SUMMARY OF 2023 PUBLIC ACTS

Connecticut General Assembly

OFFICE OF LEGISLATIVE RESEARCH
LEGISLATIVE OFFICE BUILDING
ROOM 5300
HARTFORD, CT 06106

E-mail: olr@cga.ct.gov
Telephone: (860) 240-8400
Website: http://www.cga.ct.gov/olr/

OFFICE OF LEGISLATIVE RESEARCH

Stephanie D'Ambrose, Director
Alex Reger, Project Manager
Jessica Schaeffer-Helmecki, Project Manager
Karolina Laflamme, Project Coordinator
Clark Otis, Project Coordinator

Research Staff

Terrance Adams
Julia Singer Bansal
Jessica Callahan
Duke Chen
Nicole Dube
Mary Fitzpatrick
Matthew Frame
Lee Hansen
Janet Kaminski Leduc
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NOTICE TO USERS

This publication, *Summary of 2023 Public Acts*, summarizes all public acts passed during the Connecticut General Assembly's 2023 Regular Session and September 26, 2023, Special 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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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.

2023 VETOED ACTS

1. PA 23-64, An Act Concerning Test Bed Technologies (Energy and Technology Committee)

2. PA 23-108, An Act Establishing Local Representation on the Connecticut Siting Council for Local Projects (Environment Committee)

3. PA 23-177, An Act Concerning Solid Waste Management Throughout the State (Environment Committee)

4. PA 23-179, An Act Concerning the Mashantucket Pequot and Mohegan Fund (Appropriations Committee)

5. PA 23-181, An Act Concerning Certain Adjustments to Gross Assessments of Taxable Real Property (Planning and Development Committee)

TABLES 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 impaired driving intervention 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, generally up to the established limits listed below. Repeated or persistent offenses may result in a higher maximum penalty than specified here.

Crime Classification and Penalties

Classification of Crime	Prison Term	Fine (up to)
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 364 days*	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, CGS § 53a-36a reduced the maximum sentence for misdemeanors from one year 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.

EMERGENCY CERTIFICATION

PA 23-1—HB 6671
Emergency Certification

AN ACT CONCERNING FUNDING FOR SCHOOL LUNCHES AND A CENTER FOR SUSTAINABLE AVIATION, SPECIAL EDUCATION FUNDING, CERTAIN BOTTLE DEPOSITS, CERTAIN STATE POSITIONS AND THE POSTING OF STATE JOB OPENINGS AND BOND COVENANT RESTRICTIONS AND THE BUDGET RESERVE FUND

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Beginning in FY 24, requires that the bond allocation cap be calculated on a fiscal year, rather than calendar year, basis and sets the cap amount at $2.4 billion for FY 24; aligns the bond issuance cap to the allocation cap by increasing it to $2.4 billion for FY 24; eliminates the bond allotment cap but replaces it with a similar cap; excludes specified debt from the state's debt limit and certain bond cap calculations

§§ 17-19 — GO BONDS FOR TRANSPORTATION PROJECTS

Eliminates an obsolete law authorizing the State Bond Commission to allocate up to $500 million in state GO bonds for transportation projects in 2018 and 2019

§ 1 — ARPA ALLOCATION ADJUSTMENTS

Reallocates $60 million in FY 23 ARPA funds allocated to OPM for Invest Connecticut to SDE for free school meals for students

The act adjusts federal American Rescue Plan Act (ARPA) funding allocations for FY 23 by reducing the allocation to the Office of Policy and Management (OPM) for Invest Connecticut by $60 million (decreasing the allocation from $122.7 to $62.7 million) and reallocating these funds to the State Department of Education (SDE) for free school meals for students (increasing the allocation from $30 million to $90 million).
EFFECTIVE DATE: Upon passage

§§ 2-5 — CENTER FOR SUSTAINABLE AVIATION AT UCONN

Requires (1) UConn to participate in an application for federal funding under the U.S. DOE's Regional Clean Hydrogen Hubs program to create and operate a center for sustainable aviation and (2) DECD to provide UConn with a maximum $20 million grant for this purpose if the university is awarded, and accepts, the federal funding

Application for Federal Funding

The act requires UConn to submit, or participate in submitting, a proposal for federal funding under the U.S. Department of Energy's (U.S. DOE's) Regional Clean Hydrogen Hubs program (see *Background — Regional Clean Hydrogen Hubs Program (H2Hubs)*) to establish, develop, and operate a center for sustainable aviation. If UConn is awarded, and accepts, this funding, the act requires it to (1) notify the Department of Economic and Community Development (DECD) and (2) establish the center, including at least one facility on the Storrs campus. The act requires UConn to consult with DECD in completing these requirements.

DECD Funding

The act reduces the Department of Social Services's FY 23 Medicaid appropriation by $12 million and correspondingly increases DECD's FY 23 appropriation for "other expenses" by $12 million. Under the act, DECD must make the additional $12 million available for UConn's center for sustainable aviation. The act specifies that any unexpended balance of this funding will not lapse at the end of FY 23 and must be available for expenditure toward the center during FY 24. Additionally, the act earmarks $8 million in previously authorized Manufacturing Assistance Act bond funds for a DECD grant to UConn for establishing, developing, and operating the center.

Under the act, DECD must provide a grant to UConn within 90 days after receiving notice from the university that it was awarded, and has accepted, federal funding to establish the center for sustainable aviation. The grant must be equal to the lesser of (1) the state's share of the center's capital costs, as determined by the DECD commissioner and pursuant to the proposal and final award, or (2) $20 million.
EFFECTIVE DATE: Upon passage

Background — Regional Clean Hydrogen Hubs Program (H2Hubs)

The U.S. DOE's Office of Clean Energy Demonstrations' Regional Clean Hydrogen Hubs program will provide up to $7 billion to establish six to 10 regional clean hydrogen hubs across the United States. The program will fund projects that demonstrate the production, processing, delivery, storage, and end-use of clean hydrogen through regional clean hydrogen hubs.

§§ 6 & 7 — UCONN 2000 INFRASTRUCTURE PROGRAM

Reduces the bond authorization for UConn 2000 by $12 million

The act reduces the total bond authorization for the UConn 2000 infrastructure program by $12 million. It makes a corresponding change to reduce the FY 25 bond cap for the program by the same amount.
EFFECTIVE DATE: Upon passage

§§ 8-10 — DISTRIBUTION OF SPECIAL EDUCATION EXCESS COST GRANT AND STATE-AGENCY PLACEMENT EXCESS COST GRANTS

Raises the state grant reimbursement for each of the three tiers for towns in the special education excess cost grant; places two other grants related to state agency-placed students under the same tiered method; and creates a method for distributing the special education excess cost grant when the existing tier method is used but results in unspent appropriations

By law, local and regional boards of education may apply to the state for a special education "excess cost grant," which reimburses them for the cost of special education services that exceed four-and-a-half times the average cost of educating a student in the district during the prior fiscal year.

When the state's fiscal year appropriation for the special education excess cost grant is less than the amount needed to completely fund the payable grants according to the calculation, the law triggers a reduced excess cost grant reimbursement formula. This formula groups towns in three tiers depending upon their respective adjusted equalized net grand list per capita (AENGLPC). Generally, the formula calculates reduced grants for local boards of education using these three tiers as follows: boards from towns in the group that have (1) the lowest AENGLPC receive a higher percentage of their full excess cost grant, (2) a mid-range AENGLPC receive a slightly lower percentage, and (3) the highest AENGLPC receive the lowest percentage.

The act increases the reimbursement percentage for each of the tiers, bringing each board's excess cost grant amount closer to the fully funded amount determined by law.

The act also expands the tiered grant formula to apply to two additional grants when state appropriations are insufficient: (1) excess special education costs for state agency-placed students under a temporary custody order (CGS § 10-76d(e)(2)) and (2) excess regular education costs for state-placed children educated at private residential facilities (CGS § 10-253(b)(3)).

Finally, it creates an additional method for distributing the special education excess cost grant when there are excess state-appropriated funds remaining after the tiered formula is used. The act also applies this new excess fund distribution method to the two categories of grants for state-agency placed students identified above.

The act also makes technical and conforming changes.
EFFECTIVE DATE: Upon passage

Excess Cost Grants

The law establishes the reimbursement formula for boards of education when the state appropriation does not fully fund the excess cost grants as they are determined under statute. It creates three reimbursement tiers based on each town's AENGLPC. (Prior to FY 23, the law proportionately reduced the grant for all towns.)

The law requires the State Board of Education (SBE) to rank the towns in descending order from one to 169 according to each town's AENGLPC. It then groups the ranked towns into three tiers by the highest, middle, and lowest AENGLPC. SBE must pay the grants to each eligible town's operating local school district based on the reimbursement percentage assigned to its respective tier.

Tiered Reimbursement Percentages Increased. The act increases each tier's reimbursement percentage to give school boards at each tier a larger grant. The table below shows prior law's and the act's percentages.

Excess Cost Grant Reimbursement Rates for Three Tiers of Towns by AENGLPC

Tier Group Based on AENGLPC Ranking	*Town's Eligible Excess Cost Reimbursement Percentage*	
	Prior Law	*Act*
1 to 58 (highest)	70.00	85.00
59 to 114 (middle)	73.00	88.00
115 to 169 (lowest)	76.25	91.00

Additionally, if the grants payable to school boards calculated under the tiered formula still exceed the state-appropriated amount available, then the act requires the payable amount to be reduced proportionally.

By law and unchanged by the act, the ranking for regional boards of education is determined by a process that considers the total population of each town in the regional district and each member town's AENGLPC ranking.

Additional Grants Brought Under Tiered Reimbursement Formula. The act also expands the tiered method to apply to two additional grants: (1) special education costs for state agency-placed students under a temporary custody order and (2) excess regular education costs for state-placed children educated at private residential facilities. Under prior law, if the appropriation for these grants was not enough to meet the amount payable to school boards by law, then the grant amounts were reduced proportionately.

New Grant Mechanism. The act creates an additional four-step formula to apply when, after the grants are reduced as described above, money remains appropriated (i.e., is left over). Under the act, the remaining state-appropriated funds must be distributed to school boards through the following steps:

1. Subtract the sum of all the grants paid to school boards in the fiscal year under the three-tiered method from the sum of all the following grants calculated by law for (a) special education excess cost; (b) state agency-placed students under a temporary custody order; (c) excess regular education costs for state-placed children educated at private residential facilities; and (d) students receiving special education services from a private residential institution for whom no responsible school board can be determined by law (i.e., "no-nexus students").
2. Subtract the sum of all grants paid to school boards in the fiscal year under the excess cost grant from the total amount appropriated for the same grant.
3. Divide the amount calculated under step (2) by the amount calculated under step (1).
4. To determine the amount of the excess to distribute to each school board, multiply the amount calculated under step (1) that is attributable to the school board by the percentage calculated under step (3).

The act specifies that any grant paid in accordance with a no-nexus student in a public agency placement does not count toward this calculation (conforming with the excess cost grant that also does not count grants for those placements). Generally, the state pays for all the special education costs for these students.

§ 11 — BOTTLE BILL EXEMPTIONS

Exempts certain beverage products from the state's beverage container redemption law

The act exempts certain beverage products from the state's beverage container redemption law ("bottle bill"). The state's bottle bill generally requires a deposit to be charged on each covered beverage container at the time of purchase, which is then refunded to the consumer when the empty container is returned to the retailer or a redemption center.

Under the act, the following beverage products are exempt from the bottle bill: (1) carbonated and non-carbonated products with wine or spirits and (2) non-carbonated food for special dietary use and medical food, as defined under federal law.

Under federal law, "food for special dietary use" includes food that supplies a (1) special dietary need due to a physical, physiological, pathological, or other condition (e.g., disease, convalescence, pregnancy, infancy, weight); (2) vitamin, mineral, or other ingredient to supplement a person's diet; or (3) special dietary need due to a food being the diet's only item (21 U.S.C. § 350(c)(3)). "Medical food" is food that is (1) formulated to be consumed or administered enterally (i.e., via the gastrointestinal tract) under a doctor's supervision and (2) intended for the specific dietary management of a disease or condition (21 U.S.C. § 360ee(b)(3)).

EFFECTIVE DATE: Upon passage

§ 12 — LIMIT ON EXECUTIVE ASSISTANTS

Prohibits appointing more than two executive assistants for each deputy department head in departments that have at least two deputies

The act prohibits the Department of Administrative Services (DAS) commissioner and OPM secretary from approving more than two executive assistants for each deputy for any department that has at least two deputies. Existing law, unchanged by the act, (1) exempts executive assistants to department heads from the state classified service (i.e., they are not subject to various statutory civil service procedures and requirements) and (2) prohibits the commissioner and secretary from approving more than four executive assistants for each department head.
EFFECTIVE DATE: Upon passage

§ 13 — STATE EMPLOYEE CANDIDATE LISTS FOR THE CLASSIFIED SERVICE

Allows the DAS commissioner, under certain circumstances, to place people on candidate lists for state employee classified service positions regardless of statutory requirements that might otherwise apply

The law generally requires the DAS commissioner to hold civil service exams to establish candidate lists of people qualified for positions in the state employee classified service. Regardless of this or any other state statutes, the act allows the commissioner to place people on a candidate list for the various classified service position classes if she finds that posting job openings is warranted to provide regular, updated candidate pools for specific examined and non-examined positions.
EFFECTIVE DATE: Upon passage

Background — Related Act

PA 23-194, among other things, allows an appointing authority to (1) immediately fill a position with someone on a candidate list, if doing so would maintain operational efficiency and productivity, and complete any pre-employment checks during the new employee's working test period; (2) fill a position, under certain circumstances, with someone on a candidate list for a comparable position class; and (3) begin the screening process as soon as the applicable job opening is posted.

§ 14 — BOND COVENANT TIED TO STATE FISCAL CONTROLS

Requires the state treasurer to include a pledge to bondholders in GO and credit revenue bonds issued from July 1, 2023, to June 30, 2025, that the state will comply with specified fiscal controls, except under limited circumstances; generally requires that the pledge apply through FY 33 unless the General Assembly adopts a resolution by June 30, 2028, not to continue it beyond FY 28

The act requires the state treasurer to include a pledge to bondholders in general obligation (GO) and credit revenue bonds issued from July 1, 2023, to June 30, 2025 (i.e., FYs 24 and 25), that the state will comply with specified fiscal controls except under limited circumstances. Under the act, this pledge applies through FY 33 unless the General Assembly adopts, by June 30, 2028, a resolution not to continue it beyond FY 28. It does not apply to refunding bonds issued to pay the original bonds.

By law, a similar five-year pledge (i.e., "bond lock") applies to bonds issued from May 15, 2018, to June 30, 2020 (see *Background*).
EFFECTIVE DATE: July 1, 2023

Applicable Laws

The act expressly requires the state to comply with the following laws during each fiscal year to which the pledge applies:

1. Budget Reserve Fund (BRF) law, as amended by the act (see § 15), including the volatility cap (see *Background*);
2. statutory spending cap (see *Background*);
3. cap on General Fund and Special Transportation Fund appropriations, as amended by the act (i.e., the "revenue cap") (see § 16);
4. bond allocation cap, as amended by the act (see § 17);

5. specified procedural requirements under the GO bond act (see *Background*);
6. the debt limit law, as amended by the act, including provisions requiring that bond bills and Bond Commission resolutions have debt certifications attached to them certifying that the bonds will not cause the state to exceed the debt limit (see § 18);
7. the bond issuance cap, as amended by the act (see § 18); and
8. the act's bond allotment limit (see § 18).

Pledge and Exceptions

For GO and credit revenue bonds issued in FYs 24 and 25, the act pledges to bondholders that the state will not enact any laws taking effect from (1) July 1, 2023, to June 30, 2028, and (2) except as described below, July 1, 2028, to June 30, 2033, that change the state's obligation to comply with the above laws unless the following requirements are met:

1. bondholders are protected in another way or
2. (a) the governor declares an emergency or the existence of extraordinary circumstances in which he invokes his statutory authority to reduce appropriated accounts (CGS § 4-85), (b) at least three-fifths of the members of each house of the General Assembly approve the change, and (c) the change is limited to the fiscal year in progress.

For the second five-year period described above (i.e., July 1, 2028, to June 30, 2033), the pledge applies to laws taking effect during this timeframe unless the General Assembly adopts by June 30, 2028, a resolution not to continue the pledge beyond that date.

Background

Bond Lock. For state GO or credit revenue bonds issued from May 15, 2018, to June 30, 2020, the state treasurer has pledged to bondholders that the state will not enact any laws taking effect from May 15, 2018, to June 30, 2023, that change the state's obligation to comply with the (1) BRF law, including the volatility cap; (2) revenue cap; (3) statutory spending cap; (4) debt limit law; (5) caps on GO and credit revenue bond allocations, issuances, and allotments; and (6) specified procedural requirements under the GO bond act. The pledge applies for five years from the bonds' first issuance date but not to refunding bonds issued to pay the original bonds (CGS § 3-20(aa)).

Volatility Cap. The law requires the treasurer to transfer to the BRF any revenue the state receives each fiscal year in excess of $3.15 billion (annually adjusted for the five-year average growth in personal income) from personal income tax estimated and final payments (generated from taxpayers who make estimated income tax payments on a quarterly basis) and the pass-through entity tax.

The legislature may amend the threshold amount, by a vote of three-fifths of the members of each house, due to changes in state or federal tax law or policy or significant adjustments to economic growth or tax collections (CGS § 4-30a(a)).

Spending Cap. The statutory spending cap prohibits the legislature from authorizing an increase in "general budget expenditures" for any fiscal year that exceeds the greater of the percentage increase in (1) personal income over the preceding five calendar years or (2) inflation over the previous calendar year, unless the governor declares an emergency or the existence of extraordinary circumstances and at least three-fifths of the members of each house approve the extra expenditure for those purposes

GO Bond Act. The GO Bond Act sets various procedural requirements for the state's issuance of GO bonds. The pledge that the state treasurer must issue under the act applies to requirements that, among other things, (1) the State Bond Commission authorize bonds by resolutions adopted by a majority vote, (2) these bond resolutions be accompanied by specified information and filings and not exceed the allocation cap, (3) Bond Commission agendas be made available to members at least five days in advance, and (4) bonds allocated by the Bond Commission be deemed an appropriation and allocation of the amount authorized and subject to allotment by the governor and any authorization otherwise required (CGS § 3-20(g)).

§ 15 — BUDGET RESERVE FUND

Beginning July 1, 2024, increases the BRF's maximum balance from 15% to 18% of net General Fund appropriations and specifies how surplus funds must be diverted when the BRF's balance is at least 15% but less than the 18% maximum

Existing law establishes the BRF and requires that it contain any (1) unappropriated General Fund surplus at the end of each fiscal year and (2) revenue exceeding the volatility cap.

Prior law capped the BRF's maximum balance at 15% of net General Fund appropriations for the current fiscal year and required the state treasurer to transfer any remaining General Fund surplus, as he determined to be in the state's best interests, to reduce either the State Employee Retirement System's (SERS) or Teachers' Retirement System's (TRS) unfunded liability by up to 5%. Beginning July 1, 2024, the act (1) increases the BRF's maximum balance to 18% of net General Fund appropriations for the current fiscal year and (2) requires that surplus funds be handled as follows when the BRF's balance equals or exceeds 15% but is less than the 18% cap:

1. half must be transferred to the BRF, up to the 18% cap, and
2. half must be deemed appropriated to SERS or TRS, as described above.

Under the act, once the BRF reaches the 18% cap, any remaining General Fund surplus is deemed appropriated to SERS and TRS, as under prior law. By law, unchanged by the act, any surplus that remains after the maximum appropriation to SERS and TRS (i.e., 5% of each system's unfunded liability) is deemed appropriated, as the treasurer determines to be in the state's best interests, for additional payments to either retirement system or to paying off other specified forms of outstanding state debt.

EFFECTIVE DATE: July 1, 2023

§ 16 — CAP ON GENERAL FUND AND STF APPROPRIATIONS

Freezes the cap on General Fund and STF appropriations at 98.75% of estimated revenues (i.e., the "revenue cap") beginning in FY 24

Existing law prohibits the legislature from authorizing General Fund and Special Transportation Fund (STF) appropriations for any fiscal year that, in the aggregate, exceed a specified percentage of the estimated revenues included in the budget act (i.e., the statement of estimated revenues, supplied by the Finance, Revenue and Bonding Committee, that is based on the most recent consensus revenue estimates). Under prior law, the percentage decreased in steps of 0.25 percentage points from 99.5% in FY 20 to 98% in FY 26 and thereafter (for FY 23, it was 98.75%). The act freezes the percentage at 98.75% beginning in FY 24.

By law, unchanged by the act, the legislature may authorize appropriations that exceed the applicable percentage if either of the following conditions is met:

1. the governor declares an emergency or the existence of extraordinary circumstances, at least three-fifths of the members of each legislative chamber vote to exceed the percentage, and the appropriation is limited to the fiscal year in progress or
2. the General Assembly approves the appropriation, by majority vote, for an adjusted appropriation and revenue plan.

EFFECTIVE DATE: July 1, 2023

§§ 17 & 18 — BONDING CAPS

Beginning in FY 24, requires that the bond allocation cap be calculated on a fiscal year, rather than calendar year, basis and sets the cap amount at $2.4 billion for FY 24; aligns the bond issuance cap to the allocation cap by increasing it to $2.4 billion for FY 24; eliminates the bond allotment cap but replaces it with a similar cap; excludes specified debt from the state's debt limit and certain bond cap calculations

Bond Allocation Cap (§ 17)

Prior law capped the amount of GO and credit revenue bonds the State Bond Commission could authorize (i.e., allocate) in any calendar year at $2 billion, annually adjusted for inflation. (The inflation-adjusted cap was $2.377 billion for 2023.) The act instead (1) requires that the cap be calculated on a fiscal year basis, beginning in FY 24; (2) sets the cap at $2.4 billion for FY 24; and (3) specifies that the prior calendar year cap applies through June 30, 2023. As under prior law, the act requires that the cap be annually adjusted for inflation based on the change in the Bureau of Labor Statistics' consumer price index for all urban consumers for the preceding calendar year, less food and energy.

Bond Issuance Cap (§ 18)

Prior law capped the amount of GO and credit revenue bonds the state treasurer could issue in any fiscal year at $1.9 billion, annually adjusted for inflation. (The inflation-adjusted cap was $2.09 billion for FY 23.) The act increases the cap to $2.4 billion beginning in FY 24, aligning it with the $2.4 billion allocation cap set by the act (see above). As under prior

law, the act requires that the cap be annually adjusted for inflation using the same index described above for the allocation cap.

Additionally, the act excludes from the issuance cap calculation any debt issued to fund state budget deficits for any fiscal year. By law, unchanged by the act, the calculation already excludes specified debt (e.g., bonds issued as part of the CSCU 2020 (Connecticut State Colleges and Universities) or UConn 2000 infrastructure programs and refunding bonds), as well as debt issued to meet cash flow needs or cover natural disaster emergencies.

Bond Allotment Cap (§ 18)

The act eliminates the cap on the amount of GO and credit revenue bonds for which the governor may approve allotment requisitions (i.e., expenditures) in any fiscal year. Instead, it prohibits the governor from approving GO or credit revenue bond allotments that exceed the act's $2.4 billion issuance cap described above. It excludes from the allotment calculation any debt issued to fund state budget deficits for any fiscal year. Under prior law, the cap was $1.9 billion, annually adjusted for inflation, with the same exclusions as the issuance cap.

The act also eliminates related provisions requiring the:

1. state treasurer to annually give the governor a list of allocated but unissued bonds (i.e., bonds authorized by the legislature and allocated by the State Bond Commission but not yet issued by the treasurer);
2. governor to annually give the treasurer a list of GO and credit revenue bond expenditures of up to $1.9 billion, annually adjusted for inflation, that may be made on the following July 1; and
3. governor to post both lists on his office's website.

Debt Limit (§ 18)

The law prohibits the legislature from authorizing General Fund-supported debt that exceeds 1.6 times the estimated net General Fund tax receipts for the fiscal year of authorization, with certain exclusions. The act additionally excludes the following from the state's debt limit calculation:

1. any debt authorized and issued to fund any state budget deficits for any fiscal year,
2. any accumulated deficit determined on the basis of generally accepting accounting principles (GAAP) set by the Governmental Accounting Standards Board,
3. debt authorized under any statute or public or special act that, by its terms, is not effective until a future date (but it must be included once the applicable provisions take effect), and
4. debt authorized and issued under an emergency or extraordinary circumstances declaration issued by the governor if at least three-fifths of the members of each legislative chamber vote to authorize the debt.

Under prior law, debt issued to finance specified budget deficits (e.g., the 2009 Economic Recovery Notes) was already excluded from the debt limit calculation. The act eliminates these specific exclusions to conform with the broader exclusion described above.

By law, the debt limit calculation already excludes certain types of debt, including debt incurred in anticipation of receiving revenue and bonds issued for the Teachers' Retirement System's unfunded liability.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2023

§§ 17-19 — GO BONDS FOR TRANSPORTATION PROJECTS

Eliminates an obsolete law authorizing the State Bond Commission to allocate up to $500 million in state GO bonds for transportation projects in 2018 and 2019

The act eliminates an obsolete law authorizing the State Bond Commission to allocate up to $500 million in state GO bonds for transportation projects in 2018 and 2019. (The Bond Commission never allocated these bonds.) It also eliminates related provisions (1) exempting these transportation GO bonds from the state's debt limit and bond allocation and issuance cap calculations and (2) deeming any bond authorizations for GO or special tax obligation (STO) bonds to have authorized these bonds to be issued as either GO or STO bonds.

EFFECTIVE DATE: July 1, 2023

PA 23-204—HB 6941
Emergency Certification

AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2025, AND MAKING APPROPRIATIONS THEREFOR, AND PROVISIONS RELATED TO REVENUE AND OTHER ITEMS IMPLEMENTING THE STATE BUDGET

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Redirects a $100,000 carryforward from FY 20-21 appropriations to DECD for a grant to the Salvation Army Boys and Girls Club of New London, rather than the Boys & Girls Club of Southeastern Connecticut

§§ 27-28, 32, 37 & 41-45 — CARRYFORWARDS AND TRANSFERS

Carries forward certain agencies' unspent funds and requires that they be used in FYs 24-25

§§ 29 & 30 — FY 23 APPROPRIATION FOR REDEEMING OUTSTANDING GAAP BONDS

Appropriates $211.7 million from the General Fund in FY 23 for debt service payments and reserves this amount to redeem the outstanding GAAP bonds

§ 31 — DECD APPROPRIATION FOR THE MUNICIPAL REDEVELOPMENT AUTHORITY

Allows FY 24-25 appropriations to DECD for MRDA to be used for MRDA's personal services and fringe benefit expenses

§ 33 — PROBATE COURT ADMINISTRATION FUND

Requires that the fund's balance at the end of FY 23 remain in the fund rather than be transferred to the General Fund

§ 34 — DISTRIBUTION FROM TOBACCO SETTLEMENT FUND TO TOBACCO LITIGATION SETTLEMENT ACCOUNT

Distributes $550,000 from the Tobacco Settlement Fund to the tobacco litigation settlement account for the Office of the Attorney General's tobacco enforcement activities in FYs 24-25

§ 35 — ANAEROBIC DIGESTER PROJECT IN FRANKLIN

Specifies how $4.3 million in farm manure management system program funds must be distributed to farms associated with an anaerobic digester project in Franklin

§§ 36 & 47 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS

Reserves certain amounts from line items in agency budgets for various purposes in FYs 24 and 25

§ 38 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS

Allocates the total grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund for FYs 24 and 25

§§ 39 & 40 — YOUTH SERVICES PREVENTION AND YOUTH VIOLENCE INITIATIVE GRANTS

Specifies how a portion of the funds appropriated to the judicial branch for Youth Services Prevention and Youth Violence Initiative grants must be distributed

§ 46 — ARPA ALLOCATION FOR THE CONNECTICUT SUMMER AT THE MUSEUM PROGRAM

Requires at least $3.5 million of the ARPA allocation to DECD for the Connecticut Summer at the Museum Program to be used for grants to for-profit entities as part of the program

§§ 48 & 49 — ARPA ALLOCATION ADJUSTMENTS

Modifies previous ARPA funding allocations and adds new allocations for FYs 23-25

§§ 50 & 51 — BRISTOL AND DAY KIMBALL HOSPITALS

Reserves specified amounts for payments to Bristol Hospital and Day Kimball Hospital to support the development and implementation of plans for maintaining their health services and a path to financial viability

§ 52 — RURAL SPEED ENFORCEMENT GRANT PROGRAM

Extends a DESPP grant program for speed enforcement on rural roads to eligible municipalities without a law enforcement unit or resident state trooper

§ 53 — AMBULANCE RATES

Requires the DPH commissioner to increase the maximum allowable rates by 10% in FY 24 for licensed and certified ambulance services, invalid coaches, and paramedic intercept services

§ 54 — HOSPITAL NURSE STAFFING PLANS

Requires hospitals to report biannually, instead of annually, on their prospective nurse staffing plans and expands the plan's required contents

§ 54 — HOSPITAL STAFFING COMMITTEES

Modifies the composition, leadership, and selection of hospital staffing committee membership; establishes criteria the committees must consider when developing hospital nurse staffing plans; sets related notification, recordkeeping, and compensation requirements

§ 54 — HOSPITAL NONCOMPLIANCE WITH NURSE STAFFING REQUIREMENTS

Requires hospitals to biannually report to DPH on their compliance with nurse staffing assignments in their nurse staffing plans; requires DPH to investigate complaints regarding nurse staffing plan violations and, when appropriate, issue orders of noncompliance that require hospitals to implement corrective action plans and pay civil penalties; allows DPH to audit nurse staffing assignments

§ 54 — HOSPITAL NURSE PARTICIPATION IN HOSPITAL ACTIVITIES

Prohibits hospitals from requiring registered nurses to perform patient care tasks beyond the scope of their license and allows an RN to object to doing so, with limited exceptions

§ 55 — MANDATORY NURSE OVERTIME IN HOSPITALS

Similar to prior law, prohibits hospitals from requiring nurses to work overtime and from discriminating or retaliating against them for refusing to do so, with limited exceptions

§ 56 — PROJECT LONGEVITY INITIATIVE EXPANSION

Expands the Project Longevity Initiative by (1) making its goal to reduce gun violence in all the state's municipalities, not only its cities, and (2) requiring its implementation in Norwich and New London in addition to Bridgeport, Hartford, New Haven, and Waterbury

§ 57 — PROBATE COURT JUDGES' AND EMPLOYEES' INSURANCE COVERAGE

Increases the share of certain costs for the state group hospitalization and medical and surgical insurance plan that must be paid from the Probate Court Administration Fund for probate judges and employees

§ 58 — POLICE RECORDING EQUIPMENT REPORTING

Requires (1) POST to create a form for law enforcement units to use to report on their compliance with state law's body and dashboard camera requirements, (2) the units to annually submit a report on the form, and (3) UConn's Institute for Municipal and Regional Policy to review the submissions and report findings and recommendations to specified entities

§ 59 — DECD STATEWIDE TOURISM MARKETING

Prohibits funds appropriated for statewide tourism marketing from being used to market DECD

§ 60 — MEDICAID WAIVER APPENDIX K REPORT

Requires the DSS commissioner to report to the Appropriations and Human Services committees by January 1, 2024, on the implementation of emergency amendments to home- and community-based Medicaid waivers

§ 61 — RESERVE FOR SALARY ADJUSTMENTS ACCOUNT REPORTS

Starting by January 1, 2024, requires the OPM secretary to give the Appropriations Committee quarterly reports on the status of the reserve for salary adjustments account

§ 62 — DPH PANDEMIC PREPAREDNESS REPORT

Requires the public health commissioner to annually report to the Appropriations Committee on the state's pandemic preparedness starting by January 1, 2024

§ 63 — BEVERAGE CONTAINER RECYCLING GRANT PROGRAM

Within available appropriations, makes organizations that serve people with intellectual and developmental disabilities eligible for a grant under the beverage container recycling grant program

§ 64 — PLANNING COMMISSION FOR HIGHER EDUCATION

Changes the membership and appointing authorities of the Planning Commission for Higher Education; requires the commission to update the strategic master plan for higher education

§ 65 — COMPETITIVE BIDDING FOR SHORE LINE EAST

Directs the DOT commissioner to select and contract with a Shore Line East operator through a competitive process

§ 66 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires the Legislative Commissioners' Office to make necessary technical, grammatical, and punctuation changes when codifying the act

§ 67 — STIPENDS AND TUITION REFUNDS FOR CERTAIN STONE ACADEMY STUDENTS

Requires the Office of Higher Education to pay, from the private career schools student protection account, stipends and tuition refunds to certain Stone Academy practical nurse education program students

§ 68 — SET-ASIDE PROGRAM GOAL REPORT

Requires DAS to give awarding agencies a preliminary set-aside goal report for the upcoming fiscal year and delays the deadline by which agencies must submit their goals to DAS

§ 69 — HISTORIC PRESERVATION REVIEW PROCESS WORKING GROUP

Establishes a working group to study and make recommendations on the historic preservation review process under the Connecticut Environmental Policy Act

§ 70 — OFFICE OF WORKFORCE STRATEGY LOCATION

Moves OWS from the Office of the Governor to DECD for administrative purposes only

§ 71 — OPM HOUSING PROGRAMS REPORT

Ends a reporting requirement for OPM on housing programs by making the final report due by January 1, 2024

§ 72 — COMMUNITY INVESTMENT FUND 2030 ADMINISTRATIVE COSTS

Prohibits Community Investment Fund 2030 bond proceeds from paying for related administrative costs; requires DECD to pay for the administrative costs within available appropriations

§§ 73-80 — TRANSFER OF MUNICIPAL GRANT FUNDING FROM MRSA TO MRSF

Principally makes certain municipal grants, including PILOT and motor vehicle property tax grants, payable from MRSF rather than MRSA and correspondingly diverts certain tax revenue to that fund, rather than MRSA, to cover the grants; specifies supplemental revenue sharing grant amounts for certain municipalities and districts; changes the date by which OPM must make PILOT grants to municipalities

§§ 81-84 — COMPENSATION FOR JUDGES AND CERTAIN OTHER STATE OFFICIALS

Increases the salary and other compensation for judges and certain other judicial officials by approximately 3% starting in FY 24 and again in FY 25; correspondingly increases the salary of certain other state officials whose salary, by law, is tied to that of judges

§§ 85 & 86 — HIGHER EDUCATION ETHNIC AND RACIAL DIVERSITY PLAN

Eliminates a requirement that OHE maintain a racial and ethnic diversity plan for the state's higher education institutions, but adds similar provisions into the existing OHE minority advancement program

§ 87 — BOR DISPOSING OF SURPLUS REAL PROPERTY

Authorizes BOR, with the OPM secretary's review and approval, to sell surplus CSCU property outside of the current disposition process for surplus state property

§ 88 — SOCIAL EQUITY AND INNOVATION ACCOUNT

For FY 24, allows the money in the Social Equity and Innovation Account to be allocated for purposes the Social Equity Council solely determines, and delays the transfer of remaining money into the Social Equity and Innovation Fund from the end of FY 23 until the end of FY 24

§§ 89 & 445 — HIGHER EDUCATION CONSTITUENT UNIT EMPLOYEE RETIREMENT COSTS

Beginning FY 24, requires the (1) comptroller to pay the retirement-related fringe benefit costs for all employees of the constituent units of the state higher education system, rather than only for General Fund-supported employees and (2) constituent units to fund their employee health and life insurance, unemployment compensation, and employers' social security tax

§§ 90-92, 94 & 445 — ONLINE LOTTERY SALES

Eliminates the diversion of online lottery sales revenue to fund the state's debt-free community college program

§§ 93 & 445 — REGIONALIZATION TASK FORCE AND SUBACCOUNT REPEALED

Repeals the regionalization task force and a related subaccount to fund its recommendations

§ 93 — COG FUNDING

Distributes $7 million from the regional planning incentive account to the regional councils of governments (COGs) each year beginning in FY 24

§ 95 — OPEN EDUCATIONAL RESOURCE COUNCIL

Transfers the Connecticut Open Educational Resource (OER) Coordinating Council from OHE to CSCU and makes conforming changes; expands restrictions on council grant award recipients; adds to council duties; requires it to report biennially rather than annually to the legislature, and to include additional information in its report; allows the OER state-wide coordinator to hire a part-time employee

§ 96 — INDEPENDENT COLLEGE AND UNIVERSITY PROGRAM APPROVAL EXEMPTIONS

Makes permanent the law exempting qualifying independent colleges and universities from OHE's program approval process for an unlimited number of higher education programs per academic year; requires independent higher education institutions to update the credentials database at least annually with any new, modified, or discontinued programs

§ 97 — CONTRACT ASSIGNMENTS BY STATE AGENCIES

Allows the OPM secretary to execute an MOU with a department head to assign the department head the authority to enter into a contract or written agreement using funds appropriated to the secretary for the contract or agreement; allows budgeted agencies' department heads to similarly assign this authority upon the secretary's approval

§ 98 — FEES FOR STATE AGENCY ELECTRIC VEHICLE STATIONS

Changes the fund into which fees collected for using state agency EV charging stations are deposited

§ 99 — GRANT PROGRAM FOR PURCHASING BODY AND DASHBOARD CAMERAS AND RELATED EQUIPMENT AND SERVICES

Extends by two years, through FY 25, the municipal grant program for purchasing eligible body and dashboard cameras and related equipment and services

§§ 100-106 — BACKGROUND CHECKS BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES

Requires DAS to conduct background checks for certain agencies and positions in addition to the existing requirement for the employing state agencies

§§ 107-111 & 447 — PERSONAL SERVICES AGREEMENT PROCUREMENT THRESHOLDS

Increases, from $20,000 to $50,000, the cost threshold at which agencies must use competitive solicitation methods to enter into a PSA; eliminates a PSA's duration as a criterion for determining whether a competitive solicitation is required; these changes also apply to POS contracts

§ 112 — RETIREMENT SECURITY PROGRAM REIMBURSEMENT

Eliminates a deadline for the state's retirement security program to reimburse the General Fund for certain expenses and instead requires it to follow a plan the OPM secretary and state comptroller establish

§ 113 — CONNECTICUT PORT AUTHORITY BUILDING PERMITTING PROCESS

Extends an existing building permitting process, which applies to state agencies and the Connecticut Airport Authority, to the Connecticut Port Authority

§ 114 — BUDGET RESERVE FUND SURPLUS

Prescribes, through FY 24, the order in which the state treasurer must transfer excess BRF funds to reduce the state's unfunded pension liability

§ 115 — PA 23-102 CHANGES TO CONTESTED PURA PROCEEDINGS

Narrows the scope of a provision in PA 23-102 that prohibits utility company rate recovery for certain expenses incurred for PURA rate-making hearings

§ 116 — PA 23-102 PROHIBITION ON COST RECOVERY FOR MEMBERSHIP DUES, LOBBYING COSTS, AND ADS

Narrows the scope of a provision in PA 23-102 that prohibits utility companies' rate recovery for certain expenses like trade association membership, lobbying, and advertising

§ 117 — PA 23-102 PROVISIONS ON ELECTRIC BILL FORMAT

Requires PURA to study the components of the delivery portion of electric bills and consider what additional information should be available to increase transparency about the costs and benefits of programs funded through certain charges on a customer's bill

§§ 118 & 451 — PA 23-102 PROVISIONS ON PURA COMMISSIONERS

Repeals a provision in PA 23-102 that would have generally (1) allowed PURA's chairperson to assign any matter before PURA to one utility commissioner and (2) required that in any contested proceeding assigned to one commissioner, any proposed final decision must be voted on by all of the PURA commissioners

§ 119 — DUI AND CRIMINAL RECORD ERASURE

Specifies that a DUI conviction is not eligible for automatic criminal record erasure until 10 years after the person's most recent conviction; makes DUI convictions ineligible for erasure if the person has a second DUI conviction within 10 years

§§ 120-123 — CANNABIS SOCIAL EQUITY AND INNOVATION AND PREVENTION AND RECOVERY SERVICES FUNDS

Renames two funds to specify they are "cannabis" funds; specifies that money may only be expended through General Assembly appropriations

§ 124 — CANNABIS REGULATORY FUND

Establishes a non-lapsing fund to be appropriated to state agencies to pay for costs incurred implementing authorized activities under RERACA

§§ 125 & 126 — DOC PILOT PROGRAMS FOR ALCOHOL USE DISORDER TREATMENT AND MENTAL ILLNESS

Requires DOC to (1) operate two pilot programs for people in its custody: one for people with alcohol use disorder and one for people with mental illness; (2) spend at least $500,000 on each pilot program to treat participants with certain medications; and (3) report to the legislature on the programs

§ 127 — DOC COMMISSARY IMPLEMENTATION PLAN

Requires DOC to (1) in consultation with JJPOC's incarceration subcommittee, develop and submit a commissary implementation plan to JJPOC regarding youth in DOC facilities and (2) fully implement the plan by November 1, 2023

§ 128 — PASSPORT TO THE PARKS ACCOUNT REPORT

Requires the DEEP commissioner to report on the passport to the parks account and subaccounts quarterly instead of semiannually; expands the report contents and recipients

§§ 129-131 — DEPARTMENT OF HOUSING

Makes DOH a standalone executive branch agency instead of an agency within DECD for administrative purposes only

§§ 132 & 133 — HEALTH CARE PROVIDERS SERVING AS ADJUNCT FACULTY

Requires public higher education institutions to consider any licensed health care provider with at least 10 years of clinical experience to be qualified for an adjunct faculty position; correspondingly requires the Office of Higher Education, within available appropriations, to establish a program providing incentive grants to these providers who become adjunct professors

§§ 134-136 — DEBT FREE COMMUNITY COLLEGE AND THE ROBERTA B. WILLIS SCHOLARSHIP PROGRAM

Extends eligibility for the state's debt-free community college program to returning students; makes various changes to the Roberta B. Willis Scholarship program, including requiring FY 24 awards to use ARPA funds first and excluding regional-community technical colleges from the program

§ 137 — ENDOMETRIOSIS DATA AND BIOREPOSITORY PROGRAM

Requires UConn Health Center to develop an endometriosis data and biorepository program by January 1, 2024, and annually report on it to the Public Health Committee

§ 138 — ANNUAL TRIBAL GRANTS

Requires the OPM secretary to annually distribute $20,000 grants from the Mashantucket Pequot and Mohegan Fund to the Schaghticoke, Paucatuck Eastern Pequot, and Golden Hill Paugussett tribes

§ 139 — PRORATED PILOT GRANTS

Increases tiered PILOT grant rates by three percentage points, from 50%, 40%, and 30% to 53%, 43%, and 33% for tier one, two, and three municipalities, respectively

§ 140 — BATTERSON PARK FEASIBILITY STUDY

Requires the DEEP commissioner to study the feasibility of, and recommend options for, public recreational access to Batterson Park, hold public meetings on park redevelopment, and report to the Environment Committee by January 15, 2024

§ 141 — ASSISTANCE TO MDC FOR SEWER UPGRADES AND REPAIRS

Requires DEEP to use available funds, including certain Clean Water Act funds, for a financial assistance program for MDC to make sewerage system upgrades and repairs in Hartford

§§ 142-144 & 146 — SEWERAGE GRANT PROGRAM FOR HARTFORD RESIDENTS

Requires the comptroller to establish the Hartford Sewerage System Repair and Improvement Fund to support a financial assistance program for Hartford residents impacted by certain flooding

§ 145 — REPORT ON SEWERAGE AND STORMWATER PROJECTS BY HARTFORD AND MDC

Requires Hartford and MDC to report to DEEP and the legislature on sewer and stormwater projects and flooding prevention plans

§ 147 — LGBTQ JUSTICE AND OPPORTUNITY NETWORK

Changes the name and modifies the membership and scope of the LGBTQ Health and Human Services Network

§ 148 — TRF-SCRF AND CONNECTICUT BABY BOND TRUST PROGRAM

Requires the TRF-SCRF to contain any financial guaranty the state treasurer obtains for the fund; sets conditions under which the money in the SCRF and any amount available under the guaranty may be deposited in the Connecticut Baby Bond Trust

§§ 149-152 & 438-442 — CONNECTICUT BABY BOND TRUST PROGRAM

Eliminates the prior $600 million GO bond authorization for the Baby Bond Trust program; makes various other changes to the program

§ 153 — COMPENSATION OF INCARCERATED INDIVIDUALS

Requires a $5-$10 per week pay range for DOC inmates performing services on the state's behalf

§§ 154-158 — FOOD AND NUTRITION POLICY ANALYST AND TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS

Requires CWCSEO to hire a food and nutrition policy analyst to help reduce food insecurity and food deserts; authorizes municipalities to provide property tax abatements to new grocery stores located in food deserts that meet certain requirements

§§ 159-162 — FIREFIGHTERS CANCER RELIEF BENEFITS

Generally requires that firefighters who have certain cancers and meet other criteria receive workers' compensation-like benefits and disability retirement benefits that are paid by a municipality and then reimbursed from a state account; creates the Firefighters Cancer Relief Fund Advisory Committee to annually evaluate the account; and requires the treasurer to annually report on the account's status and the existing Firefighters Cancer Relief Program

§ 163 — APPRENTICESHIP REPORTING DATA

Requires apprenticeship program sponsors to annually give DOL certain information about the extent to which apprentices are successfully completing their program

§ 164 — LