee to the level before an inadvertent \$5 decrease in PA 21-121 (§§ 93 & 94).

The act also makes a conforming change (§ 200).

EFFECTIVE DATE: July 1, 2021

§ 201 — STATE CONTRACTING STANDARDS BOARD FUNDING LAPSE

Requires that part of the biennial budget act's appropriation for SCSB lapse on July 1 in FYs 22 and 23

The act requires that a portion of the biennial budget act's (SA 21-15) appropriation for the State Contracting Standards Board (SCSB) lapse on July 1 in both FYs 22 and 23, as shown in the table below.

SCSB Funding Lapse, FYs 22 & 23

FY	Amount Appropriated in SA 21-15 (§ 1)	Amount Lapsing on July 1
22	\$624,994	\$449,124
23	637,029	454,355

EFFECTIVE DATE: July 1, 2021

§ 202 — YOUTH SERVICES PREVENTION GRANTS

Changes two allocations for Youth Services Prevention grants under the FY 22-23 budget

The act makes the following changes to the Youth Services Prevention grants allocated under the FY 22-23 budget bill (SA 21-15, § 31):

1. the amount allocated to Valley Save Our Youth (\$75,000 in each fiscal year) must be awarded via TEAM, Inc. and
2. the amount allocated to CCSU (\$50,000 in each fiscal year) must instead be awarded to UConn for the Institute for Municipal and Regional Policy.

EFFECTIVE DATE: July 1, 2021

§§ 203, 232-233, 236-237 & 253-256 — OFFICE OF WORKFORCE STRATEGY

Establishes OWS as a replacement to OWC and generally transfers to OWS' chief workforce officer functions and duties formerly assigned to the labor commissioner and OWC; generally shifts appropriations from DECD for OWS to the Governor's Office for OWS for FYs 22-23; establishes additional OWS duties and reporting requirements

The act eliminates the Office of Workforce Competitiveness (OWC) within the Department of Labor (DOL) and replaces it with a new Office of Workforce Strategy (OWS) that the act establishes. The act places OWS within the Office of the Governor for administrative purposes only.

The biennial budget act (SA 21-15, § 1) appropriated \$250,000 to DECD in both FYs 22 and 23 for OWS. The act rescinds the appropriations and instead appropriates \$250,000 each in FYs 22 and 23 to the Governor's Office for OWS. This conforms with the act's placement of OWS within the Governor's Office for administrative purposes only.

The act establishes the position of chief workforce officer as OWS's department head, subject to confirmation through the Executive and Legislative Nominations Committee and with the powers and duties otherwise established under existing law for department heads (CGS §§ 4-5 to 4-8). The chief workforce officer is appointed by the governor. He or she must have knowledge of publicly funded workforce training programs and possess the training and experience to perform the duties described below. The act transfers to the chief workforce officer the workforce development-related functions and duties that were formerly assigned to the labor commissioner and OWC, including those described below.

Chief Workforce Officer's Functions and Duties (§§ 203, 232-233, 236-237 & 256)

Lead Official and Principal Advisor on Workforce Policy. Under prior law, DOL served as the lead state agency for developing employment and training strategies and initiatives needed to support Connecticut's position in the knowledge economy. The DOL commissioner, with OWC's assistance, served as the governor's principal workforce development policy advisor and the liaison with local, state, and federal workforce development agencies. She coordinated (1) the state's

implementation of the federal Workforce Innovation and Opportunity Act of 2014 (WIOA) (see *Background*) and (2) state agencies' workforce development activities.

The act generally transfers these functions and duties to the chief workforce officer, designating him or her as the (1) lead state official for developing employment and training strategies and initiatives and (2) governor's principal advisor for workforce development policy, strategy, and coordination. The act requires the chief workforce officer to coordinate the state's role in implementing WIOA, including issuing guidance as necessary. He or she must do so on behalf of the governor and Governor's Workforce Council (i.e., formerly known as the Connecticut Employment and Training Commission (CETC)), and in consultation with the DOL commissioner, who must offer any resources he can make available for this purpose.

Under the act, the chief workforce officer must additionally serve as the liaison with the Governor's Workforce Council and regional workforce development entities.

Workforce Cabinet. The act requires the chief workforce officer to chair a workforce cabinet comprising the state agencies involved in employment and training. (Existing law requires the governor to designate these agencies and requires their department heads to annually report specified information.) The workforce cabinet must meet at the governor's or chief workforce officer's direction.

Governor's Workforce Council. OWS must (1) provide staff support, and any other resources the chief workforce officer can make available, to the Governor's Workforce Council and (2) coordinate all necessary support that other state agencies make available.

State Workforce Strategy. The act requires the chief workforce officer to develop a state workforce strategy and update it as necessary. The strategy must be developed in consultation with the Governor's Workforce Council and the Workforce Cabinet and approved by the governor.

Under the act, the chief workforce officer must submit the state workforce strategy to the Appropriations, Commerce, Education, Higher Education and Employment Advancement, and Labor and Public Employees committees at least 30 days before submitting it to the governor.

State and WIOA-Funded Programs. Under the act, the chief workforce officer must coordinate workforce development activities (1) funded through state resources or WIOA funds or (2) administered in collaboration with a state agency, to further the goals and outcomes of the state workforce strategy and the Governor's Workforce Council's workforce development plan.

Public, Legislative, and Local Official Involvement. The act transfers to the chief workforce officer the requirement to establish systems to ensure the maximum involvement of the public, legislature, and local officials in workforce development policy, strategy, and coordination. In doing so, it eliminates prior law's requirement that this involvement extend to the state's implementation of WIOA.

Contractual Agreements. The act transfers to the chief workforce officer the authorization to enter into contractual agreements to carry out OWS's purposes, but it requires him or her to do so in conjunction with one or more state agencies and with the Office of Policy and Management (OPM) secretary's approval. It also allows the chief workforce officer to enter into agreements with other state agencies to perform OWS duties, including administrative, human resources, finance, and information technology functions.

Agency Guidance. The act requires the chief workforce officer to (1) issue guidance to state agencies, the Governor's Workforce Council, and regional workforce development boards to further the state workforce strategy and the council's workforce development plan and (2) consult with these entities on the guidance's development and implementation. This guidance must (1) be approved by the OPM secretary, (2) allow for a reasonable implementation period, and (3) take effect at least 30 days after OPM approves it.

Expenditure of ARPA Funds. To support workforce development initiatives under state and federal law, the act allows OWS to spend federal American Rescue Plan Act (ARPA) funds the state receives.

Other Duties. The chief workforce officer must also:

1. collaborate with the regional workforce development boards to adapt their best practices for statewide implementation, if possible;
2. coordinate the measurement and evaluation of education and workforce development program outcomes with state agencies, including DOL, the State Department of Education (SDE), and OPM;
3. review the WIOA state plan (which outlines Connecticut's four-year workforce development strategy) for each of the workforce development system's core programs, before the plan is submitted to the governor;
4. market and communicate the state workforce strategy to ensure maximum engagement with students, trainees, job seekers, and businesses, and elevate the state's national workforce profile;
5. identify certain subject areas, courses, curriculum, content, and programs that private sector specialists may offer to students in elementary and high school to improve student outcomes and meet the state's workforce needs (existing law allows private sector specialists to donate their teaching services under certain conditions);

6. coordinate, in consultation with DOL, with regional workforce development boards to ensure compliance with state and federal laws to expand the service capabilities of programs offered under WIOA and the U.S. DOL's American Job Center system;
7. coordinate, in consultation with the Department of Social Services, with community action agencies to further the state workforce strategy;
8. identify state workforce shortage areas that boards of education may use to inform their expansion of academic offerings;
9. collaborate with the State Board of Education (SBE) to provide transition resources, services, and programs to children requiring special education and related services;
10. identify, establish, and update a career ladder for jobs in the green technology industry; and
11. take other action as necessary to accomplish these duties.

Workforce Data (§ 203)

Prior law authorized DOL, with OWC's assistance, to ask any state office, department, board, commission, or agency to provide reports, information, and assistance that is necessary or appropriate for DOL to carry out its duties and requirements. The act (1) transfers this authorization to the chief workforce officer; (2) expands it by allowing him or her to request data from these agencies and entities; and (3) explicitly allows the officer to make the requests to public colleges and universities. The act makes conforming changes requiring these entities to provide OWS with requested data, but also specifies that entities may do so only to the extent allowed under state and federal law.

However, the act requires any data requests from an agency participating in CP20 WIN to be submitted through CP20 WIN according to its established policies and procedures. CP20 WIN longitudinally matches and links the data of state agencies and other organizations to audit and evaluate federal and state education programs and inform policy and practice for education, workforce, and supportive service efforts (see § 250 below).

Reports to the Legislature (§ 203)

Beginning by October 1, 2022, the act requires the chief workforce officer to annually submit a report on the state's workforce development to the governor and the Appropriations, Commerce, Education, Higher Education and Employment Advancement, and Labor and Public Employees committees. At a minimum, the report must include information on OWS's programs and the number, demographics, and outcomes of people they serve.

The act also eliminates the requirement that DOL annually report to legislative committees on its two- and five-year forecast of workforce shortages by occupation.

Background — Workforce Innovation and Opportunity Act (WIOA)

WIOA provides federal funds to states for a range of career services, job training, education, and related services and supports. It authorizes six core programs, including the Adult, Dislocated Worker, and Youth programs. The law requires each state to submit a state plan that outlines a four-year strategy for the state's workforce development system.

EFFECTIVE DATE: July 1, 2021

§ 204 — STATE WORKFORCE STRATEGY UPDATES

Requires the chief workforce officer to submit to the governor recommendations for updates to the state workforce strategy relating to certain individuals' needs and Two-Generational Advisory Board recommendations

The act requires the state's chief workforce officer in the Office of Workforce Strategy, by January 1, 2022, to submit to the governor recommendations for updates to the state workforce strategy. These recommendations must address certain individuals' needs, including those who are disabled, have a criminal background, or were recently released from prison; veterans; and the long-term unemployed. They must include recommendations advised by the Two-Generational Advisory Board, which, under existing law, advises the state, legislature, and OPM secretary on how to foster family economic self-sufficiency in low-income households through a comprehensive two-generational service delivery approach for early child care, education, and workforce readiness.

EFFECTIVE DATE: July 1, 2021

§ 205 — OFFICE OF WORKFORCE STRATEGY ACCOUNT

Establishes a new OWS account in the General Fund to fund workforce training programs and the office's administrative expenses; requires the chief workforce officer to report to the legislature and governor on these programs and the individuals they served

The act establishes the OWS account as a separate, nonlapsing General Fund account and requires OWS to use it to fund workforce training programs and support the office's administrative expenses. The act requires the account to contain any moneys the law requires to be deposited in it, along with any funds received from public or private contributions, gifts, grants, donations, bequests, or devises.

Additionally, the act allows OWS to enter into contracts or agreements with UConn, the Connecticut State Universities, the regional community-technical colleges, Charter Oak State College, and regional workforce development boards relating to the OWS account.

Under the act, the chief workforce officer, in consultation with the DOL commissioner and regional workforce development boards, must do the following:

1. ensure that, as appropriate, participants in a workforce training program funded through the OWS account also enroll in additional workforce development programs to minimize duplication across existing programs and leverage federal funds and
2. establish funding eligibility criteria for workforce training programs to meet in-demand occupations' workforce needs.

Annually, beginning by October 1, 2022, and ending October 1, 2025, the chief workforce officer must report to the governor and the Commerce; Education; Finance, Revenue and Bonding; Higher Education and Employment Advancement; and Labor and Public Employees committees on the workforce training programs funded through this account. The report must, at a minimum, provide information on the number, demographics, and outcomes of the individuals who have completed these programs.

EFFECTIVE DATE: July 1, 2021

§ 206 — CREDENTIALS OF VALUE

Requires OWS, in consultation with other state entities, to establish standards to designate certain credentials as "credentials of value"

The act requires OWS to establish standards to designate certain credentials as "credentials of value." OWS must establish these standards in consultation with the Chief Data Officer, UConn Board of Trustees, Board of Regents for Higher Education (BOR), labor and education commissioners, Office of Higher Education (OHE) executive director, and any other stakeholder identified by the chief workforce officer. These standards may include (1) meeting the workforce needs of Connecticut's employers, (2) completion rates, (3) net cost, (4) whether the credential transfers to or stacks onto another credential of value, (5) average time to completion, and (6) types of employment opportunities and earnings available upon completion.

The act prohibits OWS from requiring credential providers to submit an application or any other information to be designated as a "credential of value."

EFFECTIVE DATE: July 1, 2021

§ 207 — CREDENTIALS AND SKILLS REPORT

Requires the chief workforce officer to report biennially on certain credentials, skills, and associate degree programs, starting by September 1, 2022

By September 1, 2022, and then biennially until September 1, 2028, the act requires the chief workforce officer to submit a report to the governor, BOR, and the Commerce and Higher Education and Employment Advancement committees on the following topics:

1. in-demand credentials (i.e., documented awards such as degrees or certificates issued by authorized bodies) and skills in the labor market that lead to quality jobs and
2. models and examples of associate degree programs that result in students earning an industry-recognized credential in 12 months that is a pathway to one or more bachelor's degree programs.

EFFECTIVE DATE: July 1, 2021

§ 208 — CONNECTICUT APPRENTICESHIP AND EDUCATION COMMITTEE

Makes the committee's annual reporting requirement optional; adds an OWS representative to the committee's membership

By law, the Connecticut Apprenticeship and Education Committee must coordinate and identify (1) potential training integration among apprenticeship programs and (2) funding sources for high school and higher education career and technical education programs for careers in various industries. The act makes the committee's report to legislative committees optional, rather than required, and also removes its required annual frequency. This report addresses whether current apprenticeship training programs for Connecticut residents are meeting workforce needs.

Additionally, the act replaces the Connecticut Employment and Training Commission's committee representative with one from the Office of Workforce Strategy.

EFFECTIVE DATE: July 1, 2021

§§ 209, 230 & 238-246 — OWS MEMBERSHIP ON BOARDS AND COMMITTEES

Adds the state chief workforce officer to 10 existing boards and commissions; adds an OWS representative to DECD's Technology Talent Advisory Committee; makes various related changes to these entities' membership

The act places the state's chief workforce officer, or his or her designee, on the following existing boards or commissions:

1. Council of Advisors on Strategies for the Knowledge Economy,
2. Connecticut State Apprenticeship Council,
3. SBE,
4. Education Commission of the States,
5. Board of Regents for Higher Education (BOR),
6. New England Board of Higher Education (NEBHE),
7. Connecticut Higher Education Supplemental Loan Authority (CHESLA),
8. Manufacturing Innovation Advisory Board,
9. CTNext board of directors, and
10. Technical Education and Career System (TECS) board (i.e., vocational-technical education high school board).

It also (1) replaces CETC with the Governor's Workforce Council as an appointing authority for two TECS board members; (2) places an OWS representative on the Technology Talent Advisory Committee, which the DECD commissioner appoints; and (3) removes obsolete language (§§ 209 & 244).

Council of Advisors on Strategies for the Knowledge Economy (§230)

By law, the council promotes university-industry partnership formation, identifies benchmarks for technology-based workforce innovation, and advises the award process for certain higher education innovation and student outreach and development grants. The act adds increases the council's membership from nine to 10 by adding the chief workforce officer.

Connecticut State Apprenticeship Council (§ 238)

The act expands the council membership from 12 to 13 members and adds the chief workforce officer as one of the two members who must represent the public on the council. Under prior law, the labor commissioner was the only member designated to represent the public. The act also allows both the chief workforce officer and the labor commissioner to be represented on the council by a designee.

The act also allows, rather than requires, the council to annually prepare a report by August 1 to be included with the labor commissioner's report to the governor.

SBE (§ 239)

The act adds the chief workforce officer to SBE as a nonvoting ex-officio member. By law and unchanged by the act, the Connecticut State Colleges and Universities (CSCU) president and the TECS board chairperson also serve on the board as nonvoting, ex-officio members.

Representatives to the Education Commission of the States (§ 240)

By law and unchanged by the act, the House speaker, House minority leader, Senate president pro tempore, and Senate minority leader each make an appointment to represent Connecticut as members of the Education Commission of the States. The act creates four new gubernatorial appointments, two of whom are the education commissioner and the chief workforce officer. Also, the governor, or his designee, serves as an ex-officio member of the commission.

BOR (§ 241)

By law, BOR is the governing body for the regional community-technical college system, the Connecticut State Universities, and Charter Oak State College. The act expands BOR's ex-officio, nonvoting members to include the chief workforce officer. Under existing law and unchanged by the act, the commissioners of education, economic and community development, labor, and public health are also ex-officio, nonvoting members.

NEBHE (§ 242)

The act changes Connecticut's eight appointments to NEBHE. The board oversees the New England Higher Education Compact that aims to provide greater educational opportunities and services throughout New England.

Under prior law, the governor appointed two state residents with the approval of the General Assembly. The act instead makes these appointments the education commissioner and the chief workforce officer, or their designees. It also removes the requirement for General Assembly approval.

Under prior law, the Senate president pro tempore appointed three: one state senator and two state residents. The act changes the two state resident appointments, specifying that one must represent the Connecticut State Universities and the other the regional community-technical colleges, who are each recommended by the CSCU president. The House speaker also appointed three under prior law: one House member and two state residents. The act changes the resident appointments to one representing UConn, recommended by the UConn president, and one representing the state's independent colleges and universities.

Also, the act changes the terms of the governor's appointees from six years to four and makes a conforming change to specify that any members appointed as of July 1, 2021, may continue to serve the remainder of their terms.

CHESLA (§ 243)

The act expands the CHESLA board of directors from 9 to 10 members by adding the chief workforce officer, or his or her designee, as an ex-officio voting member. By law, other members of the board include the state treasurer, the Office of Policy and Management secretary, and the CSCU president, or their designees.

The act also repeals obsolete language governing the deadlines for previously appointed board members.

CHESLA is a quasi-public state agency that assists student and parent borrowers with financing or refinancing higher education costs.

Manufacturing Innovation Advisory Board (§ 245)

The act adds the chief workforce officer, or his or her designee, to the Manufacturing Innovation Advisory Board. The board is chaired by the DECD commissioner, or his designee, and board members must have skill, knowledge, and experience in specified areas of manufacturing. The act also repeals obsolete language.

CTNext (§ 246)

The act expands the board's membership from 11 to 12 members by adding the chief workforce officer as an ex-officio member. By law and unchanged by the act, the executive director of Connecticut Innovations, Incorporated and the DECD commissioner also serve as ex-officio members. It also requires that half of the board's membership, rather than a majority, be composed of serial entrepreneurs representing a diverse range of growth sectors of the Connecticut economy.

EFFECTIVE DATE: July 1, 2021

§ 210 — EMPLOYMENT SERVICES FOR TANF RECIPIENTS

Removes CETC as an optional administration and services provider for DOL contracts for employment services delivery for TANF recipients

By law, the Department of Labor (DOL) must negotiate, establish, modify, extend, suspend, or terminate contracts to deliver employment services to temporary assistance for needy families (TANF) recipients. Prior law allowed DOL to provide administration and services directly or through the CETC or regional workforce development boards. The act removes CETC as an optional provider.

EFFECTIVE DATE: July 1, 2021

§§ 211, 214-215, 224 & 235 — GOVERNOR'S WORKFORCE COUNCIL

Replaces the Connecticut Employment and Training Commission with the Governor's Workforce Council while carrying some of the Commission's prior duties forward and adding others

The act creates the Governor's Workforce Council and makes it the successor to the Connecticut Employment and Training Commission (CETC), aligning the statutes to Governor Lamont's Executive Order No. 4, signed on October 29, 2019. This executive order required CETC to also be known as the Governor's Workforce Council and, among other things, designated the council as the governor's principal advisor on workforce development issues.

Generally, existing law and the act transfer and assign to the council, as CETC's successor, CETC's functions, powers, and duties and, among other things, the governor may transfer appropriations from CETC to the council (CGS §§ 4-38d & 4-39). However, the act makes several changes from prior law, including locating the council within OWS (which is within the Office of the Governor for administrative purposes only) rather than within DOL as was the case for CETC.

The act also makes several conforming changes, including eliminating a reference to a statute containing duties for CETC that the act repeals (§ 235).

Duty Changes (§§ 211, 214 & 224)

The act requires the Governor's Workforce Council to carry out the duties and responsibilities of a state workforce board under the federal Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128) instead of according to other federal laws (which are obsolete). It also requires the council to carry out WIOA-related responsibilities the governor may direct rather than the duties and responsibilities of related entities.

The act removes many duties previously assigned to CETC relating to employment training programs, including:

1. reviewing all Connecticut employment and training programs to determine whether they produce economic self-sufficiency and serve the needs of the state's workers, employers, and economy;
2. reviewing and commenting on all employment and training programs enacted by the legislature;
3. developing and overseeing a plan for continuously improving the regional workforce development boards;
4. developing incumbent worker and vocational and manpower training programs, including customized job training programs;
5. developing a strategy for (a) providing comprehensive services to eligible youths, including youth pre-apprentice and apprentice programs, and (b) improving linkages between academic and occupational learning and other youth development activities; and
6. coordinating an electronic state hiring campaign to encourage employers to reemploy and retain workers age 50 or older.

The act replaces these duties with the following ones:

1. making recommendations to the legislature about the formula for allocating federal WIOA funds and
2. convening state agencies, educational institutions, business leaders, and others to inform state workforce development policy, help state agencies and educational institutions align with employers' needs, and help businesses understand how to contribute to the state's workforce efforts.

Additionally, the act requires the council to support WIOA implementation in general, rather than implement the act directly. Relatedly, it eliminates numerous duties related to direct WIOA implementation that prior law assigned to CETC.

The act also expressly transfers the following CETC duties in prior law to the council: (1) receiving DOL's annual employment services evaluation report and (2) collecting and analyzing data on state-supported training programs that measure the presence of gender or other systematic bias and working with the relevant boards and agencies to correct any problems found.

Council Membership (§ 215)

The act establishes the Governor's Workforce Council's membership pursuant to WIOA. The table below lists the appointing authorities and required expertise for this 51-member council. (Comparatively, prior law required the CETC to be a 24-member commission with the majority of members representing business and industry and the remainder representing state and local governments, organized labor, education, and community-based organizations.)

Governor's Workforce Council Membership

<i>Appointing Authority</i>	<i>Required Expertise for Appointee(s)</i>
N/A	Governor
House speaker	One member of the House of Representatives
Senate president pro tempore	One member of the Senate
Governor	24 members, at least one of whom must represent small businesses, who are: • business owners, chief executives or business operating officers, or other business executives or employers with optimum policymaking or hiring authority; • representatives of businesses or organizations representing businesses that provide high-quality training for in-demand industry sectors or occupations in the state; or • nominated by state business organizations or business trade associations Four labor organization representatives nominated by state labor federations One person who is either a (1) labor organization member or (2) training director from a joint labor-management apprenticeship program or, if no program exists in Connecticut, an apprenticeship program representative in the state Five representatives of community-based organizations with experience addressing employment, training, or education, including one from a community action agency and another from a philanthropic organization One representative from the Connecticut State Colleges and Universities One representative from UConn One representative from a nonprofit Connecticut higher education institution

Appointing Authority	Required Expertise for Appointee(s)
	Two public school superintendents Two chief municipal elected officials Two members of the public who are enrolled in or have recently completed a nondegree workforce training program
N/A	Labor, aging and disability services, education, and economic and community development commissioners or their designees
N/A	OWS's chief workforce officer or his or her designee

The act requires the appointing authorities to appoint members in a way that reflects the state's diversity, including geographic, gender identity, racial, and ethnic diversity. It requires any appointments made before October 1, 2021, to expire on that date.

Additionally, the act requires the governor to appoint the council's chairperson from among the above set of 24 business-related members he appoints. It also makes OWS's chief workforce officer the council's vice-chairperson. The council must meet at least quarterly each year, and the governor must establish its bylaws according to federal regulations governing state workforce development boards. The bylaws must address, at a minimum, members' term limits and appointment processes.

The act allows the council to establish its own executive committee of chairperson-appointed members, of which the council's vice-chairperson (i.e., the chief workforce officer) must be a member. The council may delegate to the executive committee any council powers except those required by law to be exercised by the council alone.

Under the act, the chairperson also (1) may appoint ad hoc committees, workgroups, or task forces to assist the council and (2) must consult with the vice-chairperson and legislative council members when making appointments to these bodies. EFFECTIVE DATE: July 1, 2021, with the provisions establishing the council's membership taking effect on October 1, 2021.

§§ 212 & 213 — LABOR COMMISSIONER'S POWERS AND DUTIES

Removes certain employment-related statistical reporting requirements from the labor commissioner's report to the governor; removes certain powers and duties related to employment training programs

The act removes many of the labor commissioner's powers and duties through conforming changes that reflect the act's transfer of duties from the Department of Labor (DOL) to the Office of Workforce Strategy (OWS) and Governor's Workforce Council. Instead, it allows the commissioner to adopt regulations for all Connecticut employment and training programs.

Specifically, the act removes the requirements that the DOL commissioner do the following:

1. administer the coordination of all employment and training programs in the state;
2. implement the Connecticut Employment and Training Commission (CETC) plan;
3. develop and maintain a comprehensive inventory of all Connecticut employment and training programs;
4. provide staff and other resources to CETC;
5. appoint a job training coordinator to develop and implement programs to provide job training, an incentive to establish apprentice programs in selected occupations, and work training opportunities and placement for the chronically unemployed; and
6. establish an interagency program coordinating committee to coordinate the application of all available resources for the job training coordinator's initiatives described above.

It also removes the requirement that the DOL commissioner include the following statistical details in his annual report to the governor: (1) population and employment data to project who is working, who is not working, and who will be entering the job market and (2) data about present job requirements and potential new industry needs.

EFFECTIVE DATE: July 1, 2021, except provisions relating to the job training coordinator and interagency program coordinating committee take effect upon passage.

§§ 216-222 — REGIONAL WORKFORCE DEVELOPMENT BOARDS

Makes several changes in laws on regional workforce development boards, such as requiring that they undertake their responsibilities in accordance with specified other related initiatives and guidance
Board Responsibilities (§ 217)

State law established a regional development board within the Department of Labor (DOL) for each of the state's workforce development regions. The act requires these boards, when undertaking various responsibilities under the act and existing law, to act in accordance with (1) the Governor's Workforce Council's workforce development plan, (2) the chief workforce officer's state workforce strategy, and (3) any guidance issued by the chief workforce officer or DOL commissioner. Additionally, it requires boards to (1) be the lead agency for any local workforce development initiative and (2) when annually reporting on performance measures for programs funded by the board, do so in accordance with federal law. It also eliminates a list of required performance measures that boards must include in the report. The act allows the DOL commissioner and chief workforce officer to jointly issue guidance requiring additional information from the boards.

The act requires boards to submit to the DOL commissioner, chief workforce officer, or Governor's Workforce Council information that the commissioner, officer, or council deems essential for effective state planning. This replaces the provisions in prior law that required boards to submit to the commissioner the following information about all employment and training programs, grants, or funds effective or available in the region in the following program year:

1. their source, purpose, projected amount, goals, and program period;
2. the people, organizations, and institutions eligible to participate or be recipients;
3. the range of services available and the characteristics of clients eligible to receive them; and
4. schedules for submitting requests for proposals, planning instructions, and proposals and plans, where applicable.

Additionally, the act requires any board seeking to provide services directly to submit a plan to the chief workforce office and Governor's Workforce Council, in addition to the DOL commissioner, as required in existing law. The plan is subject to the council's review and approval, rather than CETC's (see § 214, where the council replaces CETC). The act removes the requirement that these boards include their plan to provide services directly in their annual plan.

The act also eliminates certain board responsibilities, such as those requiring them to (1) annually prepare plans on their priorities and goals for regional employment and training programs and report on how well these programs met those goals and (2) establish worker training education committees.

Board Membership (§§ 218 & 221)

By law and unchanged by the act, board membership must satisfy the requirements of federal law (e.g., a majority of the members must represent local businesses and at least 20% must represent the local area workforce). The act eliminates specific membership criteria in state law, however, much of the membership criteria in state law included the same requirements as the federal law, such as requiring representatives of community-based organizations, labor unions, and educational institutions.

The act requires the Governor's Workforce Council to ensure that each board's membership, in addition to meeting the requirements under state law and regulations, also meets any guidance the chief workforce officer issues in accordance with the federal Workforce Innovation and Opportunity Act (WIOA) (P.L. 113-128).

Information Exchange (§§ 219 & 220)

The act requires the chief workforce officer, jointly with the DOL commissioner and Governor's Workforce Council, to facilitate communication and information exchange between the boards and state agencies involved in employment and training. Prior law required the commissioner to do this acting through the CETC. Also, the act requires the chief workforce officer, rather than the commissioner, to distribute all information received under specified state laws relating to regional workforce development boards to the Governor's Workforce Council rather than CETC.

The act also removes prior law's requirement that state agency department heads, as designated by the governor for their involvement in employment and training, provide the DOL commissioner with specific information about all employment and training programs, grants, or funds effective or available for distribution to the boards through the CETC. It also removes the requirement that the commissioner submit each annual regional plan for employment and training plan goals, along with DOL and CETC's recommendations, to the governor for final approval.

Regulations and Oversight (§§ 220 & 221)

The act allows, rather than requires, the DOL commissioner to adopt regulations to carry out the laws on regional workforce development boards, and it removes the requirement that the regulations establish criteria for boards' organization, operation, and membership. In order to adopt these regulations, she must consult with the chief workforce officer and Governor's Workforce Council.

The act also transfers, from the DOL commissioner to the governor, the authority to approve boards that meet the law's requirements and allows the governor to do so upon the recommendation of the Governor's Workforce Council.

Additionally, the act removes prior law's requirement that the CETC review and approve each annual regional plan (see above), evaluating the effectiveness of employment and training programs.

General Provisions

The act makes several technical and conforming changes, such as (1) eliminating references to CETC and replacing it with its successor, the Governor's Workforce Council (see § 214), and (2) conforming to federal law by replacing references to the repealed "Job Training Partnership Act" with the "Workforce Innovation and Opportunity Act."

EFFECTIVE DATE: July 1, 2021

§ 223 — STATEWIDE NETWORK OF JOB CENTERS

Requires the labor commissioner to (1) participate in, rather than maintain, a statewide network of job centers and (2) consult and collaborate with the Governor's Workforce Council and chief workforce officer when undertaking related responsibilities

The act requires the labor commissioner to participate in, rather than maintain, a statewide network of job centers and, as under prior law, do so within available resources. In carrying out job center-related responsibilities, the commissioner must do the following, among other things:

1. collaborate with the Governor's Workforce Council, rather than the Connecticut Employment and Training Commission that the act eliminates (see § 214), and
2. collaborate and consult with the chief workforce officer, along with the economic and community development commissioner as existing law requires, to ensure coordination of service delivery to employers.

EFFECTIVE DATE: July 1, 2021

§ 225 — WIOA FUNDS

Limits the amount of the state's WIOA allotment that the governor may reserve for statewide investment activities; expands how reserved funds may be used

Under existing law, the state may reserve, from its federal Workforce Innovation and Opportunity Act (WIOA) allotment, funds for statewide investment activities. The act conforms to WIOA by requiring that the governor limit this reservation to 15% of the allotment. It also requires the chief workforce officer to annually report to the Appropriations Committee about how the reserved funds will be used and whether any changes are made in how they will be used. (The act does not specify a reporting date.)

The act expands how reserved funds may be used by eliminating provisions from prior law that limited their use to statewide youth activities or employment and training activities for adults or dislocated workers.

EFFECTIVE DATE: July 1, 2021

§ 226 — STATEWIDE WORKFORCE DEVELOPMENT BOARD

Recognizes the Governor's Workforce Council as the statewide workforce development board for WIOA purposes

The act recognizes the Governor's Workforce Council, rather than Connecticut Employment and Training Commission (CETC), as the statewide workforce development board for WIOA compliance purposes. (Executive Order No. 4, signed by the governor on October 29, 2019, renames CETC the Governor's Workforce Council.)

EFFECTIVE DATE: July 1, 2021

§ 227 — STATE WORKFORCE DEVELOPMENT PLAN

Requires the governor's workforce development council to develop a four-year state workforce development plan; eliminates obsolete references to a single state plan

The act requires the Governor's Workforce Council to develop a four-year state workforce development plan that meets WIOA requirements and update it at least once every four years. The council must do so with the labor commissioner's assistance and in consultation with the regional workforce development boards. Prior law required the CETC to develop a single workforce plan that outlined a five-year strategy. The act eliminates obsolete references to this plan and its contents as required by the Workforce Investment Act of 1998 (WIA).

Under the act, the governor may submit the four-year plan and any modifications to the U.S. labor, health and human services, and education secretaries. Unlike prior law for WIA, the act does not require any legislative committee approval. EFFECTIVE DATE: July 1, 2021

§ 228 — ADULT WORKFORCE DEVELOPMENT ACTIVITY FUNDS

Requires the Governor's Workforce Council, rather than CETC, to annually recommend WIOA fund appropriations for adult workforce development; eliminates certain required components for the recommendation

The act requires the Governor's Workforce Council, rather than CETC, to annually make recommendations to the governor about the appropriation of WIOA funds received for adult workforce development activities. The act changes the annual reporting date to October 1 (from February 9) beginning in 2021 and eliminates (1) the requirement that recommendations also be made to the legislature and (2) specified subjects that the recommendation must address (e.g., underemployed and at-risk workers).

The act also eliminates a requirement that CETC annually make recommendations to the governor and legislature about WIOA funds for dislocated workers.

EFFECTIVE DATE: July 1, 2021

§ 229 — TECS AND CTC ALIGNMENT WITH BUSINESS AND INDUSTRY

Requires the TECS board, in consultation with specified entities, to assess TECS and CTC alignment with business and industry

The act requires the Technical Education and Career System (TECS) board, in consultation with specified entities (see below), to do the following:

1. review, evaluate, and recommend improvements as necessary for certificate and degree programs at the TECS schools and regional community-technical colleges (CTCs) to ensure that they meet business and industry employment needs;
2. develop ways to strengthen ties between skill standards for education and training and business and industry employment needs;
3. assess (a) Connecticut employers' unmet demand for hiring TECS trade program graduates and (b) students' unmet demand for enrolling in a TECS trade program; and
4. assess opportunities to increase the use of TECS schools after school hours and on weekends.

The act requires the TECS board, which oversees the state's public technical high school system, to do the above by January 1, 2022, and as needed after that. The board must work in consultation with the chief workforce officer; the commissioners of education, economic and community development, labor, and social services; OPM secretary; CSCU president; and one member of industry from each Department of Economic and Community Development-identified economic cluster. Under prior law, the TECS superintendent, rather than the board, also participated in a consultative role, along with the Office of Workforce Competitiveness. Additionally, prior law required this group to perform only the first two duties described above.

The act also requires the TECS superintendent, rather than the education commissioner, to submit an annual report to the Commerce, Education, Higher Education and Employment Advancement, and Labor committees about any certificate or degree programs offered by TECS schools or CTCs that do not meet industry needs. It eliminates a requirement in prior law that the report also include the implementation of recommended programs or strategies within TECS or the CTCs to strengthen their linkage with business and industry's employment needs.

EFFECTIVE DATE: July 1, 2021

§ 231 — INTEGRATED SYSTEM OF STATEWIDE INDUSTRY ADVISORY COMMITTEES

Requires the TECS board to create an integrated system of statewide industry advisory committees

The act requires the Technical Education and Career System (TECS) board, in consultation with the labor commissioner, to create an integrated system of statewide industry advisory committees for each career cluster offered as part of TECS and the regional community-technical college (CTC) system. Under prior law, the labor commissioner had to do this by October 1, 2012, in consultation with the TECS superintendent and with assistance from the Office of Workforce Competitiveness.

Under existing law, each committee must establish specific skills standards, corresponding curriculum, and a career ladder for the cluster that must be implemented as part of the schools' core curriculum. Under the act, committees must do so with support from the Office of Workforce Strategy, in addition to the Department of Labor, TECS, the State Department of Education, and the CTCs, as existing law requires.

EFFECTIVE DATE: July 1, 2021

§ 234 — EARLY CHILDHOOD PRESERVICE AND MINIMUM TRAINING REQUIREMENTS

Adds DOL, OWS, and OEC to the list of entities that must consult with the CSCU president to define early childhood preservice and minimum training requirements

The act requires the Office of Workforce Strategy (OWS) and the Office of Early Childhood, along with the Department of Labor (DOL), to consult with the Connecticut State Colleges and Universities (CSCU) president to define early childhood preservice and minimum training requirements. By law and unchanged by the act, the CSCU president must also consult the following entities and individuals: the state's education and social services departments; Charter Oak State College; early childhood education faculty at higher education institutions, professional associations, advocates, and practitioners; and individuals with early childhood care and education career development knowledge.

The act removes the requirement that the CSCU president consult with DOL's Office of Workforce Competitiveness, which the act eliminates and replaces with a different office (see § 203).

EFFECTIVE DATE: July 1, 2021

§ 247 — MUNICIPAL REDEVELOPMENT AUTHORITY ASSISTANCE

Requires businesses that receive assistance from MRDA to enter into an agreement with OWS for assistance with the training and recruitment of local employees

By law, the Municipal Redevelopment Authority (MRDA), its member municipalities, and joint member entities must encourage businesses to hire local employees as appropriate. Under the act, any business that receives financial assistance from MRDA must enter into an agreement with the Office of Workforce Strategy (OWS), rather than the Workforce Training Authority, for assistance with the training and recruitment of workers. This conforms to the act's repeal of the Workforce Training Authority (see § 494).

EFFECTIVE DATE: July 1, 2021

§ 248 — MILITARY TO MACHINISTS PROGRAM

Removes Workforce Training Authority Fund expenditures as a program funding source

By law, the Military to Machinists pilot program helps veterans in regions served by the program earn an advanced manufacturing certificate from a qualified program. Pilot program liaisons must help veterans obtain funding for the cost of attendance. The act removes Workforce Training Authority Fund expenditures from the funding options listed in prior law, which conforms to the act's repeal of the Workforce Training Authority and its fund (see § 494).

EFFECTIVE DATE: July 1, 2021

§ 249 — APPRENTICESHIP CONNECTICUT

Makes changes to the labor commissioner's administration of this initiative, including the RFP's timing, proposal requirements, and selection and funding requirements

By law, the Apprenticeship Connecticut initiative develops workforce pipelines to train qualified, entry-level workers for job placement with manufacturers and other industry sector employers experiencing workforce shortages.

Workforce Pipeline Proposal Submission

As part of this initiative, the act requires the labor commissioner to issue a request for proposals (RFP), rather than a request for qualifications to solicit proposals as under prior law, from regional industry partnerships for a workforce pipeline program to serve the workforce needs of manufactures and other employers. The act changes the deadline by which the commissioner must do this from January 1, 2019, to 60 days after she receives funding. Additionally, it removes the requirement that each regional workforce development board report to the legislature about the most pressing workforce needs within each board's region.

By law and unchanged by the act, partnerships must submit proposals through regional workforce development boards. These proposals must contain numerous core program components. The act requires the commissioner to specify the program components required for each proposal and allows her to create additional program components beyond those enumerated in the act. It also removes prior law's requirement for proposals to include the following core program components:

1. identification of the region's most pressing workforce needs and industry sectors with the greatest needs,
2. screening and assessment of individuals interested in manufacturing work or other targeted sectors,
3. redirecting or connecting certain individuals to alternative career resources or services,
4. requiring the partnership to leverage the Department of Labor's (DOL's) subsidized training and employment program with employers who commit to hiring individuals,
5. separate training programs for participants (a) in 11th or 12th grade or (b) who are age 18 years or older,
6. providing at least one training program for each age group through a certified pre-apprenticeship program offered by DOL,
7. a workforce pipeline program duration of at least four years, and
8. demonstration of leveraged funding support from existing resources if the partnership proposes using program funds for core program components.

Proposal Selection and Funding

By law, the labor commissioner must review all qualifying responses to the RFP. The act requires him to (1) use the governor's approved state workforce strategy and any guidance from the Office of Workforce Strategy's chief workforce officer when conducting the review and (2) fund as many proposals as he finds to be well-planned and capable of implementation.

It also removes prior law's requirements for the commissioner to:

1. select proposals to achieve at least 10,000 individuals placed into new jobs in the program's first four years, with specific percentages of individuals from certain categories;
2. award funds to partnerships proportional to regional workforce needs, adjusted for reasonable costs and commissioner discretion, so long as no partnership receives more than \$20 million;
3. fund distribution according to any total cost per program participant that he deems reasonable;
4. give preference to a partnership with a lower per-participant total cost, at his discretion; and
5. reserve from any awarded funds enough to support the use of DOL's certified pre-apprenticeship program, transferring the funds to the appropriate departmental account.

Use of Awarded Funds

The act makes the following changes to the use of program funds awarded to a partnership:

1. requires a minimum, rather than a maximum, of 70% of funds to be used for specified purposes (presumably training programs) and
2. requires a minimum, rather than a maximum, of 20% of funds to be used for supporting services for the program (e.g., recruitment, screening and assessment, transportation).

EFFECTIVE DATE: July 1, 2021

§ 250 — CONNECTICUT PRESCHOOL THROUGH TWENTY AND WORKFORCE INFORMATION NETWORK

Makes changes to the CP20 WIN data sharing agreement for participating agencies; allows the chief workforce officer to make an annual data request to CP20 WIN about the state's workforce system

Under existing law, CP20 WIN (Connecticut Preschool through Twenty and Workforce Information Network) longitudinally matches and links the data of state agencies and other organizations to audit and evaluate federal and state education programs. The act expands the network's purpose to also include informing policy and practice for education, workforce, and supportive service efforts.

The act requires agencies participating in CP20 WIN to enter into an "enterprise memorandum of understanding (MOU)," rather than a "memorandum of agreement" in order to participate in the network. Under the act, an "enterprise MOU" is a foundational, multiparty agreement that sets forth details of how data is shared and each party's respective legal rights and responsibilities. It may also be used for new agencies to sign on to the data-sharing process without having to re-sign as agencies join or leave the agreement. The act requires participating agencies to be approved for participation through the enterprise MOU, rather than by all other participating agencies as prior law required.

Additionally, the act makes some changes to the membership of CP20 WIN's executive board. It (1) adds the Office of Workforce Strategy's chief workforce officer or his or her designee and (2) specifies that each participating agency's executive officer or designee serve as a member rather than list certain agency heads by name, as under prior law.

The act also requires the executive board to advance a vision that includes a prioritized research agency with support from the Office of Policy and Management, rather than from the Planning Commission for Higher Education, as prior law required.

Furthermore, the act allows OWS's chief workforce officer, in consultation with the chief data officer and labor commissioner, to annually submit to CP20 WIN's administrator beginning by January 1, 2022, a request for data and analysis to assess performance and outcomes of the state's workforce system. The administrator must complete this request by August 15, 2022, and annually thereafter.

The act also makes the following minor changes:

1. requires CP20 WIN's data governing board to implement, rather than enforce, policies related to cross-agency data management and
2. removes from prior law the defined term "P20 WIN Data Request Management Procedure."

EFFECTIVE DATE: July 1, 2021

§ 251 — TECHNICAL CHANGE

Removes a citation to a statute that does not contain a relevant term

The act removes a statutory citation from the law that defines the term "state college," since the cited statute does not contain that term.

EFFECTIVE DATE: July 1, 2021

§ 252 — DECD BONDING FUNDS

Removes a cap on the appropriation of DECD bond funds to a DOL program

The act removes the \$5.25 million cap on the amount of bond money the Department of Economic and Community Development may allocate to the labor commissioner to assist employers with job training or retraining current employees or prospective employees in newly-created jobs, including meeting ISO 9000 quality standards. (PA 21-141, § 12, repeals the training program for ISO 9000 standards.)

EFFECTIVE DATE: July 1, 2021

§ 257 — CONNECTICUT AUTOMATIC ADMISSIONS PROGRAM

Requires BOR to establish an automatic admissions program for the CSUs' bachelor's degree programs and other in-state participating institutions

Program Establishment and Eligibility Criteria

The act requires the Board of Regents for Higher Education (BOR) to establish the Connecticut Automatic Admissions Program by April 1, 2022. When establishing the program and adopting the rules, procedures, and forms to implement it, BOR must consult with the four Connecticut State Universities (CSUs) and any other in-state higher education institution that is eligible to participate in the program (“participating institutions”), as described below.

Under the act, the program must require participating institutions to admit an applicant as a full-time, first-year student to a Connecticut in-person bachelor’s degree program if he or she meets the following requirements:

1. meets or exceeds the academic threshold (see “Academic Threshold,” below);
2. qualifies as an in-state student (see *Background*);
3. is enrolled in his or her last school year before graduation in a Connecticut public or approved private high school; and
4. earns a high school diploma, an adult education diploma, or other equivalent credential, if required by a participating institution.

The act specifies that (1) admission to an institution under the program does not guarantee admission to any specific bachelor’s degree program and (2) no participating institution may consider admission through the program when determining the student’s need- or merit-based financial aid.

Under the act, a participating institution may conduct a comprehensive review of an applicant who applies through the program. This review may entail requesting additional application materials or result in denying admission. However, the act requires participating institutions to try to minimize the number of students subjected to this review if the students meet the above four requirements.

Program Application Process

The act requires BOR to create a simple, online application form for students to apply to the program’s participating institutions. This application:

1. must require students to verify that they meet the qualifications;
2. may require students to provide their state-assigned student identifier, if they have one (private school students do not have such a number; see *Background*);
3. cannot require an application fee, an essay, or recommendation letters; and
4. must embed or link to information and resources about (a) college admissions and financial aid; (b) the net cost of completing a bachelor’s degree program; (c) graduation rates; (d) average earnings for graduates of participating institutions; and (e) if possible, common majors at participating institutions.

Participating Institutions Outside of the Connecticut State University System (CSUS)

The act allows a nonprofit higher education institution outside of CSUS to participate in the program if it enters a memorandum of agreement with BOR and meets the following qualifications:

1. has graduated at least 100 students with a bachelor’s degree in each of the prior four years;
2. maintains eligibility to participate in federal student financial aid programs;
3. has a financial responsibility score of at least 1.5 for the most recent fiscal year with available data, as determined by the U.S. Department of Education (see *Background*); and
4. is accredited as a degree-granting institution in good standing for at least 10 years by a regional accrediting organization and maintains the accreditation.

Under the act, each non-CSU participating institution must use the online application form (see “Program Application Process” above) and comply with the academic threshold requirements (see below). Additionally, the act allows BOR to charge these institutions a reasonable fee to participate; however, it must not exceed BOR’s cost for including the institution in the program, or \$25,000, whichever is less. The act does not specify whether the fee is one-time or recurring.

Academic Threshold

The act requires BOR to establish (1) a minimum class rank percentile for program applicants to qualify for automatic admission to participating institutions and (2) a standardized grade point average (GPA) calculation method to determine class rank percentile.

The act also requires each participating institution to establish an academic threshold for admission to the institution through the program.

For any non-CSU participating institution, the threshold must be based on at least one of the following:

1. the BOR-established minimum class rank percentile,
2. a minimum GPA calculated using the BOR-established standardized method, or
3. a combination of (a) the BOR-established standardized method of minimum GPA calculation and (b) performance on a nationally recognized college readiness assessment administered to grade 11 students (i.e., the SAT).

Under the act, CSU participating institutions (1) must establish an academic threshold using the BOR-established minimum class rank percentile and (2) may establish the other two academic thresholds available to participating institutions.

The act considers any applicant who has satisfied any one of an institution's academic thresholds to have fulfilled the academic threshold for admission. Additionally, it prohibits participating institutions' governing boards from establishing policies or procedures that require additional academic qualifications beyond what is in the act.

Nonpublic High School Participation

The act allows a Connecticut nonpublic high school's supervisory agent to apply to BOR, in a BOR-prescribed form and manner, to participate in the program. BOR must approve the application if the school (1) is accredited by a generally recognized organization or operated by the U.S. Department of Defense and (2) complies with the act's GPA and class rank percentile calculation requirements.

EFFECTIVE DATE: July 1, 2021

Background

In-State Student Classification. By law, with limited exceptions, eligibility for in-state student classification is based on an applicant's domicile, which is his or her "true, fixed, and permanent home" and the place where he or she intends to remain and return to when he or she leaves (CGS §§ 10a-28 & 10a-29). One exception allows a person, except for certain temporary visa holders, to qualify for in-state tuition if he or she meets the following criteria:

1. resides in Connecticut (i.e., maintains a continuous and permanent physical presence, except for short, temporary absences);
2. attended an in-state educational institution and completed at least two years of high school in Connecticut;
3. graduated from a high school or the equivalent in Connecticut; and
4. is registered as an entering student, or is a student, at UConn, a Connecticut State University, a community-technical college, or Charter Oak State College.

Students without legal immigration status who meet the above criteria must file an affidavit with the institution stating that they have applied to legalize their immigration status or will do so as soon as they are eligible (CGS § 10a-29(9)).

State-Assigned Student Identifier. The State Department of Education assigns a unique student identifier to each student prior to tracking their performance in the public school information system. This system tracks and reports data relating to student, teacher, school, and district performance growth and makes this information available to boards of education for use in evaluating educational performance and growth of teachers and enrolled students (CGS § 10-10a).

Financial Responsibility Score. According to the U.S. Department of Education, this composite score reflects the overall relative financial health of higher education institutions along a scale from -1 to 3. A score of 1.5 or more indicates that the institution is considered financially responsible.

§ 258 — AUTOMATIC ADMISSIONS PROGRAM ELIGIBILITY

Requires boards of education to calculate certain students' GPA using a standardized method and notify them of their eligibility for the automatic admissions program

The act requires each local and regional board of education, starting in the 2022-23 school year, to make certain annual calculations to determine which students qualify for the automatic admissions program. Specifically, each board must do the following:

1. calculate a GPA using the Board of Regents for Higher Education (BOR)-established standardized method for each student who completes grade 11;
2. determine whether these students' class rank percentile is above or below the BOR-established minimum; and
3. share a student's GPA, and whether the student is above or below the minimum class rank percentile, with the student; his or her parents or guardians; the State Department of Education; and, at the student's request, a participating institution for purposes of applying under the program.

The act specifies that it does not require a board of education to (1) publish or provide any student's class ranking, (2) publish the BOR-established GPA calculation on a student's transcript, or (3) publish whether a student is above or below the BOR-established minimum class rank percentile for the automatic admissions program.

The act requires each board of education, starting in the 2022-23 school year, to notify each student in his or her final year of high school, and their parent or guardian, about whether the student may be admitted to at least one participating institution under the automatic admissions program, based on the academic threshold described above.

EFFECTIVE DATE: July 1, 2021

§ 259 — CTPASS PROGRAM

Requires the DOT commissioner to establish the Ctpass program to allow certain individuals from eligible organizations to use specified public transit services for free or at a reduced cost

The act requires the Department of Transportation (DOT) commissioner to establish the Ctpass program by January 1, 2022, to allow certain employees, clients, students, or customers of an eligible in-state organization (the organization's "approved class") to use certain public transit services without cost or at reduced cost. These eligible organizations include:

1. any training program provider, including any listed on the Department of Labor's Eligible Training Provider List;
2. an apprenticeship or pre-apprenticeship program sponsor;
3. a State Board of Education (SBE)-approved alternate route to certification (ARC) program provider;
4. a higher education institution;
5. a private occupational school;
6. an employer;
7. a state or municipal agency; and
8. a public or nonprofit social service provider.

The commissioner must post information about the program and its application process on the department's website in a manner that, in his view, will maximize awareness and participation by the greatest number of eligible organizations.

Under the act, after an eligible organization applies to participate in Ctpass, the commissioner may negotiate terms and conditions and enter into a contract with the organization. Additionally, he may treat several eligible organizations as a single one for a contract.

The contract's terms and conditions must include (1) the amount of compensation or reimbursement required from the eligible organization, (2) the definition of approved class specific to the eligible organization, and (3) any limitations on times of use or types of public transit services available to the approved class. The compensation or reimbursement negotiated in the contract must be in an amount that the commissioner finds necessary or advisable, ensure that DOT's transit service expenditures do not increase, and cover any administrative costs incurred from operating the program.

The act requires that a contract under the Ctpass program be valid upon the Office of Policy and Management's (OPM's) approval for up to two years; however, the first contract with an eligible organization must not exceed 12 months. Before renewing a contract with an eligible operator, the DOT commissioner must consider the following to re-evaluate the required compensation or reimbursement amount: prior pass usage information and any transit services expenditure increases incurred by DOT.

The act requires the DOT commissioner to report to the OPM secretary annually beginning by January 1, 2023, on the financial data and pass usage information for each contract under the Ctpass program.

EFFECTIVE DATE: July 1, 2021

§ 260 — EDUCATION ASSISTANCE PROGRAMS

Requires certain employers to notify employees about education assistance programs they may offer

The act requires each Connecticut employer with 100 or more employees to notify their employees who live in the state by December 1, 2021, and annually for the next three years, about (1) whether the employer offers an education assistance program and (2) if one is offered, the benefits included and how an employee may enroll. Under the act, as defined by federal law, an education assistance program is an employer's separate written plan for the exclusive benefit of its employees to provide them with educational assistance such as payments for tuition, fees, books, supplies, equipment, and qualified education loans (26 U.S.C. § 127).

The act prohibits an employee from having a cause of action against an employer for not offering this type of program or for failing to notify employees about the program. It requires the Department of Economic and Community Development commissioner to make information and resources about these programs available to employers.

EFFECTIVE DATE: July 1, 2021

§ 261 — UCONN EARLY COLLEGE EXPERIENCE COURSES

Requires UConn to remove Early College Experience (ECE) course prerequisites as much as possible and report to the education commissioner and legislature on these efforts and related topics

The act requires UConn to remove prerequisites, to the extent possible, from each UConn ECE course offered in the state and work with local and regional boards of education to increase access to these courses.

It also requires UConn to report to the education commissioner and the Higher Education and Employment Advancement and Education committees by October 1, 2022, about the following topics:

1. prerequisites for UConn ECE courses;
2. a comparison of UConn's ECE prerequisites to those of similar courses offered by other higher education institutions and by advanced placement, International Baccalaureate, and Cambridge International programs;
3. enrolled student demographics; and
4. UConn's actions taken to increase ECE course access.

EFFECTIVE DATE: July 1, 2021

§ 262 — COLLEGE CREDIT FOR HIGH SCHOOL COURSEWORK

Requires the governing boards of public colleges and universities to report on their policies for awarding college credit for exam scores earned in advanced high school courses

The act requires the UConn Board of Trustees and the Board of Regents for Higher Education to report to the education commissioner and the Education and Higher Education and Employment Advancement committees by February 1, 2022, about their institutions' policies for awarding course credit to enrolled undergraduate students for their score on an advanced placement, International Baccalaureate, Cambridge International, or UConn Early College Experience exam taken while in high school.

EFFECTIVE DATE: July 1, 2021

§ 263 — STUDENT INFORMATION EXEMPT FROM DISCLOSURE

Exempts specified student and parent information from disclosure under FOIA; prohibits the sharing of higher education student applications and immigration status with federal immigration authorities except under specified conditions

FOIA Exemptions

The act exempts from disclosure under the Freedom of Information Act (FOIA) (1) any information contained in a Free Application for Federal Student Aid or state application for student financial aid and (2) personally identifiable information in higher education institution admissions applications, including applications under the Connecticut Automatic Admissions Program (see § 257). This exemption prohibits these records from being considered a public record and applies to those held by a department, board, commission, or public higher education institution, or any other agency of the state, as well as any local or regional board of education or state-administered school system.

Records Protection for Undocumented Students and Families

The act generally prohibits certain education authorities from disclosing to any federal immigration authority any confidential information about an individual, including information about his or her admission or financial application or immigration status. These education authorities are officers, employees, or agents of a local or regional board of education or Connecticut higher education institution. Under the act, this information may be disclosed only if it is:

1. authorized in writing by the individual or by his or her parent or guardian if the individual is a minor or not legally competent to consent to the disclosure,
2. necessary for a criminal terrorism investigation, or
3. otherwise required by state or federal law or to comply with a judicial warrant or court order issued by a state or federal judge or magistrate.

EFFECTIVE DATE: July 1, 2021

§ 264 — CREDENTIALS DATABASE

Requires OHE to create a database of the credentials offered in Connecticut; beginning by July 1, 2024, requires specified institutions and training providers to submit information about the credentials they offer to be included in the database; creates an advisory council to advise OHE on the database's implementation; establishes council membership

Credentials Database

The act requires the Office of Higher Education's (OHE's) executive director, in consultation with the advisory council described below, to create by January 1, 2023, a database of the credentials offered in Connecticut. Under the act, a "credential" is a documented award issued by an authorized body. It includes the following:

1. degrees or certificates awarded by colleges and universities, private occupational schools, or State Board of Education (SBE)-approved alternate route to certification (ARC) program providers;
2. certifications awarded through an examination process designed to demonstrate that an individual has the knowledge, skill, and ability to perform a specific job;
3. government-issued licenses that allow someone to practice a specific occupation based on predetermined qualifications; and
4. documented completion of an apprenticeship or job training program.

The database must explain the skills and competencies earned through a credential in uniform terms and plain language. In creating the database, the executive director must use the (1) minimum data policy established by the New England Board of Higher Education's (NEBHE's) High Value Credentials for New England initiative (see *Background*) and (2) uniform terms, descriptions, and standards for comparing and linking credentials in Credential Engine's Credential Transparency Description Language (see *Background*).

The database must, at a minimum, include the following information for each credential:

1. name and type of credential being offered and its credential status type (i.e., active, deprecated, probationary, or superseded);
2. entity that owns or offers the credential;
3. a short description of the credential and the language in which it is offered;
4. a website that provides related information;
5. estimated cost and duration for completion;
6. the industry related to the credential, which may include its code under the North American Industry Classification System;
7. the occupation related to the credential (e.g., its code under the U.S. Bureau of Labor Statistics' standard occupational classification system or under The Occupational Information Network); and
8. a listing of online or physical locations where it is offered.

Advisory Council

The act establishes a council to advise the OHE executive director on the database's implementation. The advisory council must include the state's chief data officer or his designee and representatives from the Office of Workforce Strategy, OHE, the Office of Policy and Management, the Department of Labor (DOL), the State Department of Education, the Connecticut State Colleges and Universities, UConn, and independent higher education institutions. The chief workforce officer, chief data officer, and OHE executive director, or their designees, must cochair the council and schedule its meetings.

Requirement to Submit Credential Information

Annually, beginning by July 1, 2024, the act requires specified institutions and training providers to submit information about the credentials they offer for inclusion in the database. Specifically, this requirement applies to each regional workforce development board, community action agency, higher education institution, private occupational school, SBE-approved ARC program provider, and training program provider listed on DOL's Eligible Training Provider List, excluding any state agencies or departments.

Each of these entities must submit the information in the form and manner the OHE executive director prescribes, including the data described above. Higher education institutions, however, may omit the industry and occupational code data and the informational website if they are not applicable to credentials the institution offers.

The act also authorizes DOL, in consultation with the advisory council, to require any pre-apprenticeship or apprenticeship program sponsor registered with the department to submit information about its program to OHE for inclusion in the database.

EFFECTIVE DATE: July 1, 2021

Background

NEBHE's High Value Credentials for New England. NEBHE's High Value Credentials for New England initiative provides individuals, institutions, policymakers, and employers with tools to compare and evaluate credential programs and understand the competencies obtained through them. The initiative includes an online registry of credential information; its minimum data policy establishes the fields that make up the credential profiles in the registry.

Credential Engine. Credential Engine is a nonprofit organization that provides web-based services for creating a centralized credential registry. Its Credential Transparency Description Language provides a common set of terms for defining credentials, credentialing organizations, quality assurance bodies, and competencies.

§§ 265-268 — HIGHER EDUCATION PROGRAM APPROVAL

Decreases, and in some cases eliminates, reporting and approval requirements for new programs and program changes; requires OHE to report on recommendations for program approval and modification requirements to the Higher Education Committee

Independent Institutions

Prior law exempted qualifying independent colleges and universities from the Office of Higher Education's (OHE) approval process for up to 12 new higher education programs per academic year. The act instead exempts an unlimited number of new programs until June 30, 2023, but then beginning July 1, 2023, it limits the exemptions to 15 new programs in any academic year. Under existing law and the act, institutions qualify for these exemptions if they:

1. are eligible to participate in the Federal Family Education Loan program;
2. have a financial responsibility score of at least 1.5, as determined by the U.S. Department of Education (this score reflects the overall relative financial health of institutions); and
3. have been located in Connecticut and accredited as a degree-granting institution in good standing for at least 10 years by a federally recognized regional accrediting association.

As under prior law, any qualifying institutions' program modifications remain exempt from the approval process.

Additionally, the act terminates, on June 30, 2024, the requirement that these exempt institutions annually file with OHE a list and brief description of any new programs introduced, and any existing programs discontinued, in the preceding academic year. As under existing law, the institutions must continue to annually file (1) a program actions form prior to students enrolling in any new or modified program, (2) their program approval process and all actions their respective governing boards took concerning new program approvals, and (3) their financial responsibility composite score.

Public Institutions

The act also terminates, as of June 30, 2024, the requirement that the Board of Regents for Higher Education (BOR) and UConn Board of Trustees (BOT) report to OHE on the new programs and approved program changes. By law, BOR reviews and approves recommendations to establish new academic programs for the universities within the Connecticut State University System, the community colleges, and Charter Oak State College, and BOT does so for UConn.

OHE Recommendations

The act requires the OHE executive director to submit recommendations to the Higher Education Committee by October 1, 2023, about the program approval and modification requirements in state law.

EFFECTIVE DATE: July 1, 2021

§ 269 — STUDENT AND TRAINEE DATA COLLECTION

Requires private occupational schools and certain postsecondary training providers to submit specific data to OHE on each of their enrolled students or trainees; prohibits OHE from releasing any of this identifiable student information to the public but allows data-sharing under limited circumstances

By January 1, 2023, the act requires each private occupational school, regional workforce development board, community action agency, and State Board of Education-approved alternate route to certification program provider to submit to the Office of Higher Education (OHE) specified data on each of their enrolled students or trainees who earns a credential offered by any of these entities.

The data must at least include the following: gender identity; age; race; ethnicity; course enrollment; course and credential completion; fees and tuition charged; federal student loans received; federal student loan balances; and state-assigned student identifiers, if applicable. (By law, the State Department of Education assigns to each student a unique student identifier to track his or her performance in the public school information system.) The schools, boards, agencies, and providers must submit this data in the form and manner that the OHE executive director prescribes. The act specifies that it does not require a student or trainee to provide information about gender identity, age, race, or ethnicity if not otherwise required by law.

The act specifies that any personally identifiable information provided by these entities to OHE is not a public record and is exempt from public release under FOIA. However, it allows OHE to share information that these entities provide with another state agency; another state or territory; the federal government; or to support a CP20 WIN data request for program administration, audit, evaluation, or research. For the latter, the data recipient must agree to a data sharing agreement if the recipient is not a state agency, another state or territory, or the federal government.

EFFECTIVE DATE: July 1, 2021

§ 270 — QUARTERLY REPORTING REQUIREMENTS FOR EMPLOYERS

Requires employers subject to the state's unemployment law to report certain data about each employee in their quarterly wage reports to DOL, with a waiver option; exempts employers' identifying information and employees' personally identifying information from disclosure under FOIA, with certain exceptions

Expanded Reporting Requirement

The act generally requires employers subject to the state's unemployment law to include additional, specified data about each employee receiving wages in their quarterly wage reports to DOL.

Specifically, employers must report the following data for each employee:

1. gender identity, age, race, ethnicity, veteran status, disability status, and highest education completed;
2. home address and primary work site address;
3. occupational code under the Bureau of Labor Statistics' standard occupational classification system;
4. hours and days worked and salary or hourly wage; and
5. employment start date in the current job title and, if applicable, employment end date.

The DOL commissioner may issue guidance defining each of these data fields. The act phases in these reporting requirements, based on the employer's number of employees, as follows:

1. beginning with the third quarter of 2024 for employers with 100 or more employees;
2. beginning with the third quarter of 2026 for employers with 99 or fewer employees, except as provided below; and
3. beginning in the third quarter of 2028 for employers with 49 or fewer employees that do not have an electronic payroll system.

The act specifies that these provisions may not be construed to require employees to provide information on their gender identity, age, race, ethnicity, or veteran or disability status, if these disclosures are not otherwise required by law.

Electronic Report Submissions and Waivers

The act specifies that report submission is limited to electronic means in a format and manner chosen by the DOL commissioner. It eliminates prior law's references to electronic reporting via magnetic tape or diskette.

It also allows employers to request a waiver from the electronic reporting requirement for the employee data described above, just as existing law allows them to do for electronic wage reports and reimbursements. As under existing law,

employers, or their agents, may submit a written waiver request on a DOL-prescribed form at least 30 days before the report is due. The DOL commissioner must grant the request if, based on the submitted information, she finds that the requirement would cause an undue hardship. The commissioner must promptly notify the employer or agent of her decision, which cannot be further reviewed or appealed. A waiver is good for one year.

Employee Data Confidentiality

Under the act, the following information is not a public record and is exempt from disclosure under FOIA: (1) an employer's name and identifying information and (2) an employee's personally identifying information provided to the DOL commissioner. But the act allows the commissioner or the department to share this information (1) with another state agency, another state or territory, or the federal government or (2) to support a CP20 WIN data request, submitted according to CP20 WIN's policies and procedures, for program administration, audit, evaluation, or research purposes, so long as the data recipient enters into a data sharing agreement if the recipient is not a state agency, another state or territory, or the federal government.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 271 — DATA SHARING AGREEMENTS

Allows state instrumentalities to enter into a data sharing agreement with non-state entities when permitted under state and federal law

The act sets standards for data sharing agreements ("agreements") between individuals and organizations and the following state instrumentalities: any office, department, board, commission, public higher education institution, or other state instrumentality sharing data from (1) tax return information for research or CP20 WIN data requests (see § 272), (2) employers' quarterly filings with DOL (see § 270), or (3) student and trainee data from private occupational schools and certain postsecondary training providers (see § 269).

The agreement between a third party and a state instrumentality must include provisions stating the following, at a minimum:

1. the purposes for which the third party will use the data;
2. that this data may only be used as authorized under the agreement;
3. the specific individuals who may access or use the data;
4. that the data provided by the state instrumentality may not be shared with another party unless the other party has the instrumentality's approval and enters into an agreement;
5. that the data may not be copied or stored in any location by any party unless approved by the state instrumentality in the agreement;
6. that all data be stored and accessed securely as prescribed in the agreement;
7. procedures for notifying the state instrumentality of any breach of the agreement;
8. that if any provision in the agreement or its application is invalidated by a court, it does not affect other provisions or applications of the agreement that can be given effect without the invalid provision or application;
9. that the third party entering is prohibited from (a) using records or information obtained under it to enforce federal immigration law or (b) sharing, disclosing, or making these records or information accessible in any direct or indirect way to any federal or state agency, or its officer or agent, that enforces federal immigration law unless required under a judicial warrant or court order issued by a judge or magistrate on behalf of the state or federal judicial branches;
10. that a data sharing agreement must have an explicit term of length; and
11. if personally identifying information is permitted or required to be shared under the agreement, the methods that will be used to de-identify the data.

Under the act, the agreement must be considered a public record, and any state instrumentality that enters into one must not release any information that may endanger data security or safety. Any data or information shared with a third party under a data sharing agreement that is not subject to FOIA disclosure by a state instrumentality is not subject to disclosure by the third party.

The act also specifies that the above provisions do not apply to any contracts that a state agency enters into that comply with the state law governing state contractors who receive confidential information (CGS § 4e-70).

EFFECTIVE DATE: July 1, 2021

§ 272 — DISCLOSURE OF TAX RETURN INFORMATION FOR RESEARCH OR CP20 WIN DATA REQUESTS

Authorizes DRS to release tax return information for evaluation or research purposes under specified conditions

The act authorizes the Department of Revenue Services (DRS) commissioner, to the extent allowed by federal law, to disclose tax return information for evaluation or research purposes to another state agency or to support a data request submitted through CP20 WIN. The disclosure must be in accordance with CP20 WIN's policies and procedures, and the data recipient must enter into a data sharing agreement if the recipient is not a state agency.

By law, "return information" includes:

1. a taxpayer's identity;
2. the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax collected or withheld, tax under- or over-reportings, or tax payments;
3. whether the taxpayer's return was, is being, or will be examined or subjected to other investigation or processing; and
4. any other data received, recorded, prepared, or collected by or furnished to the DRS commissioner regarding (a) a return or (b) a determination of liability for a tax, penalty, interest, fine, forfeiture, or other imposition or offense (CGS § 12-15(h)(2)).

EFFECTIVE DATE: October 1, 2021

§§ 273-274 — CHESLA LOAN AND AWARD ELIGIBILITY FOR CERTIFICATE PROGRAM ENROLLMENT

Allows students enrolled in a Connecticut high-value certificate program or their parents to take out student loans and receive certain financial aid from CHESLA; requires CHESLA to establish an account to fund and operate these loans

The act allows (1) Connecticut students enrolled in a "high-value certificate program," or their parents, legal guardians, or sponsors, to take out loans with CHESLA to finance student enrollment and (2) these students to receive grants, scholarships, fellowships, or other non-repayable assistance from CHESLA. Under the act, a "high-value certificate program" is a non-credit, subbaccalaureate certificate program offered by a higher education institution or a private occupational school that the chief workforce officer of the Office of Workforce Strategy determines meets Connecticut employers' needs. Also under the act, a "Connecticut high-value certificate program" is a high-value certificate program offered by a higher education institution or private occupational school in the state.

Additionally, the act requires CHESLA to establish the certificate loan loss reserve and funding account. This separate, nonlapsing account must contain any funds required by law to be deposited in it, including state appropriations or bond sale proceeds. CHESLA must spend these funds to (1) fund loans that it issues to a borrower to finance Connecticut high-value certificate program enrollment, (2) cover any losses CHESLA incurs from issuing these loans and reasonable and necessary expenses for administering them, and (3) cover any initial implementation expenses before the loans' origination.

EFFECTIVE DATE: October 1, 2022, for the loan provisions and July 1, 2021, for the CHESLA account provisions.

§§ 275-276 — PAID FAMILY AND MEDICAL LEAVE APPEALS

Allows, rather than requires, the labor commissioner to conduct a hearing for people aggrieved by a denial of paid family and medical leave benefits or the imposition of certain anti-fraud penalties; removes a requirement that appeals in these cases proceed under the UAPA

The law generally allows someone to petition the labor commissioner if they are aggrieved by the Family and Medical Leave Insurance Authority's denial of Family and Medical Leave Insurance benefits or imposition of certain anti-fraud penalties. The act refers to these as "appeals," rather than "complaints," and requires that they be filed within 21 calendar days after the denial or penalty decision was issued, unless there is good cause for the late filing. Prior law did not specify a filing deadline.

Prior law required the commissioner to hold a hearing upon receipt of the complaints. The act instead requires the commissioner, or her designee, to decide the appeal based on the file record and allows her to supplement the file record, conduct a hearing, or do both. The commissioner or designee may issue subpoenas and require the attendance of witnesses and the production of documents in connection with the appeal. The act also requires the Department of Labor to adopt regulations on the procedural rules for disposing of these appeals.

Under the act, the “file record” includes any documents (1) submitted to the authority or to a private plan administrator, (2) that the authority or private plan administrator relied on to make its determination, or (3) that the commissioner or designee needs to dispose of the appeal.

Similar to prior law, after determining the appeal (rather than after the hearing), the commissioner or his designee must send each party a written copy of the decision and may award all appropriate relief. Any party aggrieved by the decision may appeal to the Superior Court. The act, however, removes a requirement that the appeal to court be made under the Uniform Administrative Procedure Act (UAPA) and specifies that it may be appealed to the judicial district of Hartford or the judicial district where the appellant resides. It also requires that the appeal be filed within 30 days after the decision was issued and makes conforming changes to exempt these appeals from the UAPA.

EFFECTIVE DATE: Upon passage

§§ 277-278 — THE STATE AS AN EMPLOYER UNDER CT FMLA

Removes a provision that explicitly excluded the state from being an employer covered by the FMLA

The act removes a provision from prior law that explicitly excluded the state from being an employer covered by the state’s Family and Medical Leave Act (FMLA). (It does not otherwise specify that the state is an employer covered by the act.)

The act also makes an identical conforming change to the FMLA once the provisions of PA 19-25 become effective on January 1, 2022.

EFFECTIVE DATE: Upon passage, except that the conforming change is effective January 1, 2022.

§§ 279-281 — CT FMLA HEARINGS

Requires complaints for FMLA violations to go through additional procedural steps before proceeding to a hearing

The law allows an employee aggrieved by certain violations of the state’s FMLA to file a complaint with the labor commissioner. Prior law required the commissioner to hold a hearing on these complaints, but the act instead requires her or her designee, to first investigate and make a finding about jurisdiction and whether a violation occurred. The act also requires that a complaint be filed within 180 days after the employer action that prompted the complaint, unless there is good cause for the late filing (prior law did not specify a deadline).

Under the act, if the commissioner or designee finds that DOL has no jurisdiction or no violation occurred, they must dismiss the complaint and issue a release of jurisdiction that allows the complainant to bring a civil action in Superior Court. The complainant must initiate the lawsuit within 90 days after the decision’s release date. In the suit, the employee may be awarded all appropriate relief, including rehiring or reinstatement to their job and any compensation or benefits for which he or she would have otherwise been eligible.

If the commissioner or designee finds that the agency has jurisdiction and a violation occurred, the act allows them, in their sole discretion, to require a mandatory settlement conference with the parties. If there is no settlement, they must designate a hearing officer to hold a hearing and render a final decision. Unlike prior law, the act does not require that a written copy of the decision be provided to the parties after the hearing. But as under prior law, the employee may be awarded all appropriate relief and any party aggrieved by the decision may appeal to the Superior Court under the Uniform Administrative Procedures Act.

The act also allows an employee aggrieved by a violation to bring a civil action against an employer within 180 days after the alleged violation. It allows an employee to bring this action without first filing an administrative complaint.

The act also makes minor, technical, and conforming changes that, among other things, (1) make an identical conforming change to the FMLA once the provisions of PA 19-25 become effective on January 1, 2022, and (2) remove a provision that specifies that DOL’s related regulations for hearing procedures be for employees who believe that their employer violated the FMLA.

EFFECTIVE DATE: Upon passage, except that the (1) minor change related to DOL’s regulations for hearing procedures (§ 281) is effective July 1, 2021, and (2) conforming change related to PA 19-25 (§ 280) is effective January 1, 2022.

§ 282 — CONNECTICUT STATE GUARD

Allows the governor to raise and maintain the Connecticut State Guard volunteer troops at any time, rather than only when the Connecticut National Guard is, or likely will be, activated for federal service

The act authorizes the governor, at any time, to raise, organize, maintain, and govern a body of volunteer troops for state military duty (i.e., the Connecticut State Guard). Prior law required the governor to do this only when the Connecticut National Guard was called into the federal service or he believed that it would happen imminently.

EFFECTIVE DATE: October 1, 2021

§§ 283-286 — SMALL BUSINESS EXPRESS PROGRAM

Makes various changes to DECD's Small Business Express (EXP) program, generally increasing flexibility in the department's administration of the program and allowing for increased participation by private lenders; eliminates certain EXP administrative provisions and modifies the program's components; makes changes to DECD's EXP and annual reporting requirements and the legislative hearing requirements related to certain analyses the department must include in its annual report

The act makes changes to the Department of Economic and Community Development's (DECD) Small Business Express program (EXP), generally increasing flexibility in the department's administration of the program and allowing for increased participation by private lenders. The act eliminates certain administrative provisions concerning participant eligibility criteria, application process, and funding priority. It also makes the following changes to the program's components:

1. expands the revolving loan fund's allowed uses and eliminates related requirements on the uses, amounts, rates and terms, and prioritization of these loans;
2. allows the DECD commissioner, in consultation with Connecticut Innovations, Inc. (CI), to establish a new EXP component and eliminates the job creation incentive and matching grant components;
3. removes the cap on the number of minority business revolving loan funds (MBRLFs) and increases the maximum size of loans these funds may provide; and
4. makes changes to the administration and funding allocation of the EXP component operated in collaboration with Connecticut-based banks.

The act also (1) creates a new requirement for loan loss reserve accounts under the Connecticut Capital Access Fund program; (2) makes changes to DECD's EXP and annual reporting requirements and the legislative hearing requirements related to certain analyses the department must include in its annual report; and (3) makes it a department goal that by July 1, 2026, EXP be self-funded and have a default rate of 20% or less for small businesses receiving assistance.

Additionally, the act eliminates (1) a requirement that the DECD commissioner work with eligible applicants to provide a package of EXP financial assistance, with the ability to refer these applicants to the Subsidized Training and Employment program or other appropriate state programs, and (2) the commissioner's ability to, at his discretion, partner with lenders in the Connecticut Credit Consortium to fulfill the program requirements.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the provisions related to DECD's annual reporting requirements and the legislative hearing requirement are effective upon passage.

Eligibility Criteria

The act expands eligibility criteria for a small business to receive assistance under the EXP program by (1) eliminating a requirement that businesses must have been registered for at least 12 months and (2) requiring that a business have no more than 100 employees, rather than employ no more than 100 people on at least half of the working days in the previous 12 months, as prior law required.

By law, to be eligible a business must also (1) operate in Connecticut and (2) be in good standing with all state and local tax payments and with all state agencies.

Application Process and Funding Priority

The act eliminates certain EXP provisions related to application process and funding priority, including those requiring the DECD commissioner to establish a streamlined application process and that approved small businesses receive funding within 30 days after submitting a completed application to DECD. It also eliminates provisions that (1) required the DECD commissioner to prioritize funding for small businesses creating jobs and (2) allowed him to do so for those (a) in Connecticut's economic base industries (e.g., precision manufacturing, business services, bioscience, green and sustainable technology, and information technology); (b) attempting to export products or services to foreign markets; and (c) located in CTNext-designated innovation places.

EXP Component Changes

Under prior law, EXP funding was available to eligible businesses in the form of a loan or a grant through five components:

1. the revolving loan fund,
2. the job creation incentive component,
3. the matching grant component,
4. up to two MBRLFs, and
5. a private lender component operated in collaboration with Connecticut-based banks.

Among other things, the act eliminates the EXP program's job creation incentive and matching grant components and eliminates the cap on the number of MBRLFs. It also adds a new component, to be established in consultation with CI, and expands the revolving loan fund's allowed uses.

Revolving Loan Fund Purposes Expanded. By law, DECD may provide loans to eligible small businesses through the revolving loan fund. The act expands the fund's eligible uses by allowing the department to also provide loan guarantees, loan portfolio guarantees, portfolio insurance, and grants under this EXP component.

The act also eliminates provisions from prior law addressing permissible loan uses; loan amounts, rates and terms; and prioritization of loans issued from this fund. (Under prior law, this component provided loans ranging from \$10,000 to \$100,000 for a term of up to 10 years and a maximum 4% interest rate. DECD was required to prioritize applicants that planned to create new jobs that would be maintained for at least a year.)

New Component in Collaboration With CI. The act allows the DECD commissioner to establish and operate a new EXP component in consultation and collaboration with CI. This new component may, among other things, provide financial assistance consistent with CI's powers and the provisions and purposes of the Connecticut Works Fund and Connecticut Capital Access Fund. CI may administer the component in collaboration with DECD.

The Connecticut Capital Access Fund program is designed to provide portfolio insurance to participating financial institutions to help them make loans that are riskier than conventional loans. The Connecticut Works Fund provides direct loans for eligible projects and includes a loan guarantee program to encourage participating lenders to provide additional credit on more favorable terms.

Eliminated Job Creation Incentive and Matching Grant Components. The act eliminates the EXP program's job creation incentive and matching grant components. Under prior law, businesses that received job creation incentive loans could use the funds for training, marketing, working capital, or other DECD-authorized business expenses that supported job creation. Loans ranged from \$10,000 to \$300,000, and the DECD commissioner could allow deferred loan payments and forgive all or part of a loan.

Under prior law, businesses that received matching grants could use the funds for ongoing or new training, working capital, machinery and equipment purchases, construction, relocation costs, rent payments, and other DECD-authorized business expenses. This EXP component provided eligible businesses with grants ranging from \$10,000 to \$100,000. To receive a grant, a business was required to match the state award dollar-for-dollar unless located in a distressed municipality.

Minimum MBRLF Requirement and Raised Loan Cap. The act eliminates the requirement that there be no more than two MBRLFs, instead requiring a minimum of one. Additionally, it increases the maximum size of loans these funds may provide from \$100,000 to \$500,000.

Private Lender Component's Administration and Funding Cap. Existing law allows DECD to establish, in consultation with private lenders, an EXP component comprising (1) loan guarantees, (2) short-term loans used as a bridge to private sector financing, and (3) the transfer of loans issued under the revolving loan fund or job creation incentive fund.

The act (1) requires CI to administer this component in collaboration with DECD, if the department establishes it, and (2) eliminates the requirement that no more than 10% of available EXP funding be allocated to it.

Connecticut Capital Access Fund Participation

By law, participation agreements between CI and a financial institution participating in the Connecticut Capital Access Fund program (see above) must establish a separate loan loss reserve account owned and controlled by CI but earmarked to cover losses on loans enrolled by a financial institution in the program. The act additionally requires that these loan loss reserve accounts be located within (1) the financial institution entering the participation agreement or (2) a third-party financial institution approved by CI.

DECD Reporting Requirements

The act (1) reduces the frequency, from biannually to annually, of the DECD commissioner's report on the EXP program to the General Assembly and (2) makes the report due February 1, beginning in 2022.

The act also requires that this report, and DECD's annual report due on the same day under existing law, include available data on (1) the default rate of small businesses that received EXP assistance and (2) participating lenders' progress in becoming self-sustainable. It removes the requirement that these reports include data on the number of small businesses that applied to the program.

Legislative Hearing Requirements

By law, the Appropriations; Finance, Revenue and Bonding; and Commerce committees must hold individual or joint public hearings on certain analyses DECD must include in its annual report (e.g., analyses of its economic development portfolio and certain business assistance or incentive programs). The act (1) requires the committees to hold these hearings annually by April 1 and (2) eliminates a requirement that they cover the state auditors' evaluation of the annual report, thus effectively repealing certain changes made by PA 21-193 (see *Background*). Under the act, the hearings must also cover the department's report on EXP (see above).

Background — Related Act

PA 21-193 required (1) the above committees to hold the legislative hearings described above within 60 days after the state auditors complete their evaluation of DECD's annual report, rather than annually by March 1 as prior law required, and (2) that these hearings cover the auditors' evaluation in addition to DECD's analyses of the department's economic development portfolio and the business or incentive programs it, or CI, administers.

§§ 287 & 491 — VISITATION RIGHTS OF INCARCERATED INDIVIDUALS

Amends PA 21-110, which was vetoed, and thus has no legal effect

The act makes various changes to provisions relating to visitation rights that would have been provided to incarcerated individuals under PA 21-110, which was vetoed. As a result, these sections have no legal effect.

EFFECTIVE DATE: January 1, 2022, except a technical change is effective upon passage.

§ 288 — SOLID WASTE REDUCTION PROGRAM

Requires DEEP, within available resources, to develop and implement a program to support strategies for reducing solid waste

The act requires the DEEP commissioner, within available resources, to develop and implement a program to support solid waste reduction strategies that are consistent with the state's Comprehensive Materials Management Strategy (CMMS). The strategies may include solid waste and organic materials diversion, unit-based pricing, and reuse and recycling strategies, among others.

The CMMS (i.e., the revised statewide Solid Waste Management Plan) includes a plan for diverting, through source reduction, reuse, and recycling, at least 60% of the solid waste generated in the state after January 1, 2024, to meet the state's statutory diversion goal (CGS § 22a-241a).

EFFECTIVE DATE: July 1, 2021

§ 289 — ESSENTIAL WORKERS COVID-19 ASSISTANCE PROGRAM

Establishes the Essential Workers COVID-19 Assistance Program to provide benefits, within available funds, for lost wages, out-of-pocket medical expenses, and burial expenses to qualifying essential employees who could not work due to contracting COVID-19

The act establishes the Connecticut Essential Workers COVID-19 Assistance Program to provide benefits for lost wages, out-of-pocket medical expenses, and burial expenses to certain essential employees who could not work due to

contracting COVID-19 or symptoms that were later diagnosed as COVID-19. The program's benefits are available within available funds and on a first-come, first-served basis, pending verification of eligibility, through June 30, 2024.
EFFECTIVE DATE: October 1, 2021

Eligibility Criteria

Under the act, an "affected person" eligible for program benefits is an "essential employee" who:

1. died or could not work due to contracting COVID-19, or symptoms that were later diagnosed as COVID-19, between March 10, 2020, and July 20, 2021;
2. had the contraction of COVID-19 confirmed by a positive lab test or, if one was not available, diagnosed based on the employee's symptoms and documented by a licensed physician, physician assistant, or advanced practice registered nurse;
3. provides a copy of the test or diagnosis documentation to the program's administrator; and
4. during the 14 consecutive days immediately before the employee's death or inability to work, (a) did not work solely from home, with no physical interaction with other employees, or (b) received an individualized written offer or directive to work solely from home, but otherwise chose to work at the employer's worksite.

An affected person does not include a federal employee who qualifies for benefits under the COVID-19 workers' compensation presumption included in the American Rescue Plan Act of 2021.

"Essential employees" are those employed in a category that the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices, as of February 20, 2021, recommended to receive a COVID-19 vaccination in phase 1a or 1b of the COVID-19 vaccination program. (These include health care personnel, firefighters, police officers, corrections officers, food and agricultural workers, manufacturing workers, grocery store workers, public transit workers, education sector workers, and child care workers.)

Program Administration

The act requires the program's administrator (i.e., the Office of the Comptroller or a third-party administrator) to start accepting applications for program benefits on October 1, 2021. (It does not specify how a third-party administrator may be selected for the program.)

The act authorizes the administrator to do the following:

1. determine whether an affected person is eligible for benefits and, if so, the benefit amount;
2. summon and examine under oath any witnesses who may provide relevant information about an affected person's eligibility;
3. direct the production of, and examine or cause to be produced or examined, any books, records, vouchers, memoranda, documents, letters, contracts, or other papers related to any matter at issue that the administrator deems proper; and
4. take or cause to be taken affidavits or depositions within or outside of the state.

Program Fund

The act establishes the Connecticut Essential Workers COVID-19 Assistance Fund as a separate, nonlapsing account within the General Fund. The account must contain any moneys that the law requires to be deposited in it. Account funds must be spent by the comptroller, at the administrator's discretion, for paying the program's benefits, operating costs, and expenses, including hiring necessary employees and spending for public outreach and education about the program and fund.

Under the act, no more than 5% of the total moneys received by the fund can be used for administrative costs, including (1) the cost of hiring temporary or durational staff or contracting with a third-party administrator or (2) other connected costs and expenses incurred by the administrator or comptroller. The act also requires the administrator to make all reasonable efforts to limit the program's operating costs and expenses without compromising affected persons' access to it.

Starting by January 1, 2022, the act requires the comptroller to submit monthly reports to the administrator indicating the fund's value at the time of the report. He must also submit these reports upon the administrator's request.

Applications

To apply for program benefits, the act requires an affected person to submit a claim to the program administrator by July 20, 2022, in a form that the administrator requires. An affected person may apply regardless of whether he or she has

a pending workers' compensation claim related to COVID-19. But if the person does not have such a claim pending, he or she must submit a claim to the administrator, in a form the administrator requires, by the later of (1) July 20, 2022, or (2) one year after the person was initially unable to work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19.

The claim must include the following:

1. a certificate issued by a licensed medical professional documenting the laboratory test or diagnosis that the affected person contracted COVID-19 (a) requiring the person to isolate and quarantine from others, (b) preventing the affected person from working, or (c) requiring in-patient or outpatient medical treatment;
2. for requesting uncompensated leave benefits, evidence of (a) the affected person's weekly earnings during the eight weeks immediately before the diagnosis, or for an employee who had not yet worked for an eight-week period, for the period the employee was employed, and (b) uncompensated leave due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19;
3. for requesting benefits for out-of-pocket costs for medical and surgical aid or hospital or nursing services, evidence of these costs; and
4. any additional information the administrator requests or requires.

Under the act, "uncompensated leave" is the wages or salary lost by an affected person unable to work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19 at any time during the public health and civil preparedness emergencies declared by the governor on March 10, 2020, or any extensions of them. It does not include any employment leave for which the person received paid leave provided through an employer's paid leave plan or under a state or federal law.

Benefits

The act generally requires the program to provide benefits for uncompensated leave, out-of-pocket medical costs, and burial expenses. Benefits are subject to available funds and payable on a retroactive basis from the date the person was initially unable to work due to contracting COVID-19 or symptoms later diagnosed as COVID-19, but no earlier than March 10, 2020, and no later than July 20, 2021.

Under the act, any benefits provided through the program are not considered income under the state's personal income tax law, corporation tax, or any other tax laws.

Uncompensated Leave. The act provides weekly benefits for all uncompensated leave, calculated as (1) 75% of the affected person's average weekly net earnings (i.e., after deductions for state and federal taxes), up to the average weekly earnings of all workers in the state (as calculated by the labor commissioner), and then (2) reduced by any unemployment benefits received, and workers' compensation temporary total or temporary partial disability benefits provided, for the same days of claimed benefits.

Under the act, a person's average weekly earnings are based on the eight weeks immediately before the date the person was initially unable to work due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19. For someone who had not yet worked eight weeks for their employer, the average weekly earnings are based on the period that the person was employed.

Out-of-Pocket Medical Costs. The act provides benefits for all documented, out-of-pocket, COVID-19-related costs for medical and surgical aid or hospital and nursing services incurred directly because the affected person contracted COVID-19, including medical rehabilitation services, mental health therapy services, and prescription drugs.

Burial Expenses. The act provides \$3,000 for burial expenses if an employee (presumably, the affected person) died due to contracting COVID-19 during the current COVID-19 declared public health and civil preparedness emergencies or any new ones declared by the governor because of a COVID-19 outbreak in the state.

Claim Determinations

The act requires the administrator to promptly review the claims and evaluate each one to determine whether it should be approved and, if so, the benefit amount, based on the information the affected person provided or additional information provided at the administrator's request. The administrator must provide a written determination to the affected person within 60 business days after receiving the claim notice or, if the administrator requested additional information, within 10 business days after receiving that information. The administrator must direct the comptroller to pay the program's benefits offered to the affected person in the amount and for the duration determined by the administrator, if applicable.

Interaction With Workers' Compensation Claims

Under the act, a pending workers' compensation claim submitted by an affected person must not prevent the administrator from approving the person's claim for program benefits. However, any workers' compensation benefits the affected person receives for the workers' compensation claim must be offset by the amount of uncompensated leave benefits that the person receives from the program as deemed appropriate by the presiding workers' compensation commissioner.

In addition, any benefits available from the program must be offset by any workers' compensation benefits already paid to the affected person for the uncompensated leave or out-of-pocket medical costs, including payments made without prejudice (i.e., payments made by the insurer before it formally accepts liability for the claim). The act makes the fund (presumably the program's) administrator responsible for notifying the Workers' Compensation Commission about an available offset.

Appeals

The act allows an affected person to request that a claims determination be reconsidered by the administrator's designee by filing a request with the administrator on a form it prescribes. The request must be filed within 20 business days after the determination notice was mailed. Within three business days after receiving the request, the administrator must designate someone to conduct the reconsideration and must give him or her all documents related to the affected person's claim. The designee must conduct the requested reconsideration, which must consist of a de novo review of all relevant evidence, within 20 business days after the designation.

The act requires the designee to issue the decision affirming, modifying, or reversing the administrator's decision within 20 business days and submit it in writing to the administrator and the affected person. The decision must include a short statement of findings that specifies any benefits to be paid to the affected person as required under the act. An affected person cannot further appeal a case beyond the administrator's designee.

Under the act, any statement, document, information, or matter may be considered by the administrator or, on reconsideration, by the administrator's designee if, in his or her opinion, it contributes to a determination of the claim, whether or not the same would be admissible in a court.

Overpayments and Fraud

If a claim is paid to an affected person erroneously or due to the person's willful misrepresentation, the act allows the administrator to seek repayment of benefits from the affected person. In the case of willful misrepresentation, the administrator may also seek payment of a penalty equal to 50% of the benefits paid because of the misrepresentation.

Report

Starting by January 1, 2022, the act requires the administrator to submit quarterly reports on the financial condition of the Connecticut Essential Workers COVID-19 Assistance Fund to the Labor and Public Employees Committee. The report must include (1) an estimate of the fund's value as of the date of the report; (2) the effect of scheduled payments on the fund's value; (3) an estimate of the monthly administrative costs necessary to operate the program and the fund; and (4) any legislative recommendations to improve the operation or administration of the program and the fund.

§ 290 — BAN ON EMPLOYEE DISCIPLINE AND MISINFORMATION FOR WORKERS' COMPENSATION CLAIMS

Prohibits employers from (1) disciplining employees for filing workers' compensation claims and (2) deliberately misinforming them about or dissuading them from filing claims for workers' compensation or the Connecticut Essential Workers COVID-19 Assistance Program

The law prohibits employers from discharging or discriminating against an employee because the employee filed a workers' compensation claim or exercised his or her rights under the workers' compensation law. The act expands this protection to also prohibit employers from (1) disciplining employees for filing a claim or exercising their rights and (2) deliberately misinforming or dissuading them from filing a claim for workers' compensation benefits or, starting October 1, 2021, a claim for benefits from the Connecticut Essential Workers COVID-19 Assistance Fund.

The act allows employees subjected to a violation to either bring a lawsuit in Superior Court or file a complaint with the Workers' Compensation Commission. (However, it appears that the awards specifically allowed in these cases (e.g.,

reinstatement, back pay, and reestablishment of benefits) would not provide a remedy for an employee who was deliberately misinformed or dissuaded from filing a claim.)

EFFECTIVE DATE: Upon passage

§ 291 — WORKERS' COMPENSATION BURIAL EXPENSES

Increases the workers' compensation benefit for burial expenses from \$4,000 to \$12,000, with annual adjustments for inflation

The act increases the workers' compensation benefit for burial expenses from \$4,000 to \$12,000, as of when the act passed (June 23, 2021). Then, starting January 1, 2022, it requires the benefit to be annually adjusted by the previous calendar year's percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Northeast, with no seasonal adjustment, as calculated by the federal Bureau of Labor Statistics.

EFFECTIVE DATE: Upon passage

§§ 292 & 293 — INVESTMENT OF CERTAIN MUNICIPAL RETIREMENT FUNDS

Allows certain municipalities to invest their retirement system assets with trust funds that are administered, held, or invested by the state treasurer

The act allows a municipality that does not participate in the Connecticut Municipal Employees Retirement System (CMERS) to invest its retirement system's assets with certain of the state's combined retirement plans and trust funds. It allows these municipalities to invest in state plans and funds that are administered, held, or invested by the state treasurer (i.e., the Connecticut Retirement Plans and Trust Funds). The act also authorizes the treasurer to adopt regulations to allow for the funds' investment.

The act places municipal retirement systems' trust funds that are invested by the state treasurer, pursuant to the act, under the same oversight and requirements established in the trust statutes for funds that include the Teachers' Pension Fund, the State Employees Retirement Fund, and the Connecticut Municipal Employees' Retirement Fund. Among other things, these provisions include investment review by the Investment Advisory Council.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

§ 294 — HEALTH INSURANCE EXCHANGE ASSESSMENTS AND ALL-PAYER CLAIMS DATABASE

Allows the state's health insurance exchange to (1) impose assessments on health carriers to cover the costs of the all-payer claims database and (2) with OPM's approval, enter into an agreement with OHS to use these funds for the database

By law, the state's health insurance exchange (HIE) charges assessments or user fees to health carriers capable of offering a qualified health plan through the exchange to cover the exchange's costs. The act allows the HIE to also charge these assessments or user fees to cover the costs of the state's all-payer claims database (APCD). As under prior law, the HIE may impose interest and penalties on health carriers for delinquent payments of these assessments or fees.

The act also authorizes the HIE to enter into an agreement with OHS to (1) use the funds collected for the APCD's operation and (2) receive data from the APCD database. Under the act, the agreement must be approved by OPM and is not considered proprietary.

By law, OHS administers the APCD, which collects data relating to medical, pharmacy, dental, and other insurance claims information from public and private health insurers.

EFFECTIVE DATE: January 1, 2022

§ 295 — INSURANCE FUND AND OHS

Requires the amount annually appropriated from the Insurance Fund to OHS to be reduced by the amount of Medicaid reimbursement the state received for allowable administrative expenses

Existing law requires insurance companies and hospital and medical service corporations to annually pay into the Insurance Fund an amount that covers OHS's appropriation, including fringe benefits and certain capital equipment

purchases. The act requires the appropriation amount to be reduced by the amount of federal Medicaid reimbursement the state receives for allowable Medicaid administrative expenses.

EFFECTIVE DATE: January 1, 2022

§§ 296-305 — WORK ZONE SPEED CAMERA PILOT PROGRAM

Allows DOT to establish a two-year pilot program by January 1, 2022, to operate speed cameras at up to three highway work zones; establishes conditions and procedures for camera operation, violation enforcement, and data collection and retention

The act allows the Department of Transportation (DOT) to establish a pilot program to operate speed cameras at up to three locations, at any one time, on state limited access highways where construction, maintenance, or utility work is occurring (i.e., highway work zones). The program must begin by January 1, 2022, and end on December 31, 2023. By January 1, 2024, the DOT commissioner must assess the pilot program's efficacy and report on the assessment to the Transportation and Appropriations committees.

The act specifically prohibits drivers from exceeding the posted speed limit by 15 or more mph, as detected by a speed camera, in a highway work zone where a speed camera is operating. It sets requirements and conditions for speed camera placement and operation and establishes procedures for issuing tickets and enforcing violations.

The act also allows DOT to adopt regulations to implement the program and establish standards and procedures for speed cameras.

EFFECTIVE DATE: October 1, 2021

Speed Camera Placement and Operation

Under the act, speed cameras (which the act calls "work zone speed control systems") are devices with one or more sensors connected to a camera system that can produce images indicating the date, time, and location that a motor vehicle allegedly violated the act.

The act places the following conditions and requirements on speed camera placement and operation:

1. cameras may only be operated on limited access highways where the speed limit, established using generally accepted engineering practices, is 45 mph or more;
2. cameras must be operated by someone trained and certified to operate them (i.e., a "work zone speed control system operator");
3. drivers must be given notice through signs and DOT's website (see below);
4. cameras may only record images of motor vehicles speeding in violation of the act and the images may not be used for surveillance;
5. DOT or the camera operator must certify to the State Police when cameras are operational; and
6. camera operators must meet certain training, recordkeeping, and testing requirements.

Notice Requirements. For highway work zones with operational speed cameras, the act requires (1) two conspicuous road signs to be placed at a reasonable distance before the zones and (2) an appropriate sign to be conspicuously placed at their end points. The signs ahead of the zones must be placed in accordance with the federal Manual on Uniform Traffic Control Devices, as approved by the Office of State Traffic Administration, and at least one of them must indicate whether or not the speed cameras are operating.

The act also requires DOT to post a notice identifying the locations of work zone speed cameras on its website.

Vendors and Contracts. The act allows the DOT commissioner to (1) enter into agreements with "vendors" for speed camera design, operation, or maintenance, or a combination of them and (2) retain and employ consultants and assistants by contract or another basis for legal, financial, professional, technical, or other services necessary for camera design, operation, and maintenance. If a vendor provides, deploys, or operates speed cameras, the vendor's fee may not be contingent on the number of violations issued or fines paid under the act.

A "vendor" is someone who (1) provides speed camera-related services; (2) operates, maintains, leases, or licenses speed cameras; or (3) reviews and assembles the images the cameras record.

Camera Training and Recordkeeping. The act requires speed camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the speed camera's set up, testing, and operation. The training must also cover any devices critical to a camera's operation. Upon training completion, the manufacturer or its representative must issue a signed certificate to the operator, which must be admitted as evidence in any court proceeding for a violation of the act.

Speed camera operators must complete and sign a daily log for the speed camera that (1) states the date, time, and location of its set up; (2) states that they successfully performed, and the camera passed, the testing specified by the camera manufacturer; (3) must be kept on file at the operator's principal office; and (4) must be admitted as evidence in any court proceeding for a violation of the act.

The act also requires speed cameras to have an annual calibration check performed at a calibration laboratory. The laboratory must issue a signed certificate of calibration after the check, which must be kept on file and admitted as evidence in any court proceeding for a violation of the act.

Ticket Issuance and Processing

When a speed camera detects and produces images of a vehicle allegedly violating the act's speeding prohibition, a sworn or authorized member of the State Police must review the images. If, upon review, the member determines there are reasonable grounds to believe a violation occurred, the member may issue a written violation notice. The notice must be sworn or affirmed by the member and treated as prima facie evidence of the facts in it.

Under the act, the notice must include the following:

1. a copy of the image showing the vehicle and its license plate;
2. the vehicle's registration number and issuing state;
3. the date of the most recent calibration check and verification that the camera was operating correctly during the violation; and
4. the date, time, and location of the alleged violation.

For vehicles registered in Connecticut, the act requires the violation notice to be sent by first class mail to the address on file with DMV within 30 days after the alleged violation occurred or the vehicle owner's identity is ascertained, whichever is later. For vehicles registered elsewhere, the notice must be similarly sent to the address on file with the issuing jurisdiction within 30 days after ascertaining the owner's identity. However, the act makes notices of violation invalid if they are mailed later than 90 days after an alleged violation. Manual or automatic records of mailing prepared by the speed camera operator in the ordinary course of business are prima facie evidence of mailing and are admissible in any court proceeding as to facts the notice contains.

The act requires DMV to provide DOT and any camera vendor with information on owners of vehicles recorded violating the act's speeding provision, including the (1) vehicle's make and license plate number and (2) owner's name and address.

Under the act, owners who receive violation notices must follow Centralized Infractions Bureau procedures for mail-in violations.

Enforcement and Penalties

Under the act, owners of motor vehicles captured violating its speeding prohibition must (1) receive a written warning for a first violation, (2) be fined \$75 for a second violation, and (3) be fined \$150 for a subsequent violation. The owner is liable for the fine unless the driver received a citation from a law enforcement officer when the violation occurred. All fine amounts received must be deposited into the Special Transportation Fund.

The act prohibits violations under the act from being (1) included in the driver's driving record, (2) the subject of merit rating for insurance purposes, or (3) used to impose surcharge points for auto insurance coverage.

The act makes the following two defenses specifically available to owners of vehicles captured violating the act's speeding prohibition:

1. the violation happened during a time when the vehicle was reported stolen to law enforcement and had not yet been recovered and
2. the camera used to determine speed did not comply with the act's requirements on accuracy testing, certification, or calibration.

If a vehicle owner does not pay the fine imposed under the act or after being found guilty at trial for committing the violation, DMV may refuse to register the vehicle or suspend its registration.

Privacy

The act prohibits DOT or a vendor from selling or disclosing "personally identifiable information" to any person or entity unless the disclosure is made (1) in connection with charging, collecting, and enforcing fines imposed under the act; (2) pursuant to a judicial order in a criminal proceeding; or (3) to comply with state or federal law or regulation. It also (1)

prohibits DOT or a vendor from storing or keeping this information unless it is necessary to collect and enforce fines imposed under the act and (2) exempts this information from disclosure under the Freedom of Information Act.

Under the act, “personally identifiable information” is information DOT or a vendor creates or maintains that identifies or describes a vehicle owner and includes the owner’s address; phone number; license plate; photo; bank account information; credit card or debit card number; or the date, time, location, or direction of travel on a limited access highway.

Unless otherwise required by law or related to an administrative summons or judicial order in a criminal proceeding, the act requires DOT or a vendor to destroy personally identifiable information and other data specifically identifying a motor vehicle and relating to an alleged violation within one year after a fine is imposed or a trial is resolved.

But it allows DOT or a vendor to disclose, for DOT-authorized research purposes, aggregate information and other data from speed cameras that do not directly or indirectly identify an owner or a motor vehicle.

§§ 306 & 307 — ARPA ALLOCATIONS

Adjusts ARPA funding allocations made in the state budget act; allocates ARPA funds for specified broadband and technology projects

Allocation Adjustments (§ 306)

The act adjusts ARPA funding allocations made in the biennial budget act in FYs 22-24 (SA 21-15). The adjustments result in a net increase of \$214.9 million across the three fiscal years.

Broadband and Technology Projects (§ 307)

The act allocates approximately \$39.5 million in ARPA funds in FY 22 and \$25 million in FY 23 for specified broadband and technology projects, as shown in the table below.

ARPA Allocations for Broadband and Technology Projects

Agency	Project	FY 22	FY 23
OPM	Statewide GIS capacity for broadband mapping/data and other critical services supporting remote work, health, and education	\$9,532,000	N/A
	Connectivity for Health and Mental Health Centers/Organizations	N/A	\$25,000,000
DEEP	Low-Income/Multi-family Curb-to-home Broadband infrastructure buildout	\$10,000,000	N/A
	Underserved Area Broadband Infrastructure Grants	\$10,000,000	N/A
DAS	Connecticut Education Network Wi-Fi connectivity and broadband for public spaces	\$10,000,000	N/A

EFFECTIVE DATE: Upon passage

§§ 308 & 316 — CARRYFORWARDS

Adjusts certain carryforwards in the biennial budget act

The biennial budget act (SA 21-15) carries forward prior years’ appropriations to FY 22 and requires that they be transferred for specified purposes in FYs 22 and 23. This act modifies certain carryforwards in the budget act and adds new ones, as shown in the table below.

Adjustments to Carryforwards

Agency and Purpose	Budget Act	This Act
UConn: operating expenses	Up to \$7,516,899 in FY 22 and \$8,570,352 in FY 23	None in FY 22; up to \$6,087,251 in FY 23
DECD: statewide marketing	Up to \$15 million in FY 22	Up to \$7,893,000 in FY 22
DAS: workers' compensation claims	Up to \$34 million in FY 22	None (transferred to state comptroller instead, see below)
State comptroller: other expenses	N/A	Up to \$34 million in FY 22
Insurance Department: other expenses	Up to \$500,000 in FY 22 for technology funding	Up to \$500,000 in FY 22 for technology upgrades (see § 316)
SDE: other expenses	N/A	Up to \$1.1 million in FY 22 for grant for Wilbur Cross Fields
DEEP: other expenses	N/A	Up to \$11 million in FY 22 for grants for (1) Batterson Park (\$10 million), (2) Peat Meadow Park (\$500,000), and (3) East Shore Park (\$500,000)
DECD: other expenses	N/A	Up to \$5,007,000 in FY 22 for grants for (1) Keney Golf Course (\$3 million), (2) Elizabeth Park (\$2 million), and (3) Joseph St. Germain American Legion Post 85 for Veterans Memorial Park (\$7,000)

EFFECTIVE DATE: Upon passage

§ 309 — STATE CONTRACTING STANDARDS BOARD (SCSB) OVERSIGHT OF THE CONNECTICUT PORT AUTHORITY

Subjects the Connecticut Port Authority to SCSB oversight until July 1, 2026

The act subjects the Connecticut Port Authority (CPA) to SCSB's oversight until July 1, 2026, by making it a "state contracting agency" under SCSB's authorizing statutes, except for the state's privatization law (see *Background*). The table below lists a selection of SCSB statutes applicable to state contracting agencies that the act extends to CPA.

The act also makes a conforming change so that CPA's property transactions are subject to SCSB's authority. (SCSB's authorizing statutes give the board authority over certain transactions involving interests in, and leases of, real property (CGS § 4e-1(22) & (30)).)

Selected SCSB Statutes Applicable to CPA Under the Act

Statute	Description
CGS § 4e-3	SCSB may exercise CPA's contracting-related powers, rights, and duties
CGS § 4e-4	SCSB must review, certify, and periodically recertify CPA's procurement processes
CGS § 4e-5	CPA must appoint a procurement officer
CGS § 4e-6	SCSB must audit CPA's compliance with procurement laws and regulations every three years
CGS § 4e-7	SCSB may, under specified conditions, (1) review and terminate CPA's contracts and procurement agreements or (2) restrict or terminate its ability to enter into contracts

Statute	Description
CGS § 4e-14	CPA's contracts must contain provisions ensuring accountability, transparency, and results-based outcomes, as prescribed by SCSB (It appears SCSB has not prescribed any such standards for state contracting agencies to date)
CGS § 4e-19	CPA must use specified procurement methods when purchasing goods and services (these provisions require SCSB to adopt implementing regulations before they become operative, but the board has not adopted these implementing regulations to date)
CGS § 4e-39	CPA solicitations or proposed awards are subject to cancellation if SCSB finds that a violation of the law has occurred
CGS § 4e-40	SCSB may, after a CPA contract is awarded, take certain actions, including terminating the contract, if SCSB finds it violates the law

EFFECTIVE DATE: Upon passage

Background — Privatization Law

By law, if a state contracting agency seeks to enter into a contract that privatizes services performed by state employees, it generally must conduct a cost-benefit analysis and submit a business case to SCSB for its approval. The business case must include, among other things, the cost-benefit analysis and 11 other analyses relating to the privatized service, such as its goals and their rationale, and options for achieving them (CGS § 4e-16(d)). An agency may publish notice soliciting bids for a privatization contract only after the board approves the business case.

For privatization contracts not subject to this requirement (i.e., contracts for services that are currently privatized), state contracting agencies must instead evaluate the contract, using a template prescribed by the OPM secretary, to determine if entering into or renewing it is the most cost-effective way of delivering the service.

§ 310 — MEDICARE SUPPLEMENT PLANS

Allows insurers and related entities to offer Medigap plan D and makes related changes; makes a conforming change to exempt entities from offering plan C, to comport with federal law

The act allows insurers, HMOs, and other related entities to issue Medicare Supplement (i.e., Medigap) policies and certificates for plan D, in addition to plans A, B, and C as under existing law. (These are standardized plans for which the federal government sets the benefits. Medigap plans generally cover certain expenses that Medicare does not.)

By law, entities that issue Medigap plans A, B, or C to people eligible for Medicare based on age must also offer them to people eligible for Medicare based on disability. The act extends this requirement to entities that issue plan D.

The act also exempts entities from offering plan C to any person newly eligible for Medicare. (As of January 1, 2020, federal law restricts the sale of plan C to those eligible for Medicare before that date.)

EFFECTIVE DATE: July 1, 2021

§ 311 — FLEX RATING LAW

Delays the sunset date for the personal risk insurance “flex rating” law until July 1, 2025

The act delays the sunset date for the personal risk insurance (e.g., home, auto, marine, or umbrella) “flex rating” law from July 1, 2021, to July 1, 2025. The flex rating law allows property and casualty insurers to file new personal risk insurance rates with the insurance commissioner and begin using them immediately, without prior approval, under certain circumstances.

Under the flex rating law, a personal risk insurance rate cannot (1) increase or decrease by more than 6% statewide or (2) increase by more than 15% in any individual territory. If the insurance commissioner determines rates are inadequate or unfairly discriminatory, he must order the insurer to stop using the flex rating rate change by a specified future date.

EFFECTIVE DATE: June 30, 2021

§ 312 — INSURANCE REPORT CONCERNING CLIMATE CHANGE

Requires the insurance commissioner to report biennially, until April 1, 2032, on the Insurance Department's regulatory and supervisory actions to bolster insurers' resiliency to climate change impacts

The act requires the insurance commissioner to biennially submit a report to the Insurance and Real Estate Committee beginning by April 1, 2022, until April 1, 2032. The report must disclose, for the last two years, the Insurance Department's regulatory and supervisory actions to bolster insurers' resiliency to climate change's physical impacts. It must also disclose the department's progress toward:

1. addressing climate-related risks, including integrating climate-related risks into risk-based capital requirements, supervisory examinations, and own risk and solvency assessments and
2. incorporating the reduced levels of greenhouse gas emissions established in state law (CGS § 22a-200a) into the department's regulatory and supervisory actions by, at a minimum, addressing the impacts of thermal coal, tar sands, and Arctic oil and gas.

Under the act, the commissioner may engage the services of third-party actuaries, professionals, and specialists as necessary to help him fulfill this reporting requirement.

EFFECTIVE DATE: October 1, 2021

§ 313 — HEALTH CARE COVERAGE IDENTIFICATION CARDS

Requires that health care coverage ID cards note whether the coverage is fully- or self-insured

The act requires each health carrier or third-party administrator that issues a health care coverage identification card in the state to include a statement on the card identifying if the coverage is fully-insured or self-insured. The statement must be prominently displayed in an understandable, standard form that the insurance commissioner prescribes.

The act authorizes the insurance commissioner to adopt implementing regulations.

EFFECTIVE DATE: January 1, 2022

§ 314 — TEACHERS' RETIREMENT DEATH BENEFIT CALCULATION

Changes the death benefit for Teachers' Retirement System (TRS) members based on accumulated years of service rather than retirement date

The act changes the way the death benefit partial refund is determined for TRS members based on their accumulated years of service rather than their retirement date. The death benefit partial refund gives a member's designated beneficiary a partial refund of the member's pension contributions if the member dies while receiving benefits but has only collected a limited amount.

Prior law used two different thresholds for this calculation. For those who retired before July 1, 2019, if the aggregate benefits paid to a member prior to death were less than four times the member's accumulated contributions, then the member's designated beneficiary was paid a lump sum amount equal to the difference between (1) the payments and (2) the contributions, plus interest. But for members who retired on or after July 1, 2019, the threshold was whether the aggregate benefits paid to the member were less than twice the member's accumulated contributions.

The act replaces the existing calculation with one that establishes two different reduction amounts based on when a retiree accumulated 10 years of TRS service credit. The beneficiary is generally paid a lump sum equal to the sum of the member's accumulated regular contributions, including any 1% contributions withheld prior to July 1, 1989, any voluntary contributions, and credited interest accrued to the date benefits started. But the amount is reduced:

1. by 25% of the aggregate benefits paid to the member before death for those with 10 years of service before July 1, 2019, and
2. by 50% of the aggregate benefits paid to the member before death for those with 10 years of service on or after July 1, 2019.

EFFECTIVE DATE: Upon passage

§ 315 — FANTASY CONTESTS PROVISIONAL LICENSES

Requires DCP to issue provisional licenses to the Mashantucket Pequot and Mohegan tribes and the Connecticut Lottery Corporation (CLC) to operate off-reservation fantasy contests

PA 21-23 authorizes master wagering licensees (i.e., the Mashantucket Pequot and Mohegan tribes, or a tribe's instrumentality or affiliate, and CLC) to operate fantasy contests once they have obtained a master wagering license.

Regardless of any state laws, this act requires the Department of Consumer Protection (DCP) commissioner, by July 1, 2021, to issue provisional licenses to CLC and each tribe, or a tribe's instrumentality or affiliate wholly-owned by a tribe, to operate fantasy contests outside the tribes' reservations but within the state under certain conditions.

The act also allows provisional licensees to contract with certain individuals or entities to operate fantasy contests. Additionally, it prohibits anyone from offering or operating fantasy contests unless the person has a provisional license to operate fantasy contests or is operating them through a contract with a provisional licensee.

EFFECTIVE DATE: Upon passage

Fantasy Contests Defined

By law, a "fantasy contest" is any fantasy or simulated game or contest (excluding lottery games) conducted over the Internet, including through a website or mobile device, in which:

1. players pay an entry fee;
2. the value of all prizes and awards is established and made known to players before the game or contest;
3. all winning outcomes reflect player knowledge and skill and are determined predominantly by accumulated statistical results of participants' performance in events; and
4. the winning outcome is not based on the score, point spread, or performance of any single team or combination of teams or solely on any single performance of a contestant or player in a single event (PA 21-23, § 1).

Conditions for Issuing Provisional Licenses

The act requires the following before provisional licenses may be issued:

1. each tribe must enter into an MOU with the governor on operating fantasy contests under a provisional license, with each MOU deemed approved when the governor enters into it, without further action by the legislature;
2. the president or chief officer who is the top ranking official of CLC and each tribe, or a tribe's instrumentality or affiliate, must certify to the DCP commissioner that it will operate all fantasy contests in conformance with operation and management standards that are substantially in compliance with the goals of PA 21-23 and remain in compliance with this act's provisions while the provisional license is valid; and
3. the DCP commissioner must receive a completed application for the provisional license from the applicant (on a form the commissioner prescribes).

Provisional License Terms

The act requires that all provisional licenses expire simultaneously on the earlier of September 30, 2021, or the date on which all master wagering licenses have been issued under PA 21-23. However, before expiration of the provisional license and if necessary to continue operating fantasy contests, the act allows provisional licensees to obtain a one-time extension of up to 150 days from the DCP commissioner. During the extension, the commissioner may require the licensees to bring their fantasy contest operations into compliance with the department's regulations or proposed regulations published on the state's eRegulations System.

Contracting Conditions

The act allows provisional licensees to contract with individuals or entities that maintain a valid license to operate or offer fantasy contests under at least one other state's regulatory framework. However, if an individual or entity has operated fantasy contests in Connecticut before July 1, 2021, the act requires the individual or entity, before contracting with a provisional licensee, to pay the state treasurer 10.5% of the individual's or entity's gross receipts from July 1, 2019, to May 31, 2021. "Gross receipts" means the total of all entry fees collected from all players, less the total amount paid out as prizes to players, multiplied by the location percentage. "Location percentage" means the percentage rounded to the nearest tenth of a percent of the total entry fees collected from players located in Connecticut, divided by the total entry fees collected from all players in fantasy contests (CGS §§ 12-578aa & -578bb, as in effect prior to July 1, 2021).

§§ 317 & 318 — PERSONAL NEEDS ALLOWANCE INCREASE

Increases from \$60 to \$75 per month, the personal needs allowance provided to certain long-term care facility residents

The act requires the DSS commissioner to increase, from \$60 to \$75 per month, the personal needs allowance (PNA) provided to long-term care facility residents who receive Medicaid or certain other federal or state assistance.

Covered facilities include nursing homes, chronic disease hospitals, and state humane institutions. Residents of these facilities who receive Medicaid apply their monthly income (e.g., Social Security) towards the cost of their care. But federal law allows them to keep a portion of this income (the PNA) to pay for incidental items, such as haircuts, telephone expenses, and newspapers, or for hobbies. Facilities deposit the PNA into residents' personal fund accounts.

EFFECTIVE DATE: July 1, 2021

§ 319 — ACUITY-BASED NURSING HOME RATES

Requires DSS to establish acuity-based rates for nursing homes beginning with FY 23 and establishes related requirements; requires DSS to determine a facility's certified bed utilization at a minimum of 90% of capacity for computing minimum allowable patient days; prohibits inflationary rate increases for nursing homes for FYs 22 and 23 unless authorized under DSS's case-mix adjustments

Transition to Acuity-Based Rates

Prior law required DSS to annually determine cost-based rates for room, board, and services provided by nursing homes, but also allowed DSS to establish acuity-based rates. Beginning FY 23 and each fiscal year afterwards, the act requires, rather than allows, DSS to establish these acuity-based rates based on cost years ending September 30. (Generally, acuity-based rates refer to rates that vary based on, among other things, the facility's patient case-mix.) The act requires that the acuity-based rates DSS establishes comply with federal law and regulations.

When establishing these rates, DSS must make case-mix adjustments to the direct care rate component, effective beginning July 1, 2022, based on (1) the federal Centers for Medicare and Medicaid Services' "Minimum Data Set" resident assessment data and (2) cost data reported for the cost year ending September 30, 2019. The act requires DSS to model the case-mix adjustments and evaluate their impact on each facility. The evaluation may review (1) inflationary allowances, (2) case-mix and budget adjustment factors, (3) stop-loss and stop-gain corridors, and (4) the ability to make case-mix adjustments within available appropriations. By October 1, 2021, DSS must make recommendations to the OPM secretary and report to the Appropriations and Human Services committees on any needed adjustments to facilitate the transition to acuity-based methodology on July 1, 2022.

The act requires nursing homes to comply with policies on collecting and reporting quality metrics beginning July 1, 2022. DSS must specify these policies after consulting with the nursing home industry, consumers, employees, and DPH. DSS must phase in rate adjustments based on performance on quality metrics beginning July 1, 2022, with a period of reporting only.

The act establishes five cost components for allowable costs under the acuity-based rates. Existing law establishes similar components for cost-based ratemaking. However, the act's acuity-based provisions limit them as shown in the table below. The act also requires DSS to establish geographic peer groupings of facilities under regulations the department adopts.

Cost Components for Acuity-Based Ratemaking Under the Act

Component	Included Costs	Limit
Direct costs	Nursing personnel salaries and related fringe benefits and nursing pool costs	135% of the median allowable cost in the applicable peer grouping
Indirect costs	Professional fees, dietary expenses, housekeeping and laundry expenses, patient care supplies, and salaries and related fringe benefits for indirect care personnel	115% of the statewide median allowable cost
Fair rent	Defined in regulations adopted by the department	Calculated using the amount approved through DSS's certificate of need process
Capital-related costs	Property taxes, insurance expenses,	No maximum limit

Component	Included Costs	Limit
	equipment leases, and equipment depreciation	
Administrative and general costs	Plant maintenance and operation expenses, and salaries and related fringe benefits for administrative and maintenance personnel	Statewide median allowable cost

The act requires DSS to determine a facility's certified bed utilization at a minimum of 90% of capacity for purposes of computing minimum allowable patient days. New facilities and facilities certified for additional beds may be permitted a lower occupancy rate for the first three months of operation after their licensure becomes effective.

Other Requirements

The act prohibits inflationary rate increases to nursing homes for FYs 22 and 23 unless authorized for FY 23 as part of DSS's case-mix adjustments to the direct care rate component. However, it allows the DSS commissioner, in her discretion and within available appropriations, to provide proportional fair rent increases for FY 22 to nursing homes with documented fair rent additions placed in service in the cost report year ending September 30, 2020, that are not otherwise included in the rates issued.

EFFECTIVE DATE: Upon passage

§§ 320 & 345 — COST-BASED RATEMAKING FOR FACILITIES

Makes several changes to cost-based ratemaking provisions that apply to (1) nursing homes for FY 22 and (2) residential care homes and ICF-IDs; for FYs 22 and 23, (1) allows certain increases for fair rent and capital improvements for residential care homes and ICF-IDs and (2) extends a provision requiring DSS to increase nursing home rates to increase employee wages and benefits

General Provisions

The act requires DSS to set FY 22 rates for nursing homes in accordance with cost-based ratemaking provisions in existing law and under the act as described below. Beginning with FY 23, DSS must set nursing home rates in accordance with acuity-based ratemaking provisions described above. Cost-based ratemaking continues for other facilities (residential care homes and Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF-IDs)).

Existing law for cost-based ratemaking requires nursing homes, residential care homes, and ICF-IDs to submit annual reports to DSS on their costs, and, for nursing homes, information on certain related parties doing business with the facilities. Prior law required DSS to report the data in facility reports to the Appropriations Committee annually by April 1. The act instead requires DSS to report this data on its website. The act also eliminates a requirement that DSS hold a public hearing before making its annual cost-based rate determinations.

Prior law required DSS to adopt regulations to specify for inclusion in cost-based ratemaking any other allowable services required by a medical assistance beneficiary living in a facility but not already covered in cost-based rates. The act instead allows DSS to broadly implement, until regulations can be adopted, policies and procedures as necessary to carry out provisions on cost-based ratemaking for facilities under existing law and under the act. DSS must publish notice of intent to adopt regulations within 20 days after implementing the policy or procedure.

The act also eliminates a provision in prior law that required the DSS commissioner to allow residential care homes to use debt service instead of allowable property costs if she determined that a loan to be issued to the home by the Connecticut Housing Finance Authority was reasonable.

Nursing Home Employee Wages and Benefits (FYs 22 & 23)

Regardless of cost-based or acuity-based ratemaking provisions, the act extends through FY 23 a provision requiring DSS to increase nursing home rates within available appropriations to enhance employee wages and benefits. Under the act, facilities that receive a rate adjustment for this purpose but do not enhance wages or benefits before the end of the fiscal year may be subject to a rate decrease in the same amount as the increase. (See also §§ 323 and 324.)

ICF-ID Rates for FYs 22 & 23

For ICF-IDs, the act caps FY 22 rates at FY 21 amounts but allows the DSS commissioner to provide proportional fair rent increases to facilities with documented fair rent additions placed in service in the cost report year ending September 30, 2020. The act similarly caps FY 23 rates at FY 22 amounts, with the same exception for fair rent additions placed in service in the cost report year ending September 30, 2021. In both years, fair rent increases are at the commissioner's discretion, within available appropriations, and for additions that are not otherwise included in issued rates. (See also § 325.)

Under the act, for FYs 22 and 23 and within available appropriations, an ICF-ID may receive a rate increase for a capital improvement for residents' health and safety approved by the Department of Developmental Services (DDS) in consultation with DSS. The act also extends, for FYs 22 and 23, a provision allowing the DSS commissioner to provide fair rent increases to facilities that have undergone a material change in circumstances related to fair rent with an approved certificate of need.

Regardless of these and other provisions on ICF-ID ratemaking, the act requires the DSS commissioner to increase rates for employee wage and benefit enhancements, effective July 1, 2021, and July 1, 2022. Facilities that receive a rate increase for this purpose but do not increase employee salaries by July 31, 2021, or July 31, 2022, respectively, may be subject to a corresponding rate decrease.

Residential Care Home Rates for FYs 22 & 23

For residential care homes, the act requires DSS to base FY 22 and 23 rates on FY 21 rates inflated by the gross domestic product deflator applicable to each rate year. It allows the DSS commissioner, in her discretion and within available appropriations, to provide proportional fair rent increases for FY 22 to facilities with documented fair rent additions placed in service in the cost year ending September 30, 2020, that are not otherwise included in the rates. The act allows the commissioner to do the same for FY 23 for documented fair rent additions placed in service in the cost year ending September 30, 2021.

The act also allows facilities to receive a rate increase for FYs 22 and 23, within available appropriations, for a capital improvement for residents' health or safety approved by DSS.

Additionally, the act makes technical and conforming changes (§ 345).

EFFECTIVE DATE: July 1, 2021

§ 321 — NURSING HOME TEMPORARY FINANCIAL ASSISTANCE

Requires DSS to issue one-time grants to nursing homes within its \$10 million ARPA allocation

The act requires DSS to provide temporary financial assistance to nursing homes from the \$10 million it received as Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 (P.L. 117-2). The act requires DSS to issue one-time grants (1) based on the percentage difference between the issued and calculated nursing home reimbursement rates and (2) subject to proportional adjustments based on available funding.

EFFECTIVE DATE: July 1, 2021

§ 322 — PRIVATE PROVIDER GRANT PROGRAM

Requires the DMHAS commissioner to establish grant programs to assist private providers

The act requires the Department of Mental Health and Addiction Services (DMHAS) commissioner to establish grant programs to assist private providers of DMHAS-authorized services. The commissioner must do so within available federal funds allocated to DMHAS as Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 (P.L. 117-2) and in accordance with related state law. For the grant programs in FYs 22 and 23, DMHAS must use the following allocated amounts each fiscal year: (1) \$15 million to enhance employee wages and (2) \$10 million for private providers' facility costs.

EFFECTIVE DATE: July 1, 2021

§§ 323 & 324 — NURSING HOME EMPLOYEE WAGES AND BENEFITS

Requires the DSS commissioner, within available appropriations, to provide a 4.5% increase to nursing home rates in FYs 22 and 23 for employee wages; appropriates \$15.4 million in FY 23 to provide rate increases for nursing homes that provide enhanced employee benefits

Employee Wages

The act requires the DSS commissioner to provide a 4.5% increase to nursing home rates in both FYs 22 and 23, if the increases are used to enhance facility employee wages. She must do so within available appropriations and regardless of cost-based or acuity-based rate setting provisions in existing law and under the act. Under the act, if a facility receives a rate increase but does not enhance employee wages, the DSS commissioner may decrease the rate by the same amount as the rate increase. (See also § 320.)

Enhanced Employee Health Care and Pension Benefits

The act allocates \$15.4 million from the General Fund appropriation to DSS in FY 23 to adjust reimbursement rates for nursing homes that provide enhanced health care and pension benefits for employees. Under the act, if a facility receives a rate increase but does not provide these enhanced benefits, the DSS commissioner may decrease its rate by the same amount as the rate increase. (See also § 320.)

EFFECTIVE DATE: Upon passage

§ 325 — INTERMEDIATE CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES (ICF-ID) MINIMUM PER DIEM, PER BED RATE INCREASE

Requires the DSS commissioner to increase the minimum per diem, per bed rates for ICF-IDs to \$501 for FYs 22 and 23

For FYs 22 and 23, the act requires the DSS commissioner to increase the minimum per diem, per bed rates for ICF-IDs to \$501, regardless of other statutory ratemaking provisions.

EFFECTIVE DATE: Upon passage

§ 326 — CONNECTICUT HOME CARE PROGRAM FOR THE ELDERLY

Reduces CHCPE copays from 9% to 4.5% and requires DSS to collect program data and report to committees of cognizance

The act reduces, from nine percent to four and one-half percent, the required co-payments for participants in the state-funded portion of the Connecticut Home Care Program for Elders (CHCPE) as shown in the table below.

CHCPE Participant Copayments Under Prior Law and the Act

Participant Category	Copayments Under Prior Law	Copayments Under Act
Participants with income at or below 200% of the FPL* and Medicaid-ineligible	9% of care costs/month	4.5% of care costs/month
Participants with income greater than 200% of the FPL	9% of care costs/month and an applied income amount (calculated by subtracting certain personal needs allowances from their gross income)	4.5% of care costs/month and the applied income amount
Participants living in government-subsidized affordable housing programs	An applied income copay if their income exceeds 200% of the FPL	No change

*In 2021, 200% of the federal poverty level (FPL) is \$25,760 for an individual and \$34,840 for a family of two

The act also requires the DSS commissioner to collect data on CHCPE services including the: (1) number of participants before and after copayments are reduced under the act, (2) average hours of care provided per participant, and (3) estimated cost savings to the state by providing home care to participants who may otherwise receive nursing home care. She must report the results to the Aging, Appropriations, and Human Services committees by July 1, 2022.

Prior law allowed the DSS commissioner to implement revised criteria for CHCPE's operation while in the process of adopting them as regulations, if she published notice of intent to adopt the regulations in the Connecticut Law Journal within 20 days of implementing the policy. The act requires DSS to generally conform to the Uniform Administrative Procedure Act by instead posting the notice on the department's website and the state's eRegulations System.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021

§ 327 — TEMPORARY FAMILY ASSISTANCE

Excludes benefits received during the COVID-19 public emergency from the program's time limit; eliminates reduced benefits for children born after program enrollment; requires lapsed funds to be used for cost of living adjustments under certain conditions

The act makes several changes to Temporary Family Assistance (TFA), the state's cash assistance program for low-income families administered by DSS. Principally, it (1) excludes benefits received during the declared COVID-19 public health emergency from the program's time limit; (2) eliminates reduced benefits for families with children born after program enrollment; and (3) beginning in FY 24, requires benefit increases when the program lapses funds, under certain conditions.

EFFECTIVE DATE: November 1, 2021

Time Limit

The federal Temporary Assistance for Needy Families (TANF) block grant partially funds TFA. Federal law generally imposes a 60-month lifetime limit for receiving TANF-funded cash assistance, though states may establish shorter time limits. By law, Connecticut generally applies a 21-month limit on receiving TFA benefits; however, it exempts families from these time limits under specified circumstances (e.g., a minor parent finishing high school). Non-exempt families may apply for up to two 6-month time-limit extensions if they meet certain criteria.

The act excludes from the 60-month limit any months a family received TFA cash benefits during the declared COVID-19 public health emergency. (Presumably, benefits beyond the federal limit are state-funded.)

TFA Child Cap

Under prior law, Connecticut reduced the benefits available to families with children born after their initial 10 months of TFA program participation by (1) decreasing by 50% the additional cash benefit they would otherwise receive for a child and (2) making the family ineligible for a time-limit exemption based on caring for the "capped child" under one year of age. The act eliminates these penalties.

TFA Cost of Living Adjustments

Beginning in FY 24, whenever TFA-appropriated funds lapse at a fiscal year's end, the act requires the DSS commissioner to provide a cost of living adjustment (COLA) in TFA benefits equal to the most recent percentage increase in the Consumer Price Index for Urban Consumers if (1) the increase was not otherwise included in the program budget and (2) it would not create a budget deficiency in following years. Under the act, if the available lapsed funds are insufficient to cover a COLA, the commissioner must provide a prorated benefit increase.

§§ 328-330 — REFUND DISREGARDS IN CERTAIN ASSISTANCE PROGRAMS

Requires DSS to disregard tax refunds when calculating income eligibility for certain assistance programs

By law, DSS must disregard certain veteran's benefits when calculating income for specified (1) means-tested state assistance programs and (2) federally funded assistance programs, to the extent allowed by federal law. The act expands the income disregard to include any tax refund or advance payment with respect to a refundable credit, to the same extent

it would be disregarded in any (1) federal program or (2) state or local program financed in whole or in part with federal funds (26 U.S.C. § 6409). Under the act, the income disregards apply to the following programs:

1. State Supplement Program (§ 328),
2. State Administered General Assistance (§ 329), and
3. Connecticut Home Care Program for Elders (§ 330).

EFFECTIVE DATE: July 1, 2021

§ 331 — MEDICAID PAYMENTS FOR ACUPUNCTURISTS AND CHIROPRACTORS

Requires the state Medicaid program to cover acupuncture and chiropractic services

The act requires the DSS commissioner to amend the Medicaid state plan by October 1, 2021, to include services provided by licensed acupuncturists and licensed chiropractors as covered Medicaid services.

EFFECTIVE DATE: Upon passage

§ 332 — MEDICAID PAYMENTS FOR METHADONE MAINTENANCE

Eliminates performance-based rate reductions for methadone maintenance providers

The act eliminates a provision under prior law requiring Medicaid payments for methadone maintenance to be contingent on providers meeting certain performance measures. Under prior law, failure to meet department-identified standards on performance measures resulted in 5% rate reductions for the second half of 2020 and 10% rate reductions beginning January 1, 2021.

EFFECTIVE DATE: July 1, 2021

§ 333 — MEDICAID RATE PARITY FOR CERTAIN PROVIDERS

Requires Medicaid rates for (1) nurse-midwives to equal obstetrician-gynecologist rates and (2) podiatrists to equal physician rates for performing the same services and procedures

The act requires the DSS commissioner to adjust Medicaid reimbursement rates so that (1) licensed nurse-midwives receive the same rates as licensed obstetrician-gynecologists for performing the same services or procedures and (2) licensed podiatrists receive the same rates as licensed physicians for performing the same services or procedures. The commissioner must seek federal approval to amend the Medicaid state plan, if needed, to adjust the reimbursement rates for nurse-midwives and podiatrists.

EFFECTIVE DATE: Upon passage

§ 334 — THIRD PARTY LIABILITY FOR MEDICAL ASSISTANCE PAYMENTS

Establishes deadlines for insurers and other legally liable third parties to (1) act on claims DSS submits for covered health care items and services and (2) request refunds from DSS when they determine they are not liable for a claim for which they reimbursed DSS

Existing law authorizes DSS to recover claims from an insurer or other legally liable third party when the state pays for a health care service for which the third party is legally responsible. The act requires these third parties to act on a claim submitted by DSS for payment for health care items or services covered by a state medical assistance program within the later of 90 days after receiving the claim or September 29, 2021. Within this timeframe, they must (1) make a payment on the claim, (2) request necessary information to determine their legal obligation to pay it, or (3) issue a written reason for denying it. If the entity fails to act on a claim within the later of 120 days of receiving it or October 29, 2021, the failure creates an uncontestable obligation to pay the claim. The act applies these provisions to all DSS claims, including those submitted before July 1, 2021.

The act also establishes a deadline for insurers and other legally liable third parties to request a refund from DSS if they determine they are not liable for the cost of a health care item or service for which they have reimbursed the department. It requires these entities to request refunds from DSS within 12 months after the reimbursement date.

EFFECTIVE DATE: July 1, 2021

§ 335 — POSTPARTUM CARE EXTENDED TO 12 MONTHS

Extends Medicaid coverage for postpartum care for 12 months after birth to a woman otherwise eligible for Medicaid, to the extent permissible under federal law

The act requires the DSS commissioner, beginning April 1, 2022, to extend Medicaid coverage for postpartum care for 12 months after birth to a woman otherwise eligible for Medicaid, to the extent permissible under federal law. Under current practice, DSS provides postpartum coverage to these Medicaid beneficiaries for 60 days post-birth.

The act requires the commissioner to (1) amend the Medicaid state plan in accordance with the American Rescue Plan Act of 2021 (P.L. 117-2) to ensure federal reimbursement for extending postpartum care, (2) extend Medicaid coverage for this care following federal approval, and (3) take any other action necessary under federal law to maintain federal reimbursement for this coverage.

EFFECTIVE DATE: Upon passage

§ 336 — POSTPARTUM CHILDREN’S HEALTH INSURANCE PROGRAM (CHIP) COVERAGE

Extends CHIP coverage for postpartum care for 12 months after birth for HUSKY B beneficiaries, beginning April 1, 2022, to the extent permissible under federal law

Beginning April 1, 2022, the act requires the DSS commissioner to (1) extend CHIP coverage (in Connecticut, HUSKY B) for postpartum care for 12 months after birth for HUSKY B beneficiaries and (2) amend the CHIP state plan in accordance with the American Rescue Plan of 2021 (P.L. 117-2) to provide federal reimbursement for such coverage. The act requires her to (1) extend coverage following federal approval and (2) take any other necessary action under federal law to maintain federal reimbursement for this coverage.

The state provides CHIP coverage under HUSKY B, which covers children in families with household incomes between 196% and 318% of the federal poverty level.

EFFECTIVE DATE: Upon passage

§ 337 — NONPROFIT LOAN FORGIVENESS PROTECTIONS

Prohibits state agencies from reducing future contract amounts with, or demanding reimbursement from, nonprofit human services providers that receive funds through certain federal loan forgiveness programs

The act prohibits state agencies that contract with nonprofit human services providers from trying to recover or offset funds that the providers obtained or kept through certain federal loan forgiveness programs (i.e., as part of a paycheck protection program loan provided by the CARES Act or the Paycheck Program Flexibility Act of 2020). Specifically, it prohibits an agency from (1) reducing contracted amounts for the same or similar services in the next contract period or (2) demanding reimbursement of state funds.

EFFECTIVE DATE: Upon passage

§ 338 — HOME & COMMUNITY-BASED RATE INCREASES

Allocates \$5 million for FYs 22 and 23 to increase the reimbursement rate for certain Medicaid-funded home and community-based programs and services and the state-funded Connecticut Home Care Program for the Elderly

The act allocates \$4.625 million appropriated to DSS from the General Fund in FYs 22 and 23 to fund an increase in the Medicaid reimbursement rate for certain Medicaid-funded home and community-based waiver program services and home health care. The rate increase applies to the following programs: (1) pediatric skilled nursing services in home health programs, (2) the Money Follows the Person program, (3) autism home and community-based waiver services, (4) mental health home and community-based waiver services, (5) personal care assistant services in home and community-based waiver programs, (6) acquired brain injury waiver services, and (7) Connecticut home care program waiver services.

The act also allocates \$375,000 appropriated to DSS from the General Fund in FYs 22 and 23 to increase the reimbursement rate for the state-funded portion of the Connecticut Home Care Program for the Elderly.

EFFECTIVE DATE: July 1, 2021

§ 339 — NONPROFIT SAVINGS INCENTIVE PROGRAM

Expands and makes permanent an incentive program for nonprofit human services providers that realize savings in the state-contracted services they deliver

The act requires the OPM secretary to expand and make permanent an incentive program for nonprofit human services providers that realize savings in the state-contracted services they deliver (prior practice required them to return any savings). Prior law required the secretary to establish a pilot program for the same purpose that was limited to eight providers, but it was not implemented.

Under the act, the incentive program must (1) allow providers to keep any savings they realize from the contracted services cost if they meet their contractual requirements and (2) prohibit future reductions in contracted amounts for the same types of services due to savings achieved in previous contracts by the providers. As under prior law, the expanded program applies to any contracted nonprofit human services providers for persons with intellectual, physical, or mental disabilities or autism spectrum disorder.

The act requires providers who keep savings under the program to submit a report to the OPM secretary on the excess funds' reinvestment to strengthen quality, invest in deferred maintenance, and make asset improvements.

EFFECTIVE DATE: July 1, 2021

§ 340 — AMBULANCE RATES

Increases Medicaid reimbursement rates by 10% for ambulance services and by \$3 for ambulance transports

Beginning FY 22, the act requires the DSS commissioner to increase the Medicaid reimbursement rates for emergency and nonemergency ambulance services by 10%, except that she must increase the ambulance transport mileage rate by \$3.

EFFECTIVE DATE: Upon passage

§ 341 — STATE-CONTRACTED PROVIDERS FOR INTELLECTUAL DISABILITY SERVICES

Requires OPM to allocate funds to increase DDS-contracted service providers' wages and benefits for FYs 22 and 23

The act requires the OPM secretary to allocate available funds for FYs 22 and 23 to increase rates to state-contracted providers for wage enhancements and related payroll taxes, workers compensation, and unemployment insurance expenses for employees providing services to individuals with intellectual disability who receive supports and services through DDS.

Under the act, providers that receive a rate adjustment for wage enhancements but do not increase employee salaries by July 31, 2021, and July 31, 2022, may be subject to a rate decrease equal to the adjustment by the DDS commissioner.

In addition, the commissioner must, within available resources and at his discretion, make funds available to support enhanced benefits. But the act specifies that it does not require him to distribute funding in a way that jeopardizes anticipated federal reimbursement.

EFFECTIVE DATE: July 1, 2021

§ 342 — CHRONIC DISEASE HOSPITAL PER DIEM RATE INCREASE

Requires DSS, within available appropriations, to increase the per diem rate for chronic disease hospitals by 4%

The act requires the DSS commissioner, within available appropriations, to increase the per diem rate for chronic disease hospitals by 4%.

EFFECTIVE DATE: July 1, 2021

§ 343 — NATCHAUG HOSPITAL INPATIENT MEDICAID PER DIEM

For FY 22, requires the inpatient per diem Medicaid reimbursement rate for Natchaug Hospital to be at least \$975

The act requires the DSS commissioner to provide an inpatient Medicaid reimbursement rate of at least \$975 per day to Natchaug Hospital for FY 22, regardless of existing law's hospital rate setting provisions. Federal law generally requires state Medicaid provider payments to be (1) consistent with efficiency, economy, and quality of care and (2) sufficient to

enlist enough providers so that care and services are available under Medicaid to at least the same extent that they are available to the general population (42 U.S.C. § 1396a(a)(30)(A)).

EFFECTIVE DATE: Upon passage

§ 344 — UNBORN CHILD OPTION FOR PRENATAL CARE UNDER HUSKY B

Amends PA 21-176 to limit eligibility for prenatal care to households with incomes at or below 258% of FPL

Among other things, PA 21-176 requires the DSS commissioner to amend the Children's Health Insurance Program (CHIP) state plan to provide medical assistance for prenatal care through the "unborn child option." This is a state option that allows states to consider an unborn child a low-income child eligible for prenatal care coverage if other CHIP eligibility requirements are met. According to the federal Centers for Medicare and Medicaid Services, the requirement to meet other CHIP eligibility criteria applies to the child and not the mother.

Under PA 21-176, this coverage is available to families with household incomes between 196% and 318% of the federal poverty level (FPL) (i.e., the same income eligibility as CHIP coverage generally). The act instead limits eligibility to families with household incomes at or below 258% of FPL (i.e., the same income eligibility level for pregnant women under the state's Medicaid program).

EFFECTIVE DATE: October 1, 2021

§§ 346 & 347 — MINIMUM BUDGET REQUIREMENT (MBR)

Renews the MBR with all the previous reductions, exemptions, and exclusions and adds additional exemptions for federal funds related to COVID-19 and for state school security grants; makes the MBR law permanent by removing the sunset date; renews and makes permanent the method to determine whether a town's education aid has decreased or increased compared to the prior year when calculating MBR

The act makes permanent the prohibition in prior law against a town budgeting less for education than it did in the previous fiscal year (i.e., the MBR). Under prior law, all MBR provisions expired on June 30, 2021.

The act (1) continues to exempt certain towns with high-performing school districts from the MBR; (2) renews several MBR options in prior law that allowed a town to reduce its MBR in some circumstances; and (3) adds additional MBR exemptions for federal COVID-related funds and for state school security grants for all school districts, including alliance districts. (Generally, state law bars towns with alliance districts from making MBR reductions.) It also makes permanent the method for determining whether a town's state education aid has decreased or increased compared to the prior FY when calculating MBR.

The act also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2021

MBR Exemptions (§ 346)

The act makes permanent MBR exemptions for towns that meet any of the following criteria: (1) have a school district ranked among the top 10% of districts as measured by the State Department of Education's (SDE) accountability index scores (see *Background*) or (2) are member towns of a newly formed regional school district during the first full fiscal year following its establishment.

New or Modified MBR Exclusions (§ 346)

By law for FYs 20 and 21, school districts were able to exclude from their MBR calculation for the next fiscal year local supplemental appropriations or federal funds they received to cover costs associated with COVID-19. The law explicitly allowed alliance districts to exclude these expenditures from their calculation for these fiscal years, as well.

Local supplemental appropriations include those from the town's (1) board of finance, (2) board of selectmen for a town having no board of finance, or (3) authority making appropriations for the school district. Districts must use these local supplemental appropriations for COVID-19 expenditures that the school district's budgeted education appropriation for that fiscal year could not cover. This also applies to federal funds received by a district under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

The act extends this MBR exclusion to FYs 22, 23, and 24 and, in addition to the CARES Act, specifically allows districts to exclude from their MBR calculation federal funds received under the Coronavirus Response and Relief

Supplemental Appropriations (CRRSA) Act (P.L. 116-260) and the American Rescue Plan Act of 2021 (P.L. 117-2).

The act also adds a new MBR exclusion beginning in FY 22 for any school security infrastructure competitive grant received in the prior year. Under the act, this grant does not have to be included in the school district's MBR calculation for the following fiscal year. Alliance districts are eligible for this exclusion.

Permitted MBR Reductions Renewed (§ 346)

The act makes permanent the prior allowances for MBR reductions under the circumstances described below.

Reductions in Enrollment. A school district may reduce its MBR if it has reduced student enrollment during any of the five years immediately prior to the fiscal year for which the MBR is being calculated. However, it cannot count the enrollment reductions from any year that it previously used for an MBR reduction. The act also prohibits them from counting enrollment reductions from FY 21.

The district can reduce its MBR by 50% of the net current expenditure per resident student, multiplied by the net reduction in the number of enrolled students. By law, resident students are the number of enrolled students a public school district must educate at the town's expense (CGS § 10-262f(22)).

No High School. A town without a high school that pays tuition to other towns for its resident students to attend high school and is paying for fewer students than it did in the previous year can reduce its MBR by the full amount of its lowered tuition payments. To determine a decrease in the number of students, the act requires a town to determine if the number of resident students attending high school for the district for October 1 of the prior school year, using the data of record as of January 31 of that year, is lower than the district's number of resident students attending for October 1 of the school year before the prior school year 2019-20, using the data of record as of January 31 of the school year before the prior school year 2019-20.

Additionally, for FY 22 the act calculates the number of resident students attending high school for a district with no high school for the prior school year as the number of resident students attending high school for that district on October 1, 2019, using the data of record as of January 31, 2020. This essentially freezes the student count for one year.

School Closures. A town may reduce its MBR in an amount the education commissioner determines if it has permanently closed a school due to declining enrollment at the school in the seven FYs immediately prior to the FY for which the MBR is calculated.

Cost Savings. A town can reduce its MBR to reflect half of any new and documented savings from (1) increased efficiencies within its school district, as long as the education commissioner approves the savings, or (2) a regional collaboration or cooperative arrangement with at least one other district. This reduction is limited to a maximum of 0.5% of the district's budgeted appropriation for the prior year.

Catastrophic Events. When a self-insured school district experiences a loss due to one or more catastrophic events during the prior year and must increase the education budget as a result, the increase due to the loss may be excluded when calculating the following year's MBR. The catastrophic event must be declared as such by a nationally recognized catastrophe loss index provider.

ECS Reduction. A town that has a reduction in Education Cost Sharing (ECS) aid (see § 347 below) when compared to the previous year can reduce its MBR by the amount of the reduction.

Revising Local Education Budgets (§ 346)

The act supersedes any provision of a special act, municipal charter, local ordinance, home rule ordinance, or other ordinance that prohibits or otherwise limits a town from appropriating additional funds to its FY 22 education budget after the budget is adopted. Specifically, it allows the town to appropriate additional funds to its education budget to satisfy the MBR requirements if the town's ECS grant is greater than what the town anticipated when it originally adopted its FY 22 education budget.

Determining Aid Gains or Losses (§ 347)

Prior law contained a formula for determining whether towns have an ECS aid increase or decrease compared to the prior fiscal year. This formula helped determine towns' MBR in FYs 20 and 21. The act makes this formula permanent for all following fiscal years. As with prior law, the act requires districts to compare the ECS aid a town is entitled to with the amount the town received the previous year. If the entitled amount is greater than the previous year's amount, the difference between the two is the aid increase. Likewise, if the amount the town is entitled to is less than the amount the town received in the previous year, then the difference is the aid decrease.

Background — Accountability Index Score

The accountability index score for a school district or an individual school results from multiple weighted measures that (1) include the state mastery test scores and, if appropriate, high school graduation rates and (2) may include academic growth over time, attendance and chronic absenteeism, postsecondary education and career readiness, enrollment in and graduation from institutions of higher education and postsecondary education programs, civics and arts education, and physical fitness (CGS § 10-223e(a)).

§§ 348–350 — EDUCATION COST SHARING GRANT REVISIONS

Suspends for two years scheduled decreases in ECS grants for certain towns; extends the phase-in period for grant decreases until FY 29; changes several ECS formula components, including the weighting for need students; expands the regional per-student bonus to include endowed academies that function as public high schools

The act (1) suspends scheduled decreases in Education Cost Sharing (ECS) grants for two years until FY 23 for towns that are overfunded under the formula; (2) maintains scheduled increases in ECS aid for underfunded towns; and (3) extends the scheduled phase-in for decreases by two years until FY 29.

The act also changes several factors in the formula used to determine each town's ECS grant. Specifically, it (1) increases the weights for low-income and English language learner students and (2) allows towns sending students to one of the three endowed academies that serve as public high schools (i.e., Norwich Free Academy, Woodstock Academy, and the Gilbert School in Winchester) to receive the per-student bonus for regional school districts.

EFFECTIVE DATE: July 1, 2021

Scheduled Grant Increases and Decreases (§ 348)

By law, the base grant amount, which is used to determine whether a town will get an ECS increase or decrease, is the ECS grant amount a town was entitled to for FY 17, minus authorized cuts implemented during FY 17.

Increases and Decreases Under Prior Law. Prior law entitled a town to receive an ECS grant in FYs 20 through 27 in an amount determined by comparing its base grant amount to its fully funded grant with an exception for alliance districts. The fully funded grant is the amount a town would receive under the formula if there were no phase-ins.

Specifically, under prior law, if a town's fully funded ECS grant was less than the base grant amount, then the town was entitled to the prior year's amount, minus 8.33% of the difference; however, if the town is an alliance district, it was entitled to the base grant amount with no reduction. If a town's fully funded ECS grant was greater than the base grant amount, then the town was entitled to the prior year's amount, plus 10.66% of the difference between fully funded and the base grant.

For FY 28 and all years following, prior law required that towns receive their fully funded amount, except alliance districts continued to receive their base grant amount if that was higher than the fully funded grant.

Held Harmless and Grant Reduction Towns Under the Act. For FYs 22 and 23, the act requires that if a town's fully funded ECS grant is less than the base grant amount, then the town will receive the same amount it received for FY 21 (i.e., "held harmless"). The act resumes annual 8.33% reductions in aid for FYs 24-29 for the towns where the fully funded grant amount is less than the town's base grant amount. As under existing law, the act exempts alliance district towns from these reductions if their fully funded grant amount is less than the town's base grant amount.

Grant Increase Towns Under the Act. For FYs 22 through 27, the act maintains the scheduled increases for underfunded towns. It requires that if a town's fully funded ECS grant is greater than its base grant amount, then the town must receive a grant equal to the prior year's amount plus 10.66% of the difference. In FYs 28 and 29, the act requires any town with a fully funded grant amount greater than its base to receive the fully funded grant amount.

Funding for FY 30 and Subsequent Years Under the Act. Under the act for FY 30 and each year after that, towns are entitled to an ECS grant equal to their fully-funded amount. However, alliance district towns whose fully-funded amount is less than the base grant are still entitled to their base grant amount.

Formula Factor Changes (§§ 349 & 350)

Three key ECS formula factors determine grant amounts. By law, these factors are the:

1. foundation dollar amount (\$11,525);
2. student count with weighting for high need students, referred to as "total need students;" and
3. base aid ratio, a measure of town wealth.

To produce the fully-funded grant amount under the formula, the foundation is multiplied by the number of need students, and the result is multiplied by the base aid ratio. The act modifies the total need student count but leaves the foundation dollar amount and the base aid ratio unchanged.

Total Need Student Count. Under prior law, the need student count included the following weightings:

1. student poverty weighting, which added 30% of students eligible for free or reduced priced meals or free milk (FRPM) plus an additional 5% of any FRPM-eligible students above the number of FRPM-eligible students that is equal to 75% of the total number of resident students, and
2. language weighting, which added 15% of the number of students who are English language learners (ELL) as identified by the school district.

The act keeps the main poverty weighting at 30% of students eligible for FRPM. However, it increases the additional poverty weighting from 5% to 15% of FRPM-eligible students above the number of FRPM-eligible children that is equal to 60% (instead of 75%) of the total number of resident students for the school year. The act also increases the ELL weighting from 15% to 25%.

Regional Bonus. The act modifies the law providing a per-student regional bonus for any town that is part of a regional district and has students attending the regional school district.

Under the act, the state must also provide an additional per-student grant to any town that pays tuition for its students to attend a State Board of Education (SBE)-approved incorporated or endowed high school or academy. There are three of these institutions: Norwich Free Academy, Woodstock Academy, and the Gilbert School in Winchester.

For endowed academies, the bonus is \$100 for each enrolled student on October 1 for the school year prior to the fiscal year in which the grant will be paid, multiplied by the number of grades for which students attend the district or academy. For example, this means that 10 students attending an endowed academy high school in four grades would generate a regional bonus of \$4,000.

The act also changes the bonus for regional school districts to match the amount the act gives to endowed academies. Under prior law, the regional bonus was \$100 per student multiplied by the ratio of the number of grades (kindergarten to grade 12, inclusive) in the regional school district, to 13.

§ 351 — FEDERAL FUNDS FOR OTHERWISE UNENTITLED SCHOOLS

Requires SDE to distribute federal funds to certain otherwise unentitled schools, only to the extent federal law allows

Beginning in FY 22, the act requires the State Department of Education (SDE) to distribute, to the extent federal law allows, federal funding provided from the Elementary and Secondary School Emergency Relief (ESSER) Fund in response to the COVID-19 pandemic that would otherwise be unavailable to the following schools: (1) any school ineligible for federal Title I funding and (2) any State Board of Education-approved incorporated or endowed high school or academy (i.e., The Gilbert School, Norwich Free Academy, and Woodstock Academy).

The act specifies that the above provisions do not require SDE to distribute any state or federal funding in a way that conflicts with federal law, including U.S. Department of Education guidance, rules, or regulations about the ESSER Fund.
EFFECTIVE DATE: July 1, 2021

§ 352 — STATE CHARTER SCHOOL FUNDING FORMULA

Replaces the uniform state charter school operating grant in prior law with a weighted grant formula based on student need

The act replaces the uniform per-student operating grant for state charter schools in prior law with a weighted per-student grant formula based on student need. The weighted grant is based on the existing Education Cost Sharing (ECS) grant foundation and student counts and needs.

Under prior law, a state charter school's fiscal authority received a uniform operating grant of \$11,250 per student each fiscal year. Under the act, these fiscal authorities receive a per-student grant determined by the new weighted formula that is phased in as follows:

1. for FY 22, the ECS foundation grant (i.e., \$11,525) plus 4.1% of its charter grant adjustment and
2. for FY 23, the ECS foundation grant plus 14.76% of its charter grant adjustment.

Formula Components Defined

Charter Grant Adjustment. The act defines “charter grant adjustment” as the absolute value of the difference between the (1) foundation and (2) charter full weighted funding per student for the state charter schools under the governing authority’s control for the school year.

Charter Full Weighted Funding Per Student. Under the act, the “charter full weighted funding per student” is a value calculated as (1) the product of the total charter need students and the foundation, divided by (2) the number of enrolled students under the governing authority’s control for the school year.

Total Charter Need Students. Under the act, the number of “total charter need students” in the state charter school funding formula is a value calculated as the sum of the following:

1. enrolled students at the state charter schools controlled by the governing authority for the school year, plus
2. beginning in the 2021-22 school year, the following:
 - a. 30% of enrolled students eligible for free or reduced-price meals or free milk, plus;
 - b. for schools where the number of enrolled students eligible for free or reduced-price meals or free milk exceeds 60% of the student population, 15% of that excess, plus;
 - c. 25% of enrolled students who are English language learners.

Grant Payment Schedule

Under the act, FY 22 and 23 payments under the new grant formula described above must be paid on the same schedule as under prior law: (1) 25% of the grant amount by July 15 and September 1, based on May 1 estimated student enrollment; and (2) 25% of the amount by January 1 and the remaining 25% by April 1, both based on student enrollment on October 1.

EFFECTIVE DATE: July 1, 2021

§ 353 — MATERIAL CHANGES TO CHARTER SCHOOL OPERATIONS

Requires SDE to review and recommend approval of charter school material change requests; creates new submission and review procedures for material change requests seeking to increase charter school enrollment capacity by a certain percentage

By law, a state or local charter school’s governing council must submit a written request to the State Board of Education (SBE) to amend its charter if it plans to make a material change in its operations. The law generally defines “material change” to mean one that fundamentally alters a school’s mission, organizational structure, or educational program.

The act requires the State Department of Education (SDE), rather than SBE, to review a charter school’s request and solicit and review comments on it from the board of education in the town where the school is located. Prior law required SBE to vote on the request after this review process, but under the act, SBE cannot vote on the request until it receives the department’s recommendation to approve it. As under prior law, the vote must occur within 60 days after receipt of the request or as part of the school’s charter renewal process.

Additionally, if a charter school’s material change request is to increase its student enrollment capacity by 20% or more, then the act requires the school to submit the request to SDE by April 1 of the fiscal year that is two years before the fiscal year when the change would take effect. Under the act, the department must consider the following when determining whether to recommend that SBE approve the enrollment increase: (1) the financial feasibility of the enrollment increase; (2) the charter school’s performance, stewardship, governance and management, student population, and legal compliance; and (3) any other factors the department finds relevant.

EFFECTIVE DATE: July 1, 2021

§§ 354-356 — RESIDENCY-BASED MAGNET SCHOOL GRANT CONDITIONS

Reauthorizes prohibition on SDE awarding magnet school operating grants to schools that fail to meet certain residency-based enrollment standards, but also allows the commissioner to waive certain standards

Conditions Applicable to All Interdistrict Magnet School Operators (§§ 354-355)

The act extends, through the 2023-24 school year, the requirement that (1) magnet schools comply with specific enrollment standards in existing law and (2) the education commissioner only award operating grants to compliant schools.

Specifically, the commissioner may only award a grant to schools that (1) have no more than 75% of enrolled students from one school district and (2) maintain a total school enrollment that meets the reduced-isolation setting standards developed by the commissioner. However, the act allows the commissioner to award a grant for an additional year or years to a noncompliant school if she finds it appropriate and also approves a plan to bring the school into compliance with the residency standards, in addition to reduced-isolation setting standards as existing law requires. (Reduced-isolation standards consider the racial composition of the student body and are one factor used to determine state operating grant eligibility.)

Conditions Applicable to Select Magnet School Operators (§ 356)

By law, certain magnet school operators, if they enroll less than half of their incoming students from Hartford, receive a per-pupil operating grant in the following amounts:

1. \$8,058 for half of the total number of non-Hartford students enrolled over 50% of the total school enrollment and
2. \$10,652 for the remainder of the students.

The act allows the education commissioner to waive the 50% non-Hartford student enrollment threshold for good cause upon written request.

These enrollment thresholds and waiver provisions apply to the following magnet school operators:

1. regional education service centers
2. the community colleges and Connecticut State Universities' board of trustees on behalf of the institutions,
3. the UConn Board of Trustees on behalf of the university,
4. an independent college's or university's governing board or its equivalent,
5. a cooperative arrangement,
6. any other third-party, non-profit corporation approved by the commissioner, and
7. the Hartford school district, specifically for the operation of Great Path Academy on behalf of Manchester Community College.

EFFECTIVE DATE: July 1, 2021

§ 357 — MAGNET SCHOOL OPERATING GRANTS

Removes requirement that SDE prorate per-pupil magnet school operating grants to reflect available appropriations

By law, SDE must award per-pupil operating grants to interdistrict magnet school operators each fiscal year within available appropriations. Prior law required these per-pupil grant amounts to be prorated to reflect available appropriations. The act removes this requirement.

Under existing law and unchanged by the act, the grant amounts for each school vary because they are based upon several factors, including (1) the number of enrolled students who live in the magnet school's host town and the number who are non-residents, (2) whether the magnet school is operated by a board of education or a regional education service center, and (3) whether the magnet school furthers the goals of the *Sheff v. O'Neill* settlement (i.e., is a *Sheff* magnet school). By law and unchanged by the act, the total per-pupil operating grant paid by the state to an interdistrict magnet school operator cannot exceed the aggregate total of the school's reasonable operating budget, minus revenue from other sources.

EFFECTIVE DATE: July 1, 2021

§ 358 — SUPPLEMENTAL TRANSPORTATION GRANT FOR MAGNET SCHOOLS

Changes the payment schedule and number of payments for a supplemental transportation grant for Sheff magnet schools

The act changes the payment schedule and frequency for supplemental transportation grants to magnet schools that help the state meet its obligations under the *Sheff v. O'Neill* desegregation court decision.

Under prior law's payment schedule, (1) up to 70% of the grant could be paid on or before June 30 in the current fiscal year and (2) the remainder had to be paid by September 1 of the following fiscal year after a comprehensive financial review.

Starting with FY 21, and for each fiscal year thereafter, the act presumably requires that these grants be paid as follows:

1. any unpaid balance of documented, eligible transportation costs (including vendor bills) incurred on or before December 31 must be paid on or before February 1;
2. any unpaid balance of documented, eligible transportation costs incurred on or before March 31 must be paid on or before May 1; and
3. the balance of the grant must be paid on or before September 1 of the following fiscal year after a comprehensive

financial review.

EFFECTIVE DATE: July 1, 2021

§ 359 — PRIORITY SCHOOL DISTRICT GRANTS

Allocates \$5 million in both FY 22 & 23 for PSDs

The act allocates \$5 million to SDE in each year of the biennial budget, FY 22 and 23, for grants to towns with school districts identified as priority school districts (PSDs). PSDs have students with low standardized test scores and high levels of poverty; there are 15 of these districts.

Under the act, the grants must be distributed proportionately according to each town's total need students as defined in Education Cost Sharing formula law (which considers factors such as the number of students eligible for free and reduced priced meals). PSDs must spend the grants for certain purposes specified in statute (e.g., dropout prevention, alternative and transitional programs, and elementary and middle school accreditation).

EFFECTIVE DATE: July 1, 2021

§ 360 — YOUTH SERVICE BUREAU GRANTS

Makes FY 21 YSB applicants eligible for a state grant

By law, the education commissioner must establish a youth service bureau (YSB) grant program that, within available appropriations, awards \$14,000 grants to eligible bureaus that applied for grants during specific fiscal years, with prior approval of their town's contribution. Towns must contribute an amount equal to the state grant amount.

The act allows YSBs that applied for a grant during FY 21 to be eligible for such a grant through the program. Prior law limited eligibility to applicants who applied for the grant during specified periods, most recently FY 19.

By law, YSBs coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths referred to them by schools, police, and juvenile courts, among others.

EFFECTIVE DATE: July 1, 2021

§ 361 — TECHNICAL EDUCATION AND CAREER SYSTEM WORLD LANGUAGE REQUIREMENT

Requires the TECS board or superintendent to waive the world language high school graduation requirement for the class of 2023 and 2024

The act requires either the Technical Education and Career System's (TECS) board or superintendent to allow any student in the class of 2023 or 2024 to graduate without fulfilling the one-credit world language high school graduation requirement in state law.

EFFECTIVE DATE: Upon passage

§ 362 — MANUFACTURING PROGRAM TUITION AND FEE WAIVER

Requires BOR to waive tuition and fees for Ansonia High School students who participate in certain manufacturing programs

Since FY 20, state law has required the Board of Regents for Higher Education (BOR) to waive tuition and fees for Ansonia High School students to attend College Connections at Derby High School. The act requires BOR to also waive tuition and fees for Ansonia High School students who participate in a manufacturing program offered in Ansonia or Derby that is not part of the College Connections program at Derby High School. The amount of this waiver each fiscal year equals the appropriation for this purpose, as it does for the College Connections waiver.

The College Connections program enables high school students to take community college courses in advanced manufacturing and receive both high school and college credit.

EFFECTIVE DATE: July 1, 2021

§ 363 — REGIONAL BOARD OF EDUCATION RESERVE FUNDS

Increases the amount a regional board of education may deposit in a capital and nonrecurring expenditures reserve fund

The act increases the maximum amount that a regional board of education can deposit in a capital and nonrecurring expenditures reserve fund from 1% to 2% of the school district's annual fiscal year budget. As under existing law, this percentage is comprised of the aggregate amount of annual and supplemental district appropriations.

Existing law, unchanged by the act, allows a regional board of education to create this fund by a majority vote of its members. With the board's approval, the district may use this fund to partially or completely fund the planning, construction, reconstruction, or acquisition of a specific capital improvement project or the acquisition of specific equipment.

EFFECTIVE DATE: July 1, 2021

§ 364 — CT GROWN FOR CT KIDS GRANT

Requires DoAg to administer a new CT Grown for CT Kids Grant Program to help boards of education develop farm-to-school programs; requires DoAg to convene an advisory committee to help the agency in awarding grants; requires DoAg to submit a legislative report evaluating the program, including how the money was spent

The act requires the Department of Agriculture (DoAg), in consultation with an advisory committee the act also creates, to administer the new CT Grown for CT Kids Grant Program. The program must assist local and regional boards of education in developing farm-to-school programs that will:

1. increase the availability of local foods in child nutrition programs,
2. allow educators to use hands-on techniques to teach students about nutrition and farm-to-school connections,
3. sustain relationships with local farmers and producers,
4. enrich students' educational experience,
5. improve Connecticut children's health, and
6. enhance the state's economy.

Eligible Applicants

The act allows a local or regional board of education, regional educational service center, cooperative education arrangement, child care center, group child care home, family child care home, or any organization or entity administering or assisting in the development of a farm-to-school program to apply for a grant. The agriculture commissioner must prescribe the grant application form and process.

The grant must be used for a farm-to-school program's development or implementation, which may include:

1. purchasing equipment, resources, or materials, such as local food products, gardening supplies, field trips to farms, gleaning on farms (i.e., collecting leftover crops after the commercial harvest is completed), and giving stipends to visiting farmers;
2. providing professional development and skills training for educators, school nutrition professionals, parents, caregivers, child care providers, and employees and volunteers of organizations administering or helping develop and implement farm-to-school programs; and
3. piloting new purchasing systems and programs.

Advisory Committee

The act requires DoAg to convene an advisory committee to help administer the program, which consists of the education commissioner, or his designee, and representatives of stakeholder groups the agriculture commissioner selects who reflect the state's demographic and geographic diversity.

The advisory committee must (1) help the department review applications and award these grants and (2) provide technical assistance to grant recipients to develop and implement farm-to-school programs.

Grant Awarding Priority

The act requires the department to prioritize grants to applicants (1) located in alliance districts or who are providers of school readiness programs and (2) who demonstrate broad commitment from school administrators, school nutrition professionals, educators, and community stakeholders.

Grant Limits

The act prohibits DoAg from awarding a grant that is more than 10% of the total grant amount available for the fiscal year.

Donations and Gifts

Under the act, DoAg may accept gifts, grants, and donations, including in-kind donations, to administer the program and implement the act's provisions.

Reporting Requirement

Starting by January 1, 2023, DoAg must annually submit a report on the program to the Education Committee. The report must include (1) an accounting of the funds appropriated and received by the department, (2) descriptions of each grant awarded and how the recipient used the grant, and (3) an evaluation of the program and the success of local farm-to-school programs that received grants through the program.

EFFECTIVE DATE: July 1, 2021

§ 365 — OPEN CHOICE PROGRAM EXPANSION

Expands the Open Choice Program for the 2022-23 school year under a pilot program for up to 50 students each from Danbury and Norwalk

The act expands the Open Choice Program for up to 50 students from Danbury and 50 from Norwalk in the 2022-23 school year.

Open Choice is a voluntary inter-district public school attendance program that allows students from urban districts to attend suburban schools, and vice versa, on a space-available basis. Its purpose is to reduce racial, ethnic, and economic isolation; improve academic achievement; and provide public school choice. SDE provides a per-student grant for school districts that receive Open Choice students.

Danbury and Norwalk Student Participation

Under the act, Danbury students may attend school in the New Fairfield, Brookfield, Bethel, Ridgefield, and Redding school districts and Norwalk students may attend school in the Darien, New Canaan, Wilton, Weston, and Westport school districts. School districts that receive students from Danbury or Norwalk under this pilot program must allow these students to attend until they graduate from high school.

For FY 23, the act requires SDE to provide a \$4,000 per-student grant to each district receiving Danbury or Norwalk students. For FY 24 and each subsequent year, SDE must provide receiving districts with per-student grants based on existing law's Open Choice per-student grant schedule, which ranges from \$3,000 to \$8,000 per student.

Under the program's existing grant schedule, districts receive a larger grant if the number of Open Choice students reflects a greater percentage of the district's student population. For example, a district receives \$3,000 per student if Open Choice students are less than 2% of the district's total student population. The grant amount increases incrementally until, at the highest amount, a district receives \$8,000 per student if Open Choice students are at least 4% of the district's student population.

The act also reimposes a cap on the program's transportation aid component that expired in 2017. For FY 22 and each fiscal year thereafter, SDE must provide per-student transportation grants, within available appropriations, provided the average of the grants does not exceed \$3,250 per student transported. But the act also allows the commissioner to provide additional sums from any remaining funds in the appropriation if needed to offset transportation costs that exceed the cap amount.

Reporting Requirement

The act requires SDE, by January 1, 2025, to submit a report on the Danbury and Norwalk pilot program to the Education and Appropriations committees. The report must include the number of students in the pilot and, from each participating town, the total amount of the grant paid under the pilot and the grant paid to each participating town.

EFFECTIVE DATE: July 1, 2021

§§ 365 & 408-417 — SHEFF V. O'NEILL TECHNICAL CHANGES

Makes a number of technical changes to conform the education statutes with Sheff v. O'Neill settlement agreements

The act makes a number of technical changes to conform education statute terminology with the state's *Sheff v. O'Neill* settlement obligations.

Sheff is the landmark school desegregation case in which the state Supreme Court ruled that Hartford school children were not being given an equal educational opportunity due to racial and economic segregation (238 Conn. 1 (1996)).

EFFECTIVE DATE: Upon passage, except §§ 408 & 411 are effective on July 1, 2021.

§§ 366-372 — EDUCATION PROGRAM GRANT CAPS

Extends to FYs 22 and 23 the grant caps for seven programs; renews the bilingual education grant for FYs 22 and 23

The act renews the bilingual education grant for FYs 22 and 23. It also extends caps on this grant and six other education grants for local or regional boards of education to FYs 22 and 23. The caps, which were set to expire on June 30, 2021, require that the grants be proportionately reduced if the state budget appropriations do not fund the full amounts required by the respective statutory formulas. The caps apply to grants for the following programs:

1. bilingual education (CGS § 10-17g);
2. school districts' special education costs for public agency-placed students under an order of temporary custody (CGS § 10-76d(e));
3. school districts' excess special education costs (CGS § 10-76g);
4. excess regular education costs for state-placed children educated by private residential facilities (CGS § 10-253(b));
5. health grants for private nonprofit schools (CGS § 10-217a);
6. regional educational services centers (RESCs) (CGS § 10-66j); and
7. adult education programs (CGS § 10-71).

EFFECTIVE DATE: July 1, 2021

§ 373 — OFFICE OF FISCAL ANALYSIS MODELING OF THE EDUCATION FUNDING PROPOSAL

Requires OFA to conduct an independent modeling of the education funding proposal described in SB 948 of the 2021 regular legislative session, as reported out of the Education Committee

The act requires the Office of Fiscal Analysis (OFA) to conduct an independent modeling of the education funding proposal described in SB 948 of the 2021 regular legislative session, as favorably reported by the Education Committee on March 22, 2021. SB 948 proposes, among other education funding changes, a funding approach that merges into one grant program the per-student grants for magnet schools, charter schools, agricultural science and technology education centers ("vo-ag centers"), and the Open Choice program.

The act requires the modeling to include an analysis of the proposal's estimated fiscal impact on local and regional boards of education, magnet school operators, state and local charter schools, and vo-ag centers, including the receipt of grants and receipt of tuition payments. It must also analyze the estimated net impact to each local and regional board of education for each of the following grant programs: (1) education cost sharing (ECS), (2) magnet schools, (3) state and local charter schools, (4) vo-ag centers, and (5) the interdistrict public school attendance program known as Open Choice.

Under the act, the modeling must also look at funding for the Technical Education and Career System (formerly known as the technical high school system), including the funding at a system-wide, school, and per-pupil level, and the effects of racial equity within the system based on the funding.

The act establishes the following deadlines:

1. By December 15, 2021, OFA must submit the modeling and a draft report to the education commissioner for

review and comment.

2. By January 3, 2022, the commissioner, or the commissioner's designee, must submit to OFA his or her comments and recommendations, if any, concerning the draft report.
3. By January 15, 2022, OFA must submit a report on the modeling to the Education and Appropriations committees. The report must include the modeling and any comments and recommendations the commissioner submitted.

EFFECTIVE DATE: Upon passage

§§ 374 & 375 — MODEL CURRICULUM FOR GRADES K-8

Requires SDE, in collaboration with SERC, to develop a K-8 model curriculum that boards of education may use

The act requires the State Department of Education (SDE), in collaboration with the State Education Resource Center (SERC, see *Background*), to develop a model curriculum by January 1, 2023, that local and regional boards of education may use for grades kindergarten through eight (K-8). The act establishes several requirements for the model curriculum, including what subject matter must be incorporated, and it requires SDE to make the model available to those boards of education and on the department's website.

When developing the model curriculum, SDE and SERC must consult with people and organizations with subject matter expertise in creating the model. Additionally, they may (1) use existing and appropriate public or private materials, personnel, and other resources and (2) accept gifts, grants, and donations, including in-kind donations, designated for developing the model.

Lastly, by January 15, 2023, SDE, in consultation with SERC, must submit to the Education Committee a (1) description of the model curriculum that includes the scope, sequence, and course objective for, presumably, each course in the curriculum and (2) report on the courses' development and review.

General and Subject Matter Requirements

The act requires the model curriculum's content to be (1) rigorous, (2) age-appropriate, (3) aligned with State Board of Education (SBE)-approved curriculum guidelines, and (4) in accordance with the statewide subject matter content standards adopted by SBE.

The act also requires the model curriculum to be in accordance with and include and integrate the subject matter requirements in the program of instruction that state law establishes for public schools. The required subject matter is as follows:

1. the arts (which may include, among other things, dance, music, art, and theater);
2. career education;
3. consumer education;
4. health and safety (including nutrition, disease prevention and cancer awareness, and physical, mental, and emotional health);
5. language arts (including reading, writing, grammar, speaking, and spelling);
6. mathematics;
7. physical education;
8. science;
9. social studies (including citizenship, economics, geography, government, history, and Holocaust and genocide education and awareness);
10. African-American and Black studies;
11. Puerto Rican and Latino studies; and
12. computer programming instruction (CGS § 10-16b, as amended by PA 19-12, § 1).

Lastly, the act requires the model curriculum to also include and integrate at least the following:

1. Native American studies;
2. Asian American and Pacific Islander studies;
3. lesbian, gay, bisexual, transgender, queer, and other sexual orientations and gender identities studies;
4. climate change;
5. personal financial management and financial literacy;
6. the military service and experience of American veterans;
7. civics and leadership, including instruction in digital citizenship and media literacy to provide students with the knowledge and skills needed to safely, ethically, responsibly, and effectively use digital technologies to create and consume digital content; communicate with others; and participate in social and civic activities;

8. the principles of social-emotional learning; and
9. racism.

Background — SERC

SERC is a quasi-public agency that can, among other things, provide (1) professional development services; (2) technical assistance and evaluation activities; and (3) policy analysis and other assistance to local and regional boards of education, SDE, and other educational entities and providers (CGS §§ 10-357a to -357e).

EFFECTIVE DATE: July 1, 2021

§§ 376 & 377 — NATIVE AMERICAN STUDIES IN PUBLIC SCHOOLS

Adds Native American studies to the public school social studies curriculum beginning in the 2023-24 school year

The act adds Native American studies to public schools' required program of instruction as part of their social studies curriculum beginning in the 2023-24 school year. It requires the Native American studies curriculum to include a focus on the Northeastern Woodland Native American Tribes of Connecticut.

Under the act, local and regional boards of education may use the following to develop and implement the curriculum: (1) materials that the State Board of Education (SBE) makes available or (2) other existing and appropriate public or private materials, personnel, and resources. The curriculum must also be in accordance with SBE's statewide subject matter content standards. Boards of education may also accept gifts, grants, and donations, including in-kind donations, to develop and implement the curriculum.

EFFECTIVE DATE: July 1, 2023, for provisions adding Native American studies to the program of instruction and July 1, 2021, for provisions about the social studies curriculum and curriculum materials.

§§ 378 & 379 — MINORITY TEACHER CANDIDATE CERTIFICATION, RETENTION OR RESIDENCY YEAR PROGRAM

Creates the minority candidate certification, retention, or residency year program for teacher certification candidates; requires each alliance district to partner with a residency program operator to enroll minority candidates; requires SDE to (1) withhold from each alliance district 10% of any increase in alliance aid and (2) use the funds to cover program-related costs

The act creates the minority candidate certification, retention, or residency year program administered by the State Department of Education (SDE) and under the supervision of a regional educational service center (RESC) or a private, non-profit certification program (i.e., operators). It also requires each school district designated as an alliance district to partner with a residency program operator to enroll minority candidates and place them in the district for their 10-month residency. (Alliance districts are the 33 lowest performing school districts based on their accountability index scores – see *Background*).

Under the act a “minority” is someone whose race is defined as other than white, or whose ethnicity is defined as Hispanic or Latino as used by the U.S. Census Bureau, and a “minority candidate” is someone who is a minority and employed as a school paraprofessional or an associate instructor with a local or regional board of education.

The act requires SDE to (1) withhold from each alliance district 10% of any increase in alliance aid and (2) use the funds for grant payments to cover program-related costs.

It also allows non-alliance districts to participate in the residency program and makes conforming changes.

State and Local Residency Program Responsibilities

For FY 22 and each following year, the act requires SDE to administer the minority candidate certification, retention, or residency year program to help (1) minority candidates enroll in a residency program to become full-time, certified teachers after successful program completion and (2) local and regional boards of education hire and retain these minority candidates.

Under the act, the “residency program” is a State Board of Education (SBE)-approved certification program in which participants serve in (1) a position that otherwise would require professional certification and (2) a full-time position for 10 school months at a board of education under the supervision of (a) a certified administrator or teacher and (b) a supervisor from the RESC or a private, nonprofit teacher or administrator operating the certification program. By law, SBE approves

teacher preparation programs and alternate route to certification (ARC) programs (CGS § 10-145b(a)). Another law permits SDE to approve ARC programs with a one-year residency for school support staff, including school paraprofessionals, but the law is not specific to alliance districts or minority candidates (CGS § 10-145t(b)).

Beginning with FY 23 and in each following year, the act also requires each board of education for an alliance district to partner with a residency program operator to enroll and place minority candidates in the district as part of the program.

Reserving Funding for the Residency Program

By law, an alliance district must submit a plan to SDE for approval before SDE will release the district's alliance funding (i.e., a portion of the annual Education Cost Sharing (ECS) funds that these districts receive). The plan must detail how it intends to use its alliance funding and how this will increase student achievement. The act adds the recruitment and retention of minority teachers in the alliance district as another allowable use of these funds.

Under the act, for FY 23 and each following year, the education commissioner must withhold from an alliance district 10% of any increase in funds that the district receives for that fiscal year over the amount that it received for FY 20. The department must use the funds to make a payment to the alliance district, and the district must spend the funds for the residency program costs described in the act.

Allowed Uses of Residency Grants

A participating board may apply to the education commissioner, at a time and in a manner she prescribes, for a payment or grant award for costs associated with (1) enrolling minority candidates in a residency program, (2) the certification process for these minority candidates, (3) hiring minority candidates after their successful completion of a residency program, or (4) retaining minority candidates as certified school district employees.

The act prevents any unexpended funds paid or awarded to a board of education under the act from lapsing at the end of the fiscal year. These funds must be carried over and be available to spend for implementing the act's purposes during the next fiscal year.

Potential Hires

The act authorizes a board of education to hire a minority candidate who has successfully completed the residency program.

Non-Alliance School Districts May Participate

Beginning with FY 23, the act allows non-alliance districts to partner with a residency program operator to enroll minority candidates and place them in the school district as part of the residency program. The participating board may hire the minority candidate after he or she successfully completes the program.

The board may apply to the education commissioner, at a time and in a manner the commissioner determines, to receive a grant for any of the allowed costs described in the act. The commissioner may, within available appropriations, award a grant to a non-alliance board of education for any of the allowed costs.

Program Guidelines

The act requires SDE to develop guidelines and criteria to implement the minority candidate certification, retention, or residency year program and administer the related funds.

Education Commissioner to Release Alliance Funds

Under the alliance district law, the education commissioner may only release alliance funding if it will be expended in accordance with (1) the school district's alliance plan, (2) the law requiring that the funding only be spent for educational purposes and not to supplant local education dollars, and (3) any SBE guidelines regarding these funds. The act allows the funds to also be released in accordance with the act's residency program.

Background — Accountability Index Scores

The “accountability index” for a school district or an individual school is the score resulting from multiple weighted measures that (1) include the mastery test scores (i.e., performance index) and, if appropriate, high school graduation rates, and (2) may include academic growth over time, attendance and chronic absenteeism, postsecondary education and career readiness, enrollment in and graduation from institutions of higher education and postsecondary education programs, civics and arts education, and physical fitness (CGS § 10-223e(a)).

§ 380 — PLAN TO PROMOTE TEACHING AS A CAREER

Requires the education commissioner and certain higher education officials to jointly develop a plan to help school boards promote teaching as a career option to high school students; requires SDE to distribute to school boards information that promotes the teaching profession

The act requires the education commissioner, the CSCU president, and UConn’s Neag School of Education dean to jointly develop a plan to assist boards of education in promoting the teaching profession as a career option to high school students. The plan must include (1) a way for school districts to develop partnerships with in-state educator preparation programs and (2) counseling programs to inform high school students about, and recruit them to, the teaching profession. (The act does not include a deadline for plan completion.)

The act also requires SDE, by September 1, 2021, to distribute to boards of education information that promotes the teaching profession, including materials on in-state educator preparation programs and alternative route to certification programs for school counselors and students. SDE must also make this information available on its website.

EFFECTIVE DATE: July 1, 2021

§§ 381-383 — IMPLICIT BIAS AND ANTI-BIAS TRAINING VIDEO MODULE

Requires SDE, by July 1, 2022, to develop an implicit bias and anti-bias video training module for school district personnel who hire teachers; requires board of education employees involved in, or responsible for, hiring teachers to complete the training starting on July 1, 2023

The act requires SDE, in consultation with the Minority Teacher Recruitment Policy Oversight Council and the State Education Resource Center, to develop a video training module for school district personnel involved in, or responsible for, hiring teachers. The training module must focus on implicit bias and anti-bias in the hiring process and be developed and available by July 1, 2022. For each school year beginning with the one starting on July 1, 2023, the act requires any board of education employee who is involved in, or responsible for, hiring teachers to complete this training module before participating in the teacher hiring process.

The act also adds the video training module to the required in-service training program that school districts must provide for teachers, administrators, and pupil personnel. It must be included in the culturally responsive pedagogy and practice training that is part of a statutory list of training topics.

EFFECTIVE DATE: July 1, 2021

§ 384 — STUDY OF MULTIPLE MEASURES TO DEMONSTRATE CONTENT MASTERY FOR TEACHER CERTIFICATION

Requires SDE to study a multiple-measures approach to demonstrate content-area mastery of the content assessment requirement for teacher certification; requires SDE to submit a report with any recommendations to the Education Committee by January 1, 2023

The act requires SDE to study a multiple-measures approach to demonstrate content-area mastery of the content-area assessment (i.e., exam) requirement for teacher certification. By law, teacher certification candidates must pass a content-area assessment to qualify for a certification.

The study must at least include (1) a review of current assessment requirements for educator certification, (2) candidate first-time pass rates, (3) best attempt pass rates, (4) candidate access to and use of the free-retake policy, and (5) alternative multiple-measure pathways to demonstrate content-area mastery for certification.

SDE must submit a report on its findings and any recommendations to the Education Committee by January 1, 2023.

EFFECTIVE DATE: July 1, 2021

§ 385 — BLACK AND LATINO STUDIES COURSE

Requires the high school course in Black and Latino studies, which by law must be offered in the 2022-2023 school year, to also be offered in each following school year

The act requires the high school course in Black and Latino studies, which by law must be offered in the 2022-2023 school year, to also be offered in each following school year. The act also specifies that the course offered must be the one approved by the State Board of Education under the law that required the course.

EFFECTIVE DATE: Upon passage

§ 386 — SOCIAL-EMOTIONAL LEARNING ASSESSMENTS

Allows each board of education to annually administer a social-emotional learning assessment to students beginning with the upcoming school year; requires parents and guardians to be given prior notice of the assessment and grant permission before the assessment is given

PA 21-95 requires each local and regional board of education to administer a social-emotional learning assessment to students in the 2021-2022 school year. This act allows, rather than requires, boards to administer the assessment and allows them to continue to do so for each school year thereafter. Boards can choose between (1) an SDE-provided social-emotional learning assessment or (2) another social-emotional learning assessment or mental health and resiliency screening.

Under PA 21-95 and unchanged by the act, parents or guardians must (1) receive prior written notice of the upcoming assessment and (2) grant permission before a student can be given the screening.

EFFECTIVE DATE: July 1, 2021

§ 387 — CONNECTICUT REMOTE LEARNING COMMISSION

Requires SDE to establish a commission to analyze and provide recommendations about (1) remote learning for K-12 public school students and (2) the feasibility of establishing a statewide remote learning school

The act requires the State Department of Education to establish the Connecticut Remote Learning Commission to analyze and provide recommendations about remote learning for public school students in grades kindergarten to 12 (“K-12”). Under the act, “remote learning” means instruction using one or more internet-based software platforms as part of a remote learning model.

Commission Report

The act requires the commission to create a report containing an analysis and recommendations on the following matters. First, the report must address remote learning’s impact on (1) elementary, middle, and high school students’ educational attainment; (2) students’ physical and emotional development; (3) students’ access to special services, including mental health services, and to food security and nutrition; and (4) instructional delivery quality. This analysis must collect data disaggregated by student subgroups based on race, ethnicity, age, gender, free or reduced-price lunch eligibility, students with disabilities, and primary language other than English.

The report must also address the feasibility of creating a K-12 statewide remote learning school that meets the following criteria:

1. is maintained by the State Board of Education (SBE) and under its direction and control;
2. provides at least 180 days of actual school sessions and 900 hours of actual school work in a school year for grades K-12, so long as no more than seven hours in a given school day count toward the 900-hour total;
3. offers coursework and a curriculum that is rigorous, aligned with SBE-approved curriculum guidelines, and in accordance with SBE-adopted statewide subject matter content standards;
4. grants a diploma to an enrolled student who has satisfactorily completed state law’s high school graduation requirements; and
5. is created with consideration for best practices in remote learning, technological capabilities of students statewide, and equity.

Finally, the commission’s report must address the following financial and student-centric topics:

1. associated costs for establishing one or more statewide or regional remote learning schools, including an examination of how other states have used these schools;

2. various remote learning models' potential fiscal impact on local and regional school districts; and
3. options to ensure that participating students have adequate parental or adult supervision, educational support, technical assistance, continuity of attendance, and engagement.

Membership

Under the act, the commission consists of 17 members, appointed by the authorities and possessing the qualifications described in the table below.

Remote Learning Commission Membership

<i>Appointing Authority</i>	<i>Appointee Qualifications</i>
House speaker	One Connecticut Association of Boards of Education representative One Connecticut Education Association representative
Senate president pro tempore	One RESC Alliance representative One UConn Neag School of Education representative
House majority leader	One Connecticut Association of Public School Superintendents representative One American Federation of Teachers – Connecticut representative
Senate majority leader	One Connecticut Commissioner for Educational Technology representative One Connecticut Council of Administrators of Special Education representative
House minority leader	One Connecticut Association of Schools representative One Connecticut Association of Latino Administrators and Superintendents representative
Senate minority leader	One Social and Emotional and School Climate Advisory Collaborative representative One State Education Resource Center representative
Education commissioner	One appointee
N/A	Charter Oak State College president or his designee
N/A	Education commissioner or her designee
N/A	Early childhood commissioner or her designee
N/A	Office of Higher Education executive director or his designee

Under the act, all initial appointments to the commission must be made by August 30, 2021, and appointing authorities must fill any vacancies. The act requires the Education Commissioner, or her designee, to serve as the commission's chairperson.

Report Submission and Due Date

The act requires the commission to report its findings and recommendations to the governor, SBE, and the Education and Children's committees by July 1, 2022.

EFFECTIVE DATE: July 1, 2021

§ 388 — STATEWIDE REMOTE LEARNING SCHOOL PLAN

Requires SDE to develop a plan to create and implement a K-12 statewide remote learning school

The act requires the State Department of Education (SDE) to develop a plan to create and implement a statewide remote learning school for grades kindergarten to 12 (K-12). Under the act, "remote learning" means instruction through at least one internet-based software platform as part of a remote learning model.

When developing the plan, SDE must (1) consider the Connecticut Remote Learning Commission's reported findings and recommendations (see § 387 above), (2) review other states' remote learning schools and models being implemented, and (3) estimate how many Connecticut students may be eligible to enroll in the school. The act requires SDE to use federal funds, to the extent allowable under federal guidelines, received from the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) to develop the plan.

Under the act, any statewide remote learning school that may be created under the plan must meet the following criteria:

1. be maintained by and under the State Board of Education's (SBE) direction and control;
2. provide at least 180 days of actual school sessions and 900 hours of actual school work per school year for grades K-12, so long as no more than seven hours in any school day count toward the 900-hour requirement;
3. offer coursework and a curriculum that is rigorous, aligned with SBE-approved curriculum guidelines, and in accordance with SBE-adopted statewide subject matter content standards;
4. grant a diploma to any enrolled student who satisfactorily completes the high school graduation requirements in state law; and
5. be created with consideration for best practices in remote learning, technological capabilities of students statewide, and equity.

The act requires SDE to draft a request for proposals (RFP) for any items needed to create and implement the school. By July 1, 2023, SDE must submit the plan, the draft RFP, and any legislative recommendations for the plan's implementation to the Education and Appropriations committees.

EFFECTIVE DATE: July 1, 2022

§ 389 — REMOTE LEARNING AUDIT

Requires SDE to audit public school boards' provision of remote learning in the 2019-20 and 2020-21 school years due to the COVID-19 pandemic

The act requires the State Department of Education (SDE) to conduct a comprehensive audit of local and regional boards of education's remote learning provided in the 2019-20 and 2020-21 school years due to the COVID-19 pandemic. SDE must use federal funds, to the extent allowable under federal guidelines, received from the Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260) to conduct the audit. The audit must examine at least the following:

1. whether and how boards initially provided remote learning during the beginning of the pandemic, focusing on technological capabilities or limitations at that time;
2. curriculum used as part of remote learning and whether students were able to complete the grade level curricula;
3. remote learning preparation or training levels that teachers received both before and during remote learning in these school years, including the nature of the training and whether it was offered as professional development or in-service training;
4. the improvement level, if any, of the remote learning provided from the 2019-20 school year to the 2020-21 school year; and
5. student absenteeism rates and academic performance during the pandemic relative to pre-pandemic rates and performance.

After the audit, SDE must develop a report using the audit results to do the following:

1. evaluate remote learning's efficacy, hybrid learning models, and the potential to leverage technology for teaching in other scenarios and rethinking instruction delivery;

2. identify a system of metrics to hold boards of education accountable for remote learning access and equity; and
3. review and make recommendations about ongoing public education requirements, including how to define a “school day,” by aligning technology and how to optimally integrate remote learning into the program of study and public education.

Under the act, SDE must submit this comprehensive audit and report, along with any legislative recommendations, to the Education Committee by January 1, 2025.

EFFECTIVE DATE: Upon passage

§§ 390-393 — TECHNICAL & CONFORMING CHANGES

Makes minor and conforming changes mostly related to remote learning terminology

The act makes minor and conforming changes in PA 21-46, including renaming the term “virtual learning” as “remote learning.” It also removes from the definition of “remote learning” in-person instruction using internet-based software platforms.

EFFECTIVE DATE: July 1, 2021

§§ 394-404 — READING CURRICULUM MODELS, CENTER FOR LITERACY, AND RELATED READING PROGRAMS

Creates a new Center for Literacy Research and Reading Success with the authority to generally require school districts to use certain reading curricula; transfers certain reading-related duties from SDE to the center; establishes a Reading Leadership Implementation Council to develop and publish the center’s annual goals; adds a definition of reading to several laws; expands access to the intensive reading instruction program to any alliance district; requires the education commissioner to submit an evaluation of the literacy center to the Education and Appropriations committees

The act makes several changes in state law regarding school reading programs and creates a new Center for Literacy Research and Reading Success (i.e., “literacy center”) with the authority to recommend at least five reading curriculum models or programs that must be used by local and regional boards of education for grades prekindergarten to three. It also establishes a 13-member Reading Leadership Implementation Council (i.e., “council”) to develop and publish the center’s annual goals and inform its activities.

It requires the State Department of Education (SDE) to establish the literacy center within the department and transfers certain duties related to reading from SDE to the center.

The act makes the following changes in reading and literacy related laws and programs:

1. requires the literacy center, rather than SDE, to compile a list of approved reading assessments to identify children in grades kindergarten to three who are reading below proficiency (§ 398);
2. expands access to the intensive reading instruction program by making it available to all alliance districts (§ 399);
3. makes several changes to the reading readiness program (§ 401) and the duties of the state director of reading initiatives (§ 403); and
4. requires the education commissioner to evaluate the literacy center and submit the evaluation to the Education and Appropriations committees by February 1, 2024 (§ 404).

The act defines the areas of reading for the curriculum models and (1) adds this definition to the required program of instruction for all public schools and (2) conforms the existing definition in two other reading laws (reading assessments and the intensive reading instruction program) to match the act’s definition.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, for provisions creating the literacy center, requiring local boards to use the curriculum models and programs, and requiring the evaluation of the literacy center and July 1, 2022, for all other provisions.

Required Prekindergarten to Grade Three Reading Curriculum Model or Program (§§ 394-396)

Under the act, by July 1, 2022, the literacy center director must review and approve, in consultation with the council, at least five reading curriculum models or programs for boards of education to implement according to their school district’s unique needs. The approved models or programs must be (1) evidence- and scientifically-based and (2) focused on competency in the following reading areas: oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency, and reading comprehension.

Beginning July 1, 2023, the act requires each local and regional board of education to (1) implement one of these recommended models or programs each school year for grades prekindergarten to three and (2) notify the literacy center every two years about which model or program it is implementing.

Under the act, if a board demonstrates to the commissioner that it has insufficient resources or funding to implement any of the models or programs, the commissioner must grant extended time (of an unspecified duration) if she finds that the board shows continued efforts to implement one.

The act allows a board to request a waiver to use an alternative reading curriculum model or program instead of a literacy center-approved one. The commissioner, in consultation with the literacy center's director, must grant the waiver if she finds that the alternative model or program otherwise meets the criteria previously described above. Waiver requests must include (1) reading assessment data that has been disaggregated by race, ethnicity, gender, free or reduced-price lunch eligibility, students whose primary language is not English, and students with disabilities and (2) a strategy to address remaining achievement gaps as defined in state law.

Center for Literacy Research and Reading Success, Reading Leadership Council, and Literacy Coaches (§ 402)

The act requires SDE to create the literacy center within the department and specifies its duties. In addition to approving reading curriculum models or programs as discussed above, the center is responsible for:

1. receiving and publicly reporting, by September 1, 2023, and biennially afterwards, the reading curriculum model or program being implemented by each board;
2. providing independent, random reviews of school districts' implementation of (a) the required reading curriculum model or program and (b) an approved reading assessment (see § 398);
3. implementing the statewide reading plan for students in kindergarten to grade three as amended by the act (see § 400);
4. researching and developing, in collaboration with the Office of Early Childhood, a birth to grade 12 reading success strategy to be included in the alignment of reading instruction with the state's two-generational initiative established in state law;
5. providing direct support to schools and boards of education to improve reading outcomes for students in kindergarten to grade three and other reading initiatives;
6. supporting teachers, schools, and boards engaged in improvement through coaching, leadership training, professional development, parental engagement, and technical assistance that is consistent with the intensive reading instruction program (see § 399) and aligned with evidence-based practices;
7. developing and maintaining a website to disseminate tools and information associated with the intensive reading instruction program;
8. serving as a collaborative center for higher education institutions and making available to the faculty of teacher preparation programs (a) materials related to the science of teaching reading, (b) the intensive reading instruction program, and (c) samples of available reviewed and recommended reading curriculum models or programs; and
9. reviewing and publicly reporting on progress made by teacher preparation programs to include recommended reading curriculum models or programs.

Center Director. The act requires the literacy center's director, in consultation with the council (see below), to be responsible for (1) overseeing the center's activities; (2) facilitating communication between the center, boards of education, and other center affiliates; and (3) coordinating the dissemination of information, tools, and services made available by the center.

Reading Leadership Implementation Council. The act requires the literacy center's activities to be informed by the 13-member Reading Leadership Implementation Council. The council must develop and publish the annual goals for the center and meet at least once every two months. It may consult with representatives of public, private, and philanthropic organizations.

The council membership includes the center's director; the Commission on Women, Children, Seniors, Equity and Opportunity's executive director; and the UConn Neag School of Education dean, or their respective designees; and 10 appointed members. The table below shows the appointing authority and qualifications, if specified, for the appointed members.

Reading Leadership Implementation Council Appointments

<i>Appointing Authority</i>	<i>Members</i>
Governor	One with experience in literacy or education who is engaged in developing and implementing the intensive reading instruction program
Senate president pro tempore, Senate minority leader, House speaker, and House minority leader	Each choose one (total of four) with experience in literacy or education
Black and Puerto Rican Caucus chairperson	One with experience in literacy or education who is engaged in the development and implementation of the intensive reading instruction program, so long as the individual is not a member of the General Assembly One with no specified qualifications
Education commissioner	Three with no specified qualifications

Literacy Coaches. The act requires the literacy center to engage external literacy coaches who have experience and expertise in the science of teaching reading.

These coaches must:

1. provide training and professional development on the intensive reading instruction program, literacy leadership, and effective instruction to teachers;
2. work directly with teachers to support the implementation of the intensive reading instruction program;
3. provide coaching to teachers; and
4. participate in family engagement activities.

Defining Reading in the Required Program of Instruction for Schools (§ 397)

By law, school districts are required to provide certain subjects and topics in the program of instruction they offer to their students. This includes language arts, including reading, writing, grammar, speaking, and spelling. The act adds the definition of “reading” as evidenced-based instruction that focuses on competency in the reading areas as described above (see § 395).

Reading Assessments (§ 398)

The act transfers, from SDE to the literacy center, responsibility for compiling a list of approved reading assessments to be used by boards of education beginning in the 2023-24 school year to identify children in grades kindergarten to three who are reading below proficiency. The assessments must consider the recommendations contained in the Dyslexia Task Force’s report, Appendix G, which provide a list of kindergarten through grade three reading screeners. In addition to existing criteria for the assessments, the act requires they meet the following criteria:

1. be brief;
2. be evidence-based, as defined in federal law, with proven psychometrics for validity;
3. measure the areas of reading as defined in the act (adding oral language and rapid automatic name or letter name fluency to the existing measures); and
4. provide for formative assessment at least three times a year (fall, winter, and spring), rather than be general periodic assessments as under prior law.

The act also requires SDE to provide guidance to boards of education by January 1, 2023, on the following:

1. administering the approved assessments, including specifying appropriate grade levels for each and allowing them to be combined to ensure measurement of the different reading ability areas;
2. how each board’s goals, student body characteristics, and resources should inform the board’s reading assessment choice; and
3. how the aggregate data from the assessments should be used by the district to guide prevention and early reading intervention strategies.

The guidance must require the administration of assessments in both English and the student's native language, if available, for any student being instructed in literacy in his or her native language.

The act also requires the commissioner to report, by February 1, 2023, the approved reading assessments and related SDE guidance to the Education Committee.

Data Center Partnership. The act allows SDE to enter into a partnership with a public higher education institution to establish a data center to guide SDE and boards of education in the use and effectiveness of reading assessments. The data center may include tracking (1) which reading assessments school districts use and (2) student information, disaggregated by categories, including a student's demographic background, school district, reading assessment dates, and scores, so long as the disaggregation keeps student information personally nonidentifiable.

Intensive Reading Instruction Program (§ 399)

By law, the intensive reading instruction program has several components, including (1) an intensive reading intervention strategy, (2) supplemental reading instruction, and (3) a summer reading program. Prior law required the education commissioner to choose five to 10 elementary schools that have been identified to participate in the intensive reading instruction program.

The act broadens this program by (1) requiring the literacy center to provide the program to any alliance district board of education that requests it or (2) alternatively, allowing the center to choose to include the intensive reading program in the early literacy tiered supports provided under the reading readiness program (see § 401). Alliance districts are the 33 lowest performing school districts based on the district's accountability index (AI) score (see *Background*).

Under prior law, the areas of reading for the intensive reading program were phonemic awareness, phonics, fluency, vocabulary, and text comprehension. The act adds "oral language" and "rapid automatic name or letter fluency," and it replaces "text comprehension" with "reading comprehension."

Opportunity Gaps. The act also adds the term "opportunity gaps" in the intensive reading instruction program law. Under the act, "opportunity gaps" mean the ways in which race, ethnicity, socioeconomic status, English proficiency, community wealth, familial situations, or other factors intersect with the unequal or inequitable distribution of resources and opportunities to contribute to or perpetuate lower educational expectations, achievement, or attainment.

Under the act, for the school year beginning July 1, 2022, and each year after, the literacy center must oversee the intensive reading program for grades kindergarten to three; close achievement gaps that result from opportunity gaps; and provide the program to any alliance district that requests it. Under prior law, the education commissioner created the program to close achievement gaps.

Intensive Reading Intervention Strategy. As part of the reading program, prior law required SDE to develop an intensive reading intervention strategy to ensure all students were reading proficiently by grade three. Under the act, for the school year starting July 1, 2022, and each following year, the literacy center must develop the strategy that will be used by any alliance district elementary school with students who are not reading at or above grade level to ensure the students are reading proficiently by grade three.

Under prior law, the strategy had to include one SDE-funded external literacy coach for each school and four SDE-funded reading interventionists for each school. The act eliminates (1) the specific number of coaches and interventionists and instead provides that coaches and interventionists will be made available to the schools and (2) prior law's requirement that SDE funds the coaches and reading interventionists. The literacy coaches must have experience and expertise in the science of teaching reading.

Other aspects are left unchanged, including that the strategy include:

1. rigorous assessments in reading skills,
2. scientifically-based reading research and instruction, and
3. training for teachers and administrators in scientifically-based reading research and instruction, including training for school administrators on how to assess a classroom to ensure that all children are proficient in reading.

Supplemental Reading Instruction. Starting with the 2022-23 school year, each alliance district board of education, in consultation with the literacy center, must provide supplemental reading instruction for students in kindergarten to grade three who are reading below proficiency as identified by a reading assessment. Under prior law, only schools selected by the commissioner to participate in the intensive reading instruction program had to provide the supplemental instruction.

The act requires each alliance district board of education that provides supplemental reading instruction through the intensive reading program to report to the literacy center in a time and manner that SDE requires about each student's reading progress and the specific reading interventions and supports that were implemented.

Intensive Summer Reading Program. Under prior law, any student of a priority school district who was in the intensive reading program and reading below proficiency at the end of the school year had to be enrolled in an intensive summer school reading program. This program's required components include a comprehensive reading intervention and

scientifically-based reading research and instruction strategies. The act instead requires these students who are enrolled in alliance districts to enroll in the summer program. This expands this requirement, since there are 33 alliance districts compared to 15 priority school districts.

The act requires each alliance district board of education, in consultation with the literacy center, to provide the intensive summer reading instruction program to any student in kindergarten to grade three who is reading below proficiency at the end of the school year.

Reporting Requirement. The act requires, starting by October 1, 2022, the education commissioner to report annually to the Education Committee on student reading levels in the intensive reading instruction program, including recommendations on model components of the school reading intervention strategy that may be replicated in other alliance districts.

Statewide Reading Plan (§ 400)

The act transfers, from SDE to the literacy center, the responsibility for developing the existing statewide reading plan for students in grade kindergarten to three. By law, this plan must contain research-driven strategies and frameworks to produce effective reading instruction and improvement in student performance. The center must complete the plan by January 1, 2023.

Reading Readiness Program (§ 401)

The act requires the literacy center, rather than SDE, to operate the reading readiness program, which, under existing law, provides tiered early literacy supports to alliance districts. Also, the literacy center, rather than SDE, must conduct reading readiness assessments for students in kindergarten to grade three in alliance districts. The act specifies that the assessment must consider, among other items, whether a school district has access to external literacy coaches with experience and expertise in the science of teaching reading.

Director of Reading Initiatives (§ 403)

By law, the director of reading initiatives within SDE has many duties, including administering the intensive reading instruction program and the statewide reading plan. Prior law required the director to improve student literacy in kindergarten to grade three and close the achievement gap. The act modifies this to closing the achievement gaps that result from opportunity gaps.

Additionally, the act specifies that the incentive program that the director administers under existing law must only be administered within available appropriations. By law, this program allows the education commissioner to include public recognition, financial awards, or operational flexibility to incentivize schools to improve student reading skills.

SDE Evaluation of Literacy Center (§ 404)

The act requires, by February 1, 2024, the SDE commissioner to submit to the Education and Appropriations committees an evaluation report on the literacy center, including (1) whether student literacy has improved in alliance districts and (2) how resources and funding have been allocated and spent pursuant to the act.

Background — Accountability Index Scores

The “accountability index score” for a school district or an individual school means the score resulting from multiple weighted measures that (1) include the mastery test scores (i.e., the performance index score) and high school graduation rates and (2) may include academic growth over time, attendance and chronic absenteeism, postsecondary education and career readiness, enrollment in and graduation from higher education institutions and postsecondary education programs, civics and arts education, and physical fitness (CGS § 10-223e(a)).

§ 405 — ANTI-DISCRIMINATION LAW

Expands the education anti-discrimination law to provide that children have equal opportunity to participate without discrimination based on disability; modifies the definition of race in the same law by conforming it to state human rights law, thus adding hair and hairstyles

The education anti-discrimination law provides that a child has equal opportunity to participate in school and related activities without discrimination based on race, color, sex, gender identity or expression, religion, national origin, or sexual orientation. The act expands this law to also provide that children have equal opportunity to participate without discrimination based on disability.

It also modifies the education anti-discrimination law to conform its definition of race to the definition in the human rights statute, as amended by the CROWN Act (PA 21-2). PA 21-2 expands the definition of race to include ethnic traits historically associated with race, including hair texture and protective hairstyles such as wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs.

EFFECTIVE DATE: Upon passage

§§ 406 & 407 — PROFESSIONAL DEVELOPMENT FOR BLACK AND LATINO STUDIES COURSE

Requires SERC to provide technical assistance for teacher professional development and in-service training on teaching the Black and Latino studies course; allows school districts to accept grants and gifts for the professional development and training

For each school year, beginning with the 2021-2022 year, the act requires the State Education Resource Center (SERC) to provide technical assistance to local boards of education for their professional development and in-service training for those teaching the Black and Latino studies course.

The act also expands the law that allows school districts to accept gifts, grants, and donations to support the development and implementation of the required African-American and Black studies and Puerto Rican and Latino studies curriculum to allow them to accept gifts, grants, and donations for the related professional development and in-service training.

EFFECTIVE DATE: July 1, 2021

§ 418 — PER-STUDENT GRANT FOR REGIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY EDUCATION (VO-AG) CENTERS

Increases, by \$1,000, the per-student state grant for vo-ag centers

The act increases the annual state grant for each student enrolled in a vo-ag center from \$4,200 to \$5,200. Under existing law and unchanged by the act, the grants are within available appropriations.

The students receive agricultural education from the centers and regular comprehensive education from the high school where the vo-ag center is located or in their home district. By law, surrounding districts and vo-ag host districts may send students to a vo-ag center.

EFFECTIVE DATE: July 1, 2021

§§ 419-421 — BIRTH-TO-THREE PROGRAM

Generally expands the Birth-to-Three program by including certain children who turn age three during the summer to conform with PA 21-46; extends certain group and individual health insurance coverage to these children

Eligible Children (§ 419)

PA 21-46, § 28, requires the Early Childhood commissioner, by July 1, 2022, to develop and implement a plan to expand the Birth-to-Three program to provide early intervention services to any child who:

1. is enrolled in the program;
2. turns age three on or after May first and not later than the first day of the next school year beginning July first; and
3. is eligible to participate in preschool programs under Part B of the federal Individuals with Disabilities Act, however the services must end when the child starts participating in the preschool program.

Under prior law, “eligible children” for the Birth-to-Three program were those (1) from birth to age 36 months, (2) not eligible for special education and related services under state law, and (3) who need early intervention services for the reasons specified below.

This act makes a conforming change by expanding the definition of “eligible children” to include those who:

1. are (a) 36 months or older; (b) presently engaged in early intervention services; and (c) eligible or being evaluated for preschool services under the Individuals with Disabilities Education Act (IDEA) Part B, until they are enrolled

in these preschool services; and

2. need early intervention services for the reasons specified below.

By law, and unchanged by the act, eligible children include those who need early intervention services because they are (1) diagnosed as having a physical or mental condition that has a high probability of resulting in developmental delay or (2) experiencing a significant developmental delay as measured by standardized diagnostic instruments and procedures, including informed clinical opinion, in their (a) cognitive development; (b) physical development, including vision or hearing; (c) communication development; (d) social or emotional development; or (e) adaptive skills.

Group and Individual Health Insurance Policies (§§ 420 & 421)

The act expands to eligible children, as defined by the act, insurance coverage for medically necessary early intervention services provided as part of an individualized family service plan, which is already available to children from birth to age three. By law, this applies to group and individual health insurance policies delivered, issued for delivery, renewed, amended, or continued in the state.

EFFECTIVE DATE: July 1, 2021

§§ 422-425 — CORPORATION BUSINESS TAX

Extends the 10% corporation business tax surcharge to the 2021 and 2022 income years; delays the start date of the capital base tax phase-out by three years and extends the phase-out period

Surcharge (§§ 422 & 423)

The act extends the 10% corporation business tax surcharge by two years, to the 2021 and 2022 income years.

As in prior income years, the surcharge applies to companies with more than \$250 in corporation tax liability that either (1) have at least \$100 million in annual gross income in those years or (2) are taxable members of a combined group that files a combined unitary return, regardless of their annual gross income amount. Companies must calculate their surcharges based on their tax liability, excluding any credits.

Capital Base Tax Phase-Out (§ 424)

Prior law phased out the capital base tax on corporations over four years, from 2021 to 2024. As the following table shows, the act (1) delays the start of the phase-out period by three years, from 2021 to 2024, and (2) extends the phase-out period by four more years.

Capital Base Tax Phase-Out Schedule

Income Year	Capital Base Tax Rate (mills per dollar of capital base)	
	Prior Law	The Act
2021	2.6	3.1
2022	2.1	
2023	1.1	
2024	0	2.6
2025		2.1
2026		1.6
2027		1.1
2028+		0

The capital base tax is a component of the state's corporation business tax. For most corporations, the corporation business tax rate is (1) 7.5% of net income; (2) for the 2021 income year, 3.1 mills per dollar of capital base (up to \$1 million); or (3) \$250, whichever produces the larger tax.

Relief From Interest on Estimated Tax Underpayments (§ 425)

The act provides that taxpayers are not subject to interest on underpayments of estimated tax for the 2021 income year for any additional tax due from these corporation business tax changes for the period before they take effect.

EFFECTIVE DATE: Upon passage

§§ 426 & 427 — R&D TAX CREDITS

Increases the cap on the amount of R&D tax credits corporations may claim each year from 50.01% to 70% of their annual tax liability, phased in over two years, and limits the number of years that taxpayers may carry forward unused R&D tax credits

Credit Cap (§ 426)

The act increases the cap on the amount of R&D tax credits corporations may claim each year against the corporation business tax to 70%, phased in over two years.

Prior law capped the total value of credits corporations may claim at 50.01% of their annual tax liability. The act allows them to use credits for research and development expenditures to reduce up to (1) 60% of their liability for the 2022 income year and (2) 70% of their liability for the 2023 income year and for each income year after that.

Carryforward Period (§ 427)

The act limits the number of years taxpayers may carry forward unused R&D tax credits. Under prior law, taxpayers could carry forward unused R&D credits to successive income years until they are fully taken. The act caps the carry forward period to 15 years, beginning with credits allowed for the 2021 income year.

EFFECTIVE DATE: Upon passage, with the carryforward provision applicable to income years beginning on or after January 1, 2021.

§ 428 — INVEST CT TAX CREDIT CAP

Increases the aggregate cap on Invest CT tax credits by \$200 million

The act increases the aggregate cap on Invest CT tax credits by \$200 million, from \$350 million to \$550 million. It retains the program's existing \$40 million annual cap. By law, the credits apply to the insurance premiums and surplus lines brokers tax, and investors qualify for them by investing in eligible businesses through state-certified Invest CT funds.

EFFECTIVE DATE: July 1, 2021

§ 429 — FILM AND DIGITAL MEDIA PRODUCTION TAX CREDIT

Allows film and digital media production tax credits to be claimed against the sales and use tax under certain conditions

Beginning January 1, 2022, the act allows film and digital media production tax credits to be claimed against the sales and use tax under certain conditions.

Specifically, under the act, eligible production companies or other taxpayers claiming the credit (i.e., transferees) may only claim 78% of the credit's value when using it against the sales and use tax, and transferees may claim the credit against the tax only if there is at least 50% common ownership between the transferee and eligible production company that transferred the credit. Similar limitations apply under existing law to credits claimed against the gross receipts tax on cable, satellite, and competitive video services.

As under existing law, film and digital media production tax credits may also be claimed against the corporation business and insurance premiums taxes at full face value and may be sold, assigned, or otherwise transferred to other taxpayers up to three times.

EFFECTIVE DATE: January 1, 2022

§ 430 — EARNED INCOME TAX CREDIT

Increases the EITC from 23% to 30.5% of the federal credit

Beginning with the 2021 tax year, the act increases the earned income tax credit (EITC) from 23% to 30.5% of the federal credit. The EITC is a refundable tax credit available to people who work and earn incomes below certain levels. EFFECTIVE DATE: July 1, 2021, and applicable to tax years beginning on or after January 1, 2021.

§ 431 — CHILD TAX CREDIT PLAN

Requires the OPM secretary to create a plan to establish a state-level child tax credit if certain changes to the federal child tax credit occur

The act requires the Office of Policy and Management (OPM) secretary to create a plan to establish a state-level child tax credit if certain changes to the federal child tax credit occur. Specifically, she must do so if the (1) credit is decreased from the amount in effect under the American Rescue Plan Act of 2021 (ARPA) as of the date the act takes effect or (2) eligibility criteria changes in a manner that is less favorable to the taxpayer than the criteria in effect under ARPA as of the date the act takes effect.

OPM must submit this report to the Finance, Revenue and Bonding Committee within six months after the first day of the period to which the decrease or change is applicable.

EFFECTIVE DATE: Upon passage

§ 432 — PROPERTY TAX CREDIT AGAINST THE INCOME TAX

Extends, to the 2021 and 2022 tax years, the limits on eligibility for the property tax credit against the personal income tax

For the 2017 through 2020 tax years, existing law limits eligibility for the property tax credit against the personal income tax to people who (1) are age 65 or older before the end of the tax year or (2) validly claim at least one dependent on their federal income tax return for that year. The act extends these limits to the 2021 and 2022 tax years.

By law, taxpayers earn the credit for property taxes paid on their primary residences or motor vehicles, and the amount of property taxes paid that can be taken as a credit declines as adjusted gross income increases until it completely phases out. The maximum credit is \$200 per tax return.

EFFECTIVE DATE: Upon passage, and applicable to tax years beginning on or after January 1, 2021.

§ 433 — INCOME TAX EXEMPTIONS FOR CERTAIN RETIREMENT INCOME

Phases out, over four years starting with the 2023 tax year, the income tax on income from IRAs, other than Roth IRAs, for taxpayers with qualifying incomes; clarifies that teachers who qualify for the general pension and annuity exemption may take either the teacher pension exemption or the general pension and annuity exemption, whichever is greater

Individual Retirement Account (IRA) Income

The act phases out the income tax on certain taxpayers' distributions from IRAs, other than Roth IRAs, over four years beginning with the 2023 tax year. As under existing law for pension and annuity income, taxpayers qualify for the IRA exemption only if their federal AGI is below (1) \$75,000 for single filers, married people filing separately, or heads of households or (2) \$100,000 for married people filing jointly.

The act exempts an increasing portion of IRA income until the income is fully exempt in the 2026 tax year as shown in the table below.

Phase-In of Income Tax Exemption for IRA Income

Tax Year	Percent of IRA Income Exempt
2023	25
2024	50
2025	75
2026 and thereafter	100

Teachers Retirement System Pension Exemption

The act specifies that taxpayers who qualify for both the 50% teacher pension income exemption and the general pension and annuity exemption may take whichever exemption is greater. Under prior law, taxpayers with teacher pension income qualified for the teacher pension exemption or, if applicable, the pension and annuity exemption.

By law, taxpayers are eligible for the general pension and annuity income exemption only if their federal AGI is below (1) \$75,000 for single filers, married people filing separately, or heads of households and (2) \$100,000 for joint filers. The table below shows the applicable exemption percentage for each tax year.

Phase-In of Income Tax Exemption for Pension and Annuity Income

Tax Year	Exempt Pension and Annuity Income Exempt (%)
2021	42
2022	56
2023	70
2024	84
2025 and thereafter	100

EFFECTIVE DATE: Upon passage

§ 434 — ADMISSIONS TAX

Eliminates the admissions tax beginning July 1, 2021, for all places of amusement, entertainment, or recreation except movie theaters

The act eliminates the admissions tax beginning July 1, 2021, except that it retains the 6% tax on movie tickets costing more than \$5.

The admissions tax was generally 10% of amounts paid for tickets; licenses; skybox, luxury suite, or club seat rentals; and any other admission charges, including any charges for the right to buy seats, with certain exceptions. It was 5% for admissions to specified venues, such as the XL Center in Hartford and Oakdale Theatre in Wallingford. Certain events and facilities were exempt from the tax. The tax covered, among other things, theaters; concert halls; amusement parks; sporting facilities, ball parks, race tracks, golf courses, beaches, and gyms; stadiums and amphitheaters; convention centers; auto, boat, antique, and dog shows; and other similar venues and events.

The act retains the 10% dues tax, which applies to amounts paid as dues or initiation fees to any social, athletic, or sporting club (i.e., organizations owned or operated, or both owned and operated, by members) (CGS § 12-543).

EFFECTIVE DATE: June 30, 2021

§ 435 — SALES AND USE TAX EXEMPTION FOR BREASTFEEDING SUPPLIES

Exempts breast pumps and certain related parts, supplies, kits, and repair services from the sales and use tax beginning July 1, 2021

The act exempts from the sales and use tax (1) breast pumps and breast pump collection and storage supplies, when sold to individuals for home use; (2) repair services and repair or replacement parts for these breast pumps; and (3) breast pump kits, under certain conditions. The act defines a “breast pump” as an electric or manual pump device for expressing milk from a human breast, including external power supply units for the pump that are packaged and sold with it.

Breast Pump Kits

Under the act, a breast pump kit is a prepackaged set that contains one or more of the following: (1) a breast pump, (2) breast pump collection and storage supplies, and (3) other items of tangible personal property that may be useful to start, support, or sustain breastfeeding using a breast pump.

Breast pump kits prepackaged by the manufacturer are tax exempt if they are sold to individuals for home use and

contain only tax-exempt breast pumps and breast pump collection and storage supplies. Breast pump kits are taxable if they contain taxable items for which the sales price is more than 10% of the kit's total sale price.

Breast Pump Collection and Storage Supplies

The act defines “breast pump collection and storage supplies” as items that are used in conjunction with a breast pump to collect milk expressed from a human breast and store it until it is ready for consumption. It specifically includes the following:

1. breast shields and their connectors,
2. breast pump tubes and tubing adapters,
3. breast pump valves and membranes,
4. backflow protectors and their adapters,
5. bottles and bottle caps specific to the pump's operation,
6. breast milk storage bags, and
7. related items sold in a breast pump kit prepackaged by the breast pump manufacturer.

The act specifies that the following are not considered breast pump collection and storage supplies:

1. bottles and bottle caps not specific to the breast pump's operation;
2. breast pump travel bags or similar carrying accessories (e.g., ice packs and labels), unless sold in a breast pump kit prepackaged by the breast pump manufacturer;
3. breast pump cleaning supplies, unless sold in a breast pump kit prepackaged by the breast pump manufacturer;
4. nursing bras, bra pads, breast shells, or similar products; and
5. creams, ointments, and other similar products that relieve breastfeeding-related symptoms or conditions of the breast or nipples. (Some of these creams and ointments may already be exempt under the nonprescription drug exemption (CGS § 12-412(120).)

EFFECTIVE DATE: July 1, 2021, and applicable to sales occurring on or after that date.

§ 436 — REVENUE FROM SALES AND USE TAX ON MEALS

Allows certain businesses to keep the sales tax they collect on sales of meals during one of three specified weeks in FY 22

The act allows certain businesses (e.g., hotels, restaurants, and bars) to keep 100% of the 7.35% sales tax they collect on sales of meals during one of the following weeks, as selected by the business:

1. August 1, 2021, to August 7, 2021;
2. December 12, 2021, to December 18, 2021; or
3. May 15, 2022, to May 21, 2022.

It applies to any establishment that sells meals (i.e., food sold in ready-to-eat form or wrapped as “take-out” or “to-go” to be eaten elsewhere) subject to the 7.35% tax and is included in the accommodation and food services industry sector (i.e., sector 72 of the North American Industrial Classification System). Under the act, establishments must provide to DRS the information the commissioner requires to administer this provision, in the form and manner he prescribes.

EFFECTIVE DATE: July 1, 2021

§ 437 — ALCOHOLIC BEVERAGES TAX ON BEER

Beginning July 1, 2023, decreases the excise tax on beer (other than beer for off-premises consumption sold on premises covered by a manufacturer's permit) from \$7.20 per barrel to \$6 per barrel

Beginning July 1, 2023, the act decreases the alcoholic beverages tax (i.e., excise tax) on beer, as shown in the following table. By law, unchanged by the act, beer for off-premises consumption sold on premises covered by a manufacturer's permit is subject to a lower tax rate (\$3.60 per barrel).

Alcoholic Beverage Tax Rate on Beer

<i>Unit Taxed</i>	<i>Prior Rate</i>	<i>New Rate</i>
Barrel (31 gallons)	\$7.20	\$6.00
½ barrel	3.60	3.00

<i>Unit Taxed</i>	<i>Prior Rate</i>	<i>New Rate</i>
¼ barrel	1.80	1.50
Wine gallon or fraction under ¼ barrel	0.24	0.20

EFFECTIVE DATE: Upon passage

§§ 438-443 — CREDIT CARD SERVICE FEES

Generally requires state agencies accepting credit, debit, or charge card payments to charge payors a service fee for doing so and disclose the fee before imposing it

The act generally requires state agencies accepting credit, debit, or charge card payments to (1) charge payors a service fee for doing so and (2) disclose the fee to payors before imposing it, in accordance with any disclosure requirements set by the card issuer or processor. It allows agencies to waive the service fee for a category of fees, costs, or fines if the OPM secretary approves the waiver.

Under prior law, the OPM secretary could authorize agencies to charge a service fee for these payments, and the fees had to be (1) related to the cost of the service and (2) uniform for all cards accepted. The act instead requires the service fee to (1) defray the service cost and (2) not exceed the charge imposed by the card issuer or processor, including any discount rate. As under existing law, the fee must be applied only when allowed or authorized in writing by the card issuer or processor.

Existing law also authorizes agencies to accept payments through an electronic payment service. The act retains this authorization, but eliminates the agencies' authorization to charge a service fee for these payments.

The act makes conforming changes to statutes on credit card payments to certain state agencies. Specifically, it:

1. requires, rather than allows, the Department of Motor Vehicles (DMV) commissioner to charge a service fee to payors making fee payments by credit card (§ 440);
2. requires the Department of Public Health (DPH) to charge a service fee for each credit card payment made under its online license renewal system (§ 441);
3. requires, rather than allows, the probate court to charge a service fee for any court fee card payments (§ 442); and
4. requires, rather than allows, the chief court administrator to charge a service fee for credit card payments made to the judicial branch (§ 443).

The act requires these agencies to apply the same criteria described above in determining the rate or amount of their respective service fees. It also authorizes both DMV and DPH to waive their respective service fees if the OPM secretary has approved the fee category for a waiver, as described above. The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2022

§§ 444-449 — MUNICIPAL REVENUE SHARING ACCOUNT PROGRAM

For FYs 22 and 23, requires (1) motor vehicle property tax grants to be paid from appropriations rather than from MRSA, (2) PILOTs to be paid from appropriations and any remaining part due from MRSA, and (3) specified amounts to be transferred from MRSA to the General Fund; expands the PILOTs paid from MRSA to include existing payments to specified municipalities; modifies the statutory formula for calculating motor vehicle property tax grants

Distribution Schedule (§§ 444 & 448)

Beginning in FY 22, existing law requires 7.9% of state sales and use tax revenue to be diverted to the municipal revenue sharing account (MRSA) each month to fund a number of municipal grant programs. Prior law established a schedule for annually distributing the revenue directed to MRSA. Under this schedule, OPM was required to disburse the funds as follows:

1. an amount sufficient to make the motor vehicle property tax grants, according to a statutory grant formula (see below);
2. an amount sufficient for tiered payment in lieu of taxes (PILOT) grants;
3. \$7 million for regional services grants to regional councils of government (COG) (see § 181); and
4. any remaining amounts for municipal revenue sharing grants to municipalities, according to a statutory grant formula.

The act supersedes this schedule for FYs 22 and 23 and instead requires that the (1) motor vehicle property tax grants be paid from funds appropriated in these fiscal years for the grants and (2) PILOT grants (see § 445) be paid from the funds appropriated in these fiscal years for the grants and the remaining balance due be paid from MRSA.

Under the act, the following amounts must be transferred from MRSA to the General Fund after the remaining balance for the PILOT grants has been paid: (1) \$262.7 million for FY 22 and (2) \$276.3 for FY 23. Any funds remaining in MRSA for FYs 22 and 23 must be used for the municipal revenue sharing grants. (Under the act, regional service grants to the COGs must be paid from the regional performance incentive account, as described in §§ 179-181.)

The act also eliminates obsolete provisions from the MRSA distribution schedule and makes numerous technical and conforming changes.

PILOTs for Specified Municipalities (§§ 444-447)

PA 21-3 requires OPM to disburse from MRSA an amount sufficient to pay state PILOT grants according to the three-tiered proration method established under the act. This act additionally requires OPM to fund from this MRSA distribution, except as described above for FYs 22 and 23, the existing PILOTs for specified municipalities, including those hosting certain properties or institutions. These include the following PILOTs:

1. 100% PILOT reimbursement for U.S. Department of Veterans Affairs Connecticut Healthcare Systems campuses,
2. an additional \$5 million annual PILOT grant for Bridgeport,
3. an additional \$60,000 to Voluntown for state-owned forest land,
4. \$100,000 to Branford for Connecticut Hospice, and
5. \$1 million to New London for the U.S. Coast Guard Academy.

Under prior law, these PILOTs were paid from the General Fund appropriation for the PILOT program.

PILOT Appropriations Transfer (§ 449)

The act authorizes the OPM secretary to transfer funds appropriated for PILOT under the FY 22-23 budget act (i.e., for the Reimbursements to Towns for Loss of Taxes on State Property and Reimbursements to Towns for Private Tax-Exempt Property accounts) to the Tiered PILOT account to make the PILOT payments described above.

Motor Vehicle Property Tax Grants (§ 444)

Beginning with FY 22, the act changes the statutory formula for calculating the municipal grants that reimburse municipalities for a portion of the revenue loss attributed to the motor vehicle property tax cap. By law, municipalities that impose a mill rate on real and personal property, other than motor vehicles, that is greater than 45 mills (i.e., the capped motor vehicle mill rate) are eligible for the grants.

Under the act, the grant amount equals the difference between the amount of property taxes a municipality, and any tax district in it, (1) levied on motor vehicles for the 2017 assessment year (i.e., FY 19) and (2) would have imposed for that year if the motor vehicle mill rate was the same as the rate for other property.

The same formula applied for FY 21 under the FY 20-21 biennial budget act (PA 19-117, § 70).

EFFECTIVE DATE: July 1, 2021

§§ 445 & 446 — PILOT PROGRAM

Makes taxing districts eligible for state, municipal, and tribal property PILOTs; increases, from 45% to 100%, the reimbursement rate for Connecticut Port Authority property and certain tribal property; modifies the minimum PILOT grant amounts municipalities and districts must receive beginning in FY 22

Taxing Districts

The act makes taxing districts (i.e., village, fire, sewer, and combination fire and sewer districts and other municipal organizations authorized to levy and collect taxes) eligible for state, municipal, and tribal property PILOTs. Under prior law, municipalities and taxing districts were eligible for the college and hospital property PILOTs, but only municipalities (i.e., towns, cities, boroughs, consolidated towns and cities, and consolidated towns and boroughs) were eligible for the state, municipal, and tribal property PILOTs. The act makes related conforming changes.

Reimbursement Rate for Connecticut Port Authority Property

PA 21-3 restores a provision that applied prior to FY 19 deeming the property and facilities owned by the Connecticut Port Authority to be state-owned real property for purposes of the PILOT program and requiring the state to provide a PILOT to the municipality in which they are located. This act increases the PILOT reimbursement rate for the Connecticut Port Authority property and facilities to 100%, rather than the 45% reimbursement rate that generally applies to state-owned property.

Reimbursement Rate for Certain Tribal Property

The act increases the statutory PILOT reimbursement rate, from 45% to 100%, for (1) Mashantucket Pequot reservation land designated within the 1983 settlement boundary and taken into trust by the federal government before June 8, 1999, and (2) Mohegan reservation land taken into trust by the federal government. By law, the assessed value must be of the land only and exclude any structures, buildings, or other improvements on it.

Under existing law, unchanged by the act, Mashantucket Pequot reservation land (1) designated within the 1983 settlement boundary and (2) taken into trust by the federal government on or after June 8, 1999, is also eligible for 100% PILOT reimbursement.

Minimum PILOT Grant Amount

PA 21-3 establishes a new three-tiered proration method for PILOT grants beginning in FY 22 and, as part of this method, requires that each municipality or district receive a PILOT grant that equals or exceeds the grant it received in FY 21. This act instead specifies that this minimum applies to the total amount of PILOT grants paid to a municipality or district.

EFFECTIVE DATE: July 1, 2021

§ 450 — DRS TAX AMNESTY PROGRAM

Requires DRS to establish a tax amnesty program that gives eligible taxpayers that owe Connecticut state taxes a 75% reduction in the interest that would otherwise be due

The act requires the DRS commissioner to establish a tax amnesty program for individuals, businesses, or other taxpayers that owe Connecticut state taxes (other than motor carrier road taxes) to DRS. Under the program, eligible taxpayers may receive a 75% reduction in the interest that would otherwise be due. The amnesty runs from November 1, 2021, to January 31, 2022, and covers any taxable period ending on or before December 30, 2020. The act gives the DRS commissioner authority to do anything necessary to timely implement the program.

Amnesty Conditions

Under the act, the DRS commissioner must prepare an amnesty application that requires applicants to specify the taxes and taxable periods for which they seek amnesty. The commissioner may require taxpayers to file their applications and pay any associated amounts electronically. Applicants must pay all amounts due to the state under the program with their applications.

If a taxpayer files the application and pays all the taxes and interest owed for the applicable tax periods, the commissioner must not seek to collect applicable civil penalties and pursue criminal prosecution for those periods.

If the commissioner grants amnesty, the affected taxpayer relinquishes all unexpired administrative and judicial appeal rights as of the payment date. The act bars taxpayers from receiving a refund or credit of amnesty tax payments. Failure to pay all amounts due makes a taxpayer ineligible for amnesty. The commissioner may not consider any request to cancel the unpaid portion of an erroneously or illegally assessed tax, penalty, or interest related to an amnesty application.

The act prohibits the commissioner from accepting amnesty applications for any applicable tax periods in which the taxpayer's liability for the period was already paid, unless the application is filed to report an additional tax amount for that period. Amnesty applications may not result in a refund or credit of a tax, penalty, or interest previously paid.

Interest Reduction

Under the act, eligible taxpayers who apply for the amnesty program qualify for a 75% reduction of the interest that

would otherwise be owed on the taxes for the applicable periods. (The interest rate on overdue taxes is generally 1% per month.) A taxpayer's eligibility for this interest reduction is subject to the commissioner's review of the application and, if granted by the commissioner, compliance with the amnesty program's requirements.

Amnesty Exclusions

The act bars amnesty for those who:

1. are parties to a criminal investigation or criminal litigation pending on July 1, 2021, in a federal or Connecticut court;
2. are parties to a closing agreement with the DRS commissioner;
3. made a compromise offer that the commissioner accepted; or
4. are parties to a managed audit agreement.

Penalty Exemption for Failing to File for 2013 Amnesty Program

Existing law imposes a penalty on any taxpayer who (1) owes any tax for tax periods on or before November 30, 2012, for which a tax return was required but not previously filed and (2) failed to file a timely amnesty application under the state's 2013 amnesty. The penalty is equal to 25% of the tax owed and is not waivable.

Under the act, the penalty does not apply to tax periods ending on or before November 30, 2012, for which no return was previously filed if the (1) tax period is the subject of or included in an amnesty application granted by the commissioner under the act's provisions and (2) taxpayer pays all amounts due to the state related to the application, as described above.

Penalty for Fraud

Under the act, anyone who willfully delivers or discloses to the commissioner or his authorized agent an application, list return, account, statement, or other document known by him or her to be fraudulent or false in any material way is ineligible for the amnesty program. In addition to any other penalties provided by law, he or she is also subject to a fine of up to \$5,000, imprisonment for between one and five years, or both.

EFFECTIVE DATE: Upon passage

§ 451 — TRANSFER TO THE TOURISM FUND

Requires the comptroller to transfer specified amounts from the General Fund to the Tourism Fund for FYs 21 and 22

The act requires the comptroller to transfer, from the General Fund to the Tourism Fund, (1) \$9.8 million for FY 21, and (2) \$3.1 million for FY 22.

EFFECTIVE DATE: Upon passage

§ 452 — GAAP DEFICIT

Deems that \$1 is appropriated in FYs 22-23 to pay off the state's GAAP deficit for FYs 13 and 14

The act deems that \$1 is appropriated in FYs 22 and 23 to pay off the General Fund's unassigned negative balances (i.e., Generally Accepted Accounting Principles (GAAP) deficits) for FYs 13 and 14, which reflect the negative balances that accumulated before the state adopted GAAP in FY 14. By law, the OPM secretary must annually publish recommended schedules to fully amortize the deficits by FY 28.

EFFECTIVE DATE: Upon passage

§ 453 — TRANSFER OF AMERICAN RESCUE PLAN ACT FUNDS TO GENERAL FUND

Requires the comptroller to transfer specified federal ARPA funds to the General Fund for FYs 22 and 23

The act requires the state comptroller to transfer to the General Fund the following amounts from the federal funds designated for the state under the American Rescue Plan Act's Coronavirus Capital Projects Fund: (1) \$559.9 million for FY 22 and (2) \$1,194.9 million for FY 23.

EFFECTIVE DATE: Upon passage

§§ 454-458 — PUBLIC ASSISTANCE LIENS

Expands restrictions on placing liens to recover public assistance and deems additional previously filed claims released as of FY 22; adds a notification requirement and filing deadline to the process of administering certain small estates to recover state claims

Small Estate Administration (§ 454)

By law, when a person supported or cared for by the state dies and leaves an estate worth less than \$40,000, the administrative services commissioner or his authorized representative must certify to the probate court (1) the estate's value and (2) that the state's claim, together with certain final expenses (i.e., last illness and funeral), equals or exceeds the estate's value. The court must then issue a certificate that the commissioner or his representative is the legal estate representative to recover the state's claim. The receipt of this certificate is a valid discharge of the liability for the individual's assistance, last illness, and funeral expenses (CGS §§ 4a-14 to -16).

The act requires the commissioner or his authorized representative, after completing a financial accounting of the estate's assets and debt, to first make a reasonable effort to inform the next of kin in writing that the commissioner or his designee intends to become the estate's legal representative to recover the state's claim for care or assistance rendered to the decedent as required by applicable federal law or state law. It requires the commissioner or his designee to file the certificate with the probate court within 30 days after making the notification attempt. The provisions apply to the estates of individuals who received care or support (1) in a medical or cash assistance program, (2) in an institution maintained by the department of Developmental Services or Mental Health and Addiction Services, (3) while an inmate of the Department of Correction, or (4) as a child committed to the commissioner of Children and Families or Social Services. Cash assistance programs include Aid to Families with Dependent Children (AFDC), State Administered General Assistance (SAGA), the State Supplement Program (SSP), and the Temporary Family Assistance program (TFA).

(PA 21-65, § 1, made the same small estate administration changes, effective October 1, 2021, but PA 21-2, JSS, § 496, repealed it effective June 23, 2021.)

Eligibility of Homeowners & Real Property Liens (§ 455)

The law prohibits deeming an individual or his or her dependents ineligible for assistance under SSP, Medicaid, TFA, SAGA, or the Supplemental Nutrition Assistance Program (SNAP) for owning an interest in his or her home if the property's equity does not exceed program asset limits. Prior law authorized the DSS commissioner, until July 1, 2021, to place a lien against any property to secure the state's claim for public assistance it paid under these programs. Beginning July 1, 2021, PA 21-3, § 3, prohibits the commissioner from placing these liens on real property to recover cash assistance or medical assistance, unless required by federal law. This act makes a technical change to specify that she may only place these liens on real property to recover cash assistance or medical assistance for amounts that must be recovered under federal law.

Liens and Claims on Windfalls (§§ 456-458)

The law gives the state a claim that generally has priority over all other unsecured claims when a recipient of aid under SSP, Medicaid, AFDC, TFA provided to anyone over age 18, or SAGA acquires property of any kind or interest in property. This includes windfalls such as lottery winnings, proceeds from a lawsuit, and inheritances.

Under prior law, the state's claim against the windfall from a lawsuit or inheritance generally equaled the lesser of the amount of assistance paid or 50% of the windfall proceeds. PA 21-3, § 4, prohibits the state from applying liens on real property to enforce its claim on windfalls beyond the amount required to be recovered under federal law. This act further limits the state's claim against lawsuit proceeds and inheritances to the amount of assistance paid that the state must recover under federal law. In the case of a liable parent whose windfall is not subject to recovery under federal law, the state's claim is capped at (1) 50% of the lawsuit proceeds or inheritance received by the parent or (2) the amount of assistance the parent owes, whichever is less. As under existing law, lawsuit proceeds are calculated after payment of all lawsuit-connected expenses (e.g., attorney fees).

Beginning July 1, 2021, PA 21-3, § 4, prohibits the state from recovering cash assistance or medical assistance from a lien filed on any real property, unless required by federal law. PA 21-3 also requires the state to deem any lien on real property filed under CGS § 17b-93 before July 1, 2021, on such property, estate, or claim of any kind released, if the assistance recovery is not required under federal law.

Beginning July 1, 2021, this act expands the prohibition on these recoveries to also include claims filed against property, a property interest, or estate or claim of any kind, and proceeds from a lawsuit or estate, unless the state must recover the assistance under federal law and the provisions of CGS § 17b-93. The act also expands the types of previously filed claims under CGS § 17b-93 that must be deemed released as of July 1, 2021, to include state claims against property, a property interest, or estate or claim of any kind, and proceeds from a lawsuit or estate, filed by or on behalf of the state if the recovery is not required by federal law and the statute's provisions.

Under prior law, all sums due to an individual from an annuity contract purchased with a public assistance recipient's assets were deemed to be part of the deceased's estate upon his or her death and had to be paid to the state by the annuity's beneficiary to fully reimburse any public assistance benefits paid to, or on behalf of, the deceased. The act limits this requirement to the amount that the state must recover under federal law and the provisions of CGS § 17b-93.

The act also makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the provision on small estate administration is effective October 1, 2021.

§ 459 — SALES AND USE TAX EXEMPTIONS FOR BEER MANUFACTURERS

Extends specified manufacturing-related sales and use tax exemptions to beer manufacturers that are not otherwise eligible because they manufacture beer at a facility that also makes substantial retail sales

Beginning July 1, 2023, the act extends specified manufacturing-related sales and use tax exemptions to beer manufacturers that are not otherwise eligible because they manufacture or will manufacture beer at a facility that also makes substantial retail sales (i.e., eligible beer manufacturers).

Under the act, an eligible beer manufacturer qualifies for the following sales and use tax exemptions:

1. gas and electricity for direct use in a manufacturing plant, provided it is a metered building where at least 75% of the gas or electricity consumed is used for manufacturing purposes (CGS § 12-412(3)(A));
2. materials, tools, and fuel to become part of items sold or used directly in an industrial plant to make finished products for sale (CGS § 12-412(18)); and
3. materials, tools, fuels, machinery, and equipment used in manufacturing that are not otherwise eligible for an exemption (50% of the gross receipts from such items) (CGS § 12-412i).

Additionally, the act provides that, beginning July 1, 2023, a sale of machinery to an eligible beer manufacturer qualifies for the sales and use tax exemption for machinery used directly in a beer manufacturing process (CGS § 12-412(34)).

EFFECTIVE DATE: Upon passage, and applicable to sales occurring on or after July 1, 2023.

§§ 460 & 461 — SUPPLEMENTAL COLLAPSING FOUNDATION LOAN PROGRAM

Allows banks without a physical presence in Connecticut to make program loans and allows banks to charge higher closing costs for program loans made to condominium or common interest ownership associations

The act allows banks and out-of-state banks without a physical presence in Connecticut to participate in the Supplemental Collapsing Foundation Loan Program. It also allows program lenders to exceed the \$800 cap on processing and closing costs for loans made to condominium or common interest ownership associations by allowing them to charge up to 0.5% of the loan amount.

By law, the loan program provides additional assistance for homeowners who receive funding from the Connecticut Foundation Solutions Indemnity Company, LLC (CFSIC) but require additional money to help (1) complete a foundation repair or replacement or (2) restore the property's functionality and appearance, to the extent they were impacted by the crumbling foundation or its repair or replacement process. Loans made under the program are guaranteed by the Connecticut Housing Finance Authority, up to a program maximum of \$2 million.

EFFECTIVE DATE: July 1, 2021

§§ 462-468 — AMBULATORY SURGICAL CENTERS

Beginning July 1, 2023, replaces the 6% gross receipts tax on ASCs with a 3% net revenue tax on ASC services, subject to certain exclusions; extends to the ASC net revenue tax the same administrative requirements that apply under existing law to the hospital provider tax and nursing home and ICF-ID user fees

Sunset of Ambulatory Surgical Center (ASC) Gross Receipts Tax (§ 462)

Beginning July 1, 2023, the act replaces the gross receipts tax on ASCs with a 3% net revenue tax on ASC services, subject to certain exclusions. The gross receipts tax is 6% of each ASC's gross receipts for each quarter, excluding (1) the first \$1 million in the applicable fiscal year, excluding Medicaid and Medicare payments; (2) net revenue of a hospital subject to the hospital provider tax; and (3) any Medicaid and Medicare payments the ASC receives.

ASC Net Revenue Tax Rate and Base

For calendar quarters beginning July 1, 2023, the act instead imposes a 3% tax on each ASC's net revenue for each quarter, excluding (1) Medicaid and Medicare payments for "ASC services" and (2) any net revenue of a hospital subject to the hospital provider tax. (In doing so, it eliminates the exclusion for the first \$1 million of gross receipts received that applies under the gross receipts tax.)

By law, and under the act, an ASC is a distinct entity that (1) operates exclusively to provide surgical services to patients not requiring hospitalization, where the services are not expected to take more than 24 hours; (2) has an agreement with the Centers for Medicare and Medicaid Services (CMS) to participate in Medicare as an ASC; and (3) meets the federal requirements to do so.

As is the case under the existing ASC gross receipts tax, the act specifies that it does not prohibit an ASC from seeking remuneration for the net revenue tax it imposes.

Net Revenue Defined. The act defines net revenue for purposes of the ASC tax, applying substantially similar definitions as under the existing hospital provider tax. Specifically, under the act, "net revenue" means gross receipts minus "payer discounts," "charity care," and bad debts on which the ASC previously paid the tax. "Gross receipts" means the amount received (cash or in-kind) from patients, third-party payers, and others for taxable ASC services the ASC provides in the state (as described below). It includes retroactive adjustments under reimbursement agreements with third-party payers, with no deduction for expenses. Under the act, "received" means received or accrued according to the ASC's customary accounting method.

"Payer discounts" is the difference between an ASC's published charges and the actual payments it received from health care payers for a different or discounted rate or payment method. It excludes charity care and bad debts.

"Charity care" is free or discounted health care services provided by an ASC to individuals who cannot afford to pay, including care to the uninsured patient or patients who are not expected to pay all or part of an ASC's bill based on income guidelines and other financial criteria established in statute or in an ASC's charity care policies on file at the ASC's office. It does not include bad debts and payer discounts.

ASC Services. Under the act, "ASC services" are limited to the procedures or services included in a facility fee payment to an ASC associated with each surgical procedure and that are not reimbursable ancillary or professional procedures or services. They include facility services only and exclude surgical procedures and physicians, anesthetists, radiology, diagnostic, and ambulance services that would be separately reimbursed to an ASC from the facility services under the Medicare program.

Administrative Requirements

The act extends to the ASC net revenue tax the same administrative requirements that apply to the hospital provider tax and nursing home and ICF-ID user fees. Regarding tax returns and payments, these provisions principally do the following:

1. require ASCs to (a) file quarterly returns on DRS-prescribed forms and generally remit their tax payment to the DRS commissioner by the last day of January, April, July, and October of each year and (b) do so electronically, regardless of whether they would have been required to under existing law (§ 463(b));
2. allow ASCs to file, on or before a tax payment's due date, a request for a reasonable extension of time to pay the tax due to undue hardship, as prescribed under the act (§ 463(b));
3. subject delinquent and non-filing ASC taxpayers to a penalty of 10% of the unpaid tax or \$50, whichever is greater, plus 1% interest for each full or partial month that the tax remains unpaid (§ 463(c));
4. authorize the DRS commissioner to waive all or part of any penalty, subject to existing law's Penalty Review Committee provisions, when the ASC proves to the commissioner's satisfaction that the failure to pay was due to reasonable cause and not intentional or due to neglect (§ 463(c));
5. require the (a) DRS commissioner to notify the DSS commissioner about any delinquent ASC net revenue tax amount and (b) DSS commissioner to deduct and withhold this amount from any amount DSS would otherwise pay the ASC (§ 463(c));

6. subject ASC net revenue taxpayers to penalties for (a) willfully failing to pay the tax, file returns, keep records, or supply this information (a fine of up to \$1,000, one year in prison, or both) and (b) willfully supplying fraudulent or false information (class D felony, in addition to other penalties provided by law) (§ 463(d));
7. authorize ASCs to file written claims for refunds within three years after the date the tax was due and written protests against proposed disallowances of overpayment claims (§ 465); and
8. beginning in FY 23, authorize the comptroller, at the close of each fiscal year, to record as revenue for a given fiscal year the amount of ASC net revenue tax received by the DRS commissioner within five business days after the July 31 following the end of the fiscal year (§ 464(e)).

Regarding taxpayer records and audits, the act principally:

1. authorizes the DRS commissioner to examine the records of any ASC subject to the tax as he deems necessary and impose deficiency assessments and penalties, as prescribed under the act (§ 464(a));
2. authorizes the DRS commissioner to enter into an agreement with the DSS commissioner (a) delegating to the latter the authority to examine ASC taxpayer records and returns and determine whether the correct amount of tax has been paid and (b) to facilitate the exchange of returns or return information necessary for the DSS commissioner to perform his responsibilities and ensure compliance with the state's Medicaid program (§ 464(b));
3. authorizes the DSS commissioner to engage an independent auditor to assist in performing these duties and responsibilities (§ 464(b));
4. authorizes the DRS commissioner to (a) require ASC taxpayers to keep certain prescribed records and produce information relevant to tax calculation, enforcement, and collection, and (b) examine the information and investigate the businesses' character to verify a tax return's accuracy or determine the amount due (§ 464(c)); and
5. deems the records, books, papers, documents, data, secure information, and audit reports and work papers maintained or generated under these provisions to be confidential return and return information (existing law establishes narrow conditions under which returns and return information may be disclosed and sets penalties for unauthorized disclosures) (§ 464(c)).

The act also extends to ASC taxpayers the right to appeal actions by the DRS or DSS commissioners. Specifically, it:

1. allows an ASC aggrieved by the DRS or DSS commissioner's action, or that of an authorized agent, in setting the amount of the tax, penalty, or interest, to apply, in writing, for a hearing and correction to the DRS commissioner within 60 days after notice of the action, as the act prescribes (§ 466(a)); and
2. allows any ASC aggrieved by the commissioner's order, decision, determination, or disallowance to appeal for relief to the Superior Court for the judicial district of New Britain, which may grant equitable relief (§ 466(b)).

Lastly, regarding the tax's enforcement and collection, the act principally:

1. authorizes the DRS commissioner, and any duly authorized agent, to conduct inquiries, investigations, or hearings as the act provides, and administer oaths and take testimony under oath related to the matter being investigated (§ 467);
2. authorizes taxes, including penalties, interest, and fees, due and unpaid, to be collected through existing statutory procedures (§ 468); and
3. makes the amount of unpaid tax, penalty, interest, and fees a lien against the ASC's real estate (§ 468).

EFFECTIVE DATE: July 1, 2023, and applicable to calendar quarters beginning on or after that date, except that the provision terminating the prior ASC tax on July 1, 2023, is effective July 1, 2021.

§§ 469-474 & 482-484 — CHANGES TO FY 22-23 BOND AUTHORIZATIONS

Modifies various state general obligation bond authorizations for FYs 22 and 23 that were included in the biennial bond act (PA 21-111)

The act modifies several general obligation (GO) bond authorizations for state projects and grant programs that were included in the FY 22-23 bond act (i.e., PA 21-111), as shown in the following table.

Bond Authorizations for State Agency Projects and Grants

§	Agency and Purpose	Fiscal Year	PA 21-111 Authorization	New Authorization	Difference
469-470	Connecticut Port Authority: grants for improvements to deep water ports, including dredging; at least \$20 million must be used for deep water ports outside of New London	22	\$50,000,000	\$70,000,000	\$20,000,000

§	Agency and Purpose	Fiscal Year	PA 21-111 Authorization	New Authorization	Difference
469 & 471	DPH: Health Disparities and Prevention Grant Program (The act reduces the following amounts reserved from this authorization for FY 22: (1) from \$25 million to \$15 million for federally qualified health centers and (2) from \$15 million to \$10 million for mental health and substance abuse treatment providers.)	22	40,000,000	25,000,000	(15,000,000)
474 & 483		23	40,000,000	0	(40,000,000)
472-473	Office of Policy and Management (OPM): information technology capital investment program	23	15,000,000	40,000,000	25,000,000
474 & 482	OPM: grants to private, nonprofit health and human service organizations that receive state funds to provide direct health or human services to state agency clients, for alterations, renovations, improvements, additions, and new construction, including (1) health, safety, ADA compliance, and energy conservation improvements; (2) information technology systems; (3) technology for independence; and (4) vehicle purchases and property acquisition	23	25,000,000	0	(25,000,000)
484	Department of Administrative Services: school construction projects	23	450,000,000	550,000,000	100,000,000

EFFECTIVE DATE: July 1, 2021, for the FY 22 bond authorizations and July 1, 2022, for the FY 23 authorizations.

§§ 475 & 488 — ECONOMIC ACTION PLAN PROJECTS

Eliminates provisions in PA 21-111 requiring that a portion of the funds available for the state's Economic Action Plan be reserved for projects meeting specified criteria; allows the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, ARPA funds, and available resources to provide grants for selected major projects to implement the state's Economic Action Plan

The state's "Economic Action Plan," also referred to as the "Economic Development Action Plan," is Governor Lamont's proposal to use a combination of state bonds, tax credits, private and municipal matching funds, and other funding streams to support specified economic development programs.

The act eliminates provisions in PA 21-111 requiring that \$125 million of the funds available for the Economic Action Plan be annually reserved for projects that meet specified criteria and requiring the DECD commissioner to (1) receive and consider comments from the Community Investment Fund 2030 Board on funding for these projects, (2) provide quarterly expenditure reports to the board for the projects, and (3) hold public hearings for the projects before the board.

The act instead allows the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, ARPA funds, and other available resources to provide grants for selected major projects to implement the state's Economic Action Plan, as described below. Under the act, the Community Investment Fund 2030 board must review and provide comments to DECD on these projects, rather than the projects funded from the \$125 million of reserved funds described above.

Under the act, the DECD commissioner may provide up to \$100 million for "major projects." (The act does not define this term.) DECD may develop and issue requests for proposals until July 1, 2024, for these projects. It must develop criteria, consistent with the state's Economic Action Plan's purposes, to evaluate and select proposals for funding from the available \$100 million.

The act also allows the DECD commissioner, until July 1, 2024, to establish a competitive grant program to provide matching grants of up to \$10 million to selected major projects. The act does not specify whether these grants count towards the \$100 million cap described above. Selected projects are eligible for matching grants up to twice per year, and the commissioner must establish an application process, eligibility and evaluation criteria, and reporting requirements for the grants.

EFFECTIVE DATE: July 1, 2021

§ 476 — TRS EXEMPTION FOR REEMPLOYED TEACHERS

Extends, until June 30, 2024, an exemption that allows certain retirees receiving a TRS pension to return to teaching without salary limits

The act extends, until June 30, 2024, an exemption from the salary limits that retirees receiving pension benefits from the Teachers Retirement System (TRS) are subject to if they return to a public school teaching position, including administrator or superintendent positions. As under prior law, the exemption covers any teacher who (1) is receiving TRS benefits based on at least 34 years of credited service, (2) is reemployed as a teacher in an alliance district, and (3) was serving as a teacher in that district on July 1, 2015.

EFFECTIVE DATE: Upon passage

§ 477 — RESIDENTIAL FACILITIES FOR PEOPLE WITH CERTAIN DISABILITIES AND FACILITIES RECEIVING FLAT RATES

Requires DSS to base FY 22 and 23 rates on FY 21 rates adjusted for inflation for (1) private residential facilities and other facilities serving individuals with certain disabilities and (2) community living arrangements and residential care homes that have their rates determined on a flat rate basis; allows DSS to provide fair rent increases in certain circumstances

With certain exceptions, the act requires the Department of Social Services (DSS) to base FY 22 and 23 rates on FY 21 rates inflated by the gross domestic product deflator applicable for each rate year for room and board at (1) private residential facilities and (2) similar facilities operated by regional educational service centers that are licensed to provide residential care for individuals with certain disabilities (i.e., boarding homes that are not intermediate care facilities for individuals with intellectual disabilities). The act allows the DSS commissioner, in her discretion and within available appropriations, to provide proportional fair rent increases to facilities:

1. with documented fair rent additions placed in service in cost report years ending September 30, 2020, and September 30, 2021, that are not otherwise reflected in the rates or
2. if DSS adjusts a facility's rates during FYs 22 or 23 for a capital improvement approved by the Department of Developmental Services (DDS) in consultation with DSS for residents' health or safety.

State regulations permit community living arrangements and residential care homes to have their rates determined on a flat rate basis rather than on the basis of submitted cost reports (Conn. Agencies Regs., § 17-311-54). The act requires DSS to base FY 22 and 23 rates for these facilities on FY 21 rates inflated by the gross domestic product deflator applicable to each rate year.

EFFECTIVE DATE: July 1, 2021

§§ 479-481 — UCONN 2000 INFRASTRUCTURE PROGRAM

Reduces bond authorizations in PA 21-111 by \$55.1 million for two existing UConn 2000 Phase III projects at the UConn Health Center

Project Authorizations

The bond act (PA 21-111) increases bond authorizations for two existing UConn 2000 Phase III projects at the UConn Health Center by a total of \$80.1 million. This act reduces the authorizations for the same two projects by a total of \$55.1 million, resulting in a net increase of \$25 million, as shown in the table below.

Phase III Project Authorizations (in millions)

Project	Prior Law	PA 21-111 Authorization	New Authorization Under the Act	Net Change
Deferred Maintenance/Code and ADA Compliance/ Infrastructure & Improvements Renovation Lump Sum and Utility,	\$61.0	\$110.1	\$86.0	\$25.0

Project	Prior Law	PA 21-111 Authorization	New Authorization Under the Act	Net Change
Administrative and Support Facilities – Health Center				
Equipment, Library Collections, and Telecommunications – Health Center	75.0	106.0	75.0	0

Annual Bond Limits

PA 21-111 makes a conforming change by increasing the annual bond limits for the UConn 2000 program for FY 22 and FY 23 by \$57.1 million and \$23 million, respectively. This act reduces the annual limits by \$32.1 million in FY 22 and \$23 million in FY 23, for a net increase of \$25 million in FY 22 and no net change in FY 23.

EFFECTIVE DATE: July 1, 2021

§§ 485 & 486 — CONNECTICUT BABY BOND PROGRAM

Modifies the Connecticut Baby Bond Trust program established in PA 21-111 by, among other things, subjecting the bonds issued for the program to the standard Bond Commission approval process

Bond Authorization (§ 486)

PA 21-111 authorizes the state treasurer to issue up to \$600 million in state GO bonds for the Baby Bond program in amounts of up to \$50 million per year from FYs 23-34. It also authorizes him to issue (1) additional bonds or other debt to fund the issuance costs and (2) refunding bonds to retire bonds previously issued under this provision. This act instead allows the State Bond Commission to authorize the issuance of (i.e., allocate) up to \$600 million in bonds over the same period, subject to the same \$50 million per year cap, to fund the transfers to the designated beneficiaries. In doing so, it subjects the bonds issued for this program to the standard Bond Commission approval process.

The act similarly eliminates provisions in PA 21-111 that allowed the governor to approve or disapprove the treasurer's bond issuances for the program and deemed the principal amount of the bonds he authorized to be an appropriation and allocation of the bond amounts and an allotment by the governor of funds. It also eliminates the (1) treasurer's authority to make the deposit to the Connecticut Baby Bond Trust from available funds regardless of whether the authorized bonds have been issued and (2) requirement that the treasurer maintain a separate, nonlapsing account to record the bond proceeds and deposits made.

Under PA 21-111, if the amount required for the deposits in any fiscal year is less than the capped amount, or if the governor disapproves some or all of the issuance for that year, then the remaining amount under the cap is carried forward and added to the capped amount for a subsequent fiscal year, but no later than FY 33. This act instead provides that if the Bond Commission does not allocate all or a portion of the bonds in any fiscal year, then the remaining amount must be carried forward and added to the authorized amount for the next two succeeding fiscal years. As under PA 21-111, additional amounts for issuance costs and capitalized interest, if any, may be added to the capped amount in each fiscal year.

Treasurer's Annual Report to the Governor and OPM Secretary (§ 486)

PA 21-111 requires the treasurer to annually submit to the governor and OPM secretary a report and calculation of the total amount required for the deposits for designated beneficiaries born in the prior fiscal year. The act requires him to send this information by certified mail.

Amount Transferred to Each Designated Beneficiary (§ 485)

Under PA 21-111, the state treasurer must establish an accounting for each designated beneficiary and transfer \$3,200 to the accounting at birth. This act (1) allows, rather than requires, him to make this transfer; (2) specifies that the transfer may be up to \$3,200, rather than equal to \$3,200; and (3) requires that it be made from the program's bond proceeds, rather than from the General Fund. The act also requires that the amount of the transfer be proportionately reduced for any year

in which the amount of bond funds made available under the program is insufficient to provide the \$3,200 transfer to each beneficiary.

EFFECTIVE DATE: July 1, 2021

§§ 487 & 490 — CHANGES TO SCHOOL CONSTRUCTION GRANTS

Repeals three school construction grant waivers provided by PA 21-111 and modifies the waiver for another

PA 21-111 granted waivers of certain statutory or regulatory requirements to make certain school construction projects eligible for grants or avoid penalties.

The act repeals three of the waivers, as shown in the table below with details of the requirements waived under PA 21-111 (§§ 119, 125, and 126, respectively).

Repealed PA 21-111 Waivers

Town	School and Project	Exemption, Waiver, or Other Change in PA 21-111
New Britain	Jefferson Elementary School, renovation	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$55 million, provided the town files an application before October 1, 2025, and the project is otherwise eligible under the program Increases the project reimbursement rate from 79.29% to 95%, if New Britain meets certain conditions
West Haven	West Haven High School, renovation	Reduces the project funds' withholding percentage from 11% to 5% before the required audit's completion; requires DAS to make a progress payment to the town equal to the difference between 11% and 5% of the reimbursement grant by September 1, 2021
New Britain (state project)	Goodwin Technical High School, project unspecified	Waives the requirement to apply before June 30, 2020, in order to be on the 2021 priority list for the project with a maximum cost of \$40 million, if the application is filed by October 1, 2022, and the project is otherwise eligible under the program

The act also modifies the waiver for the Washington Elementary School in West Haven. It eliminates the authorization to reduce the standard withholding amount from 11% to 5% pending an audit's completion. The act leaves unchanged the waiver for school construction space standards for the same project.

EFFECTIVE DATE: July 1, 2021

§ 489 — AWARDING SCHOOL CONSTRUCTION CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES

Delays, until July 1, 2022, changes to the law on awarding contracts for construction management services and maintains the selection criteria required by current law until then

The act (1) delays, from July 1, 2021, until July 1, 2022, the effective date for changes to the law on awarding school construction contracts for construction management services and (2) maintains the selection criteria required by current law until July 1, 2022.

By law and unchanged by the act, most contracts and orders for school construction receiving state assistance must be awarded to the lowest responsible qualified bidder following a public bidding invitation. The law makes exceptions for contracts for construction management and certain other professional services, which instead must be awarded from a pool of up to the four most responsible qualified proposers after a public selection process.

EFFECTIVE DATE: July 1, 2021

Construction Managers

The law requires awarding authorities (e.g., boards of education) to evaluate certain elements of a construction manager proposal. Under prior law, evaluations on and after July 1, 2021, must consider whether the construction manager intends to self-perform any element of the project and the benefit of that to the awarding authority.

The act delays the requirement to consider whether the manager intends to self-perform elements of the project, and related requirements, until July 1, 2022. It also delays to that date provisions that:

1. allow awarding authorities, upon the written approval of the DAS commissioner, to permit a construction manager to self-perform part of the work if the authority and the commissioner determine that will be more cost-effective than using a subcontractor;
2. require that all work not performed by the construction manager be performed by trade subcontractors selected by a process approved by the awarding authority and the commissioner;
3. require that the construction manager's contract include a guaranteed maximum price for the construction cost, which must be determined within 90 days after the trade subcontractors are selected; and
4. prohibit construction from beginning before this determination, except for work relating to site preparation and demolition.

By law, unchanged by the act, the following additional items must also be considered when selecting a construction services manager:

1. the proposer's project price;
2. experience with work of similar size and scope;
3. organizational and team structure;
4. past performance data, including adherence to project schedules and budgets and the number of change orders;
5. the approach to the work required for the contract;
6. documented contract oversight capabilities; and
7. any project-specific criteria.

§ 492 — REPEALER

Repeals a provision requiring SDE to develop a plan for a grade K-12 statewide virtual school

The act repeals PA 21-95, § 15, which would have required SDE to develop a plan for a grade K-12 statewide virtual school to provide instruction through one or more internet-based software platforms. (Section 388, described above, requires SDE to develop a similar plan for a statewide remote school serving these grades.)

EFFECTIVE DATE: July 1, 2021

§ 493 — REPEALER

Repeals laws that establish the Higher Education Coordinating Council and a pilot program for people who are receiving temporary family assistance program benefits and participating in the Jobs First program

The act repeals statutes that (1) establish the Higher Education Coordinating Council (CGS § 10a-6a) and (2) require the Board of Regents for Higher Education and each constituent unit of the state higher education system to use the council's accountability measures to assess their progress towards meeting certain goals (CGS § 10a-6b).

It also repeals a statute that requires the DSS and DOL commissioners to implement a pilot program for people receiving temporary family assistance program benefits and participating in the Jobs First program (CGS § 17b-112k).

EFFECTIVE DATE: Upon passage

§§ 494 & 497 — ASSORTED HIGHER EDUCATION AND JOB TRAINING REPEALERS

Repeals certain laws relating to higher education certificate and workforce programs; DOL, OWC, and CETC duties; and the Workforce Training Authority

The act repeals statutory provisions:

1. permitting OWC, which the act replaces with OWS, to establish a pilot program providing access to employment training to certain people with dependent minors (CGS § 4-124tt);
2. requiring DOL to fund OWC's Connecticut Career Choices program (CGS § 4-124vv);
3. establishing definitions related to higher education certificate programs (CGS § 10a-57a);
4. requiring (a) higher education institutions and private occupational schools to annually submit certain data about their certificate programs and (b) OHE to annually collect and compile information related to it (CGS § 10a-57b);
5. requiring OHE to annually develop and post online a one-page fact sheet for each subbaccalaureate certificate program offered by each higher education institution and private occupational school (CGS § 10a-57c);

6. requiring OHE to annually review a sample of student data for all for-credit and noncredit subbaccalaureate certificate programs offered by higher education institutions and private occupational schools (CGS § 10a-57e);
7. establishing the force and effect of OWC orders and regulations and addressing conflicts with DOL orders and regulations (CGS § 31-2d);
8. requiring the labor commissioner to conduct certain studies and create specific programs to maximize the state's economic growth and technological progress (CGS § 31-3a);
9. requiring the labor commissioner to establish a customized job training program for preemployment and postemployment job training to meet manufacturing or economic base businesses' labor requirements (CGS § 31-3c);
10. requiring the labor commissioner to assist displaced homemakers and give them access to programs specific to their job training and placement needs (CGS § 31-3g);
11. establishing procedures for addressing when state agencies involved in employment and training receive grant proposals and plans that are inconsistent with a regional workforce development board's annual regional plan (CGS § 31-3p);
12. requiring all state employment and training programs to be consistent with guidelines issued by the labor commissioner and an obsolete employment and training programs coordination plan (CGS § 31-3q);
13. permitting the DECD commissioner to allocate certain funds to the labor commissioner to provide employers with job training or retraining for their current or prospective employees, including on meeting ISO 9000 quality standards (CGS § 31-3u);
14. establishing certain duties and responsibilities for CETC, which the act replaces with the Governor's Workforce Council (CGS §§ 31-3dd, 31-3ii, 31-3oo, 31-3yy, 31-11q, 31-11t & 31-11ff);
15. making obsolete technical changes to FY 00 payments from the Job Training Partnership Act (CGS § 31-3ff);
16. establishing responsibilities for approving and submitting the state's workforce development plan and requiring that the governor work with CETC on Workforce Innovation and Opportunity Act waiver requests (CGS § 31-11r);
17. making obsolete technical changes to the names of federal workforce laws referenced in state statutes (CGS § 31-11gg);
18. establishing definitions and duties related to the Workforce Training Authority and its fund (CGS §§ 31-11hh, 31-11ii & 31-11jj); and
19. requiring BOR to create written definitions for all subbaccalaureate certificates earned on a for-credit or noncredit basis and awarded by higher education institutions and private occupational schools (PA 16-44, § 3).

EFFECTIVE DATE: July 1, 2021

Background — Related Act

PA 21-141, § 12, effective July 7, 2021, also repealed several of the same statutes concerning DOL, CETC, and the Job Training Partnership Act, specifically CGS §§ 31-3a, 31-3g, 31-3u, 31-3ff, and 31-3ii.

§ 496 — NOTIFICATION REQUIREMENT FOR SMALL ESTATES

Eliminates a new notification requirement and filing deadline to the process of administering certain small estates to recover state claims when a person supported or cared for by the state dies

Beginning July 1, 2021, PA 21-65 requires the DAS commissioner, or his authorized representative, after completing a financial accounting of the assets and debt of certain small estates (i.e., when a person supported or cared for by the state dies and leaves an estate worth less than \$40,000) to (1) make a reasonable effort to inform the next of kin in writing that he or his designee intends to become the estate's legal representative to recover the state's claim for care or assistance rendered to the decedent, and (2) file with the probate court no later than 30 days after making the notification attempt. This act eliminates these requirements.

(Section 454 of this act reinstates the same small estate administration changes as in PA 21-65, § 1, effective October 1, 2021.)

EFFECTIVE DATE: Upon passage

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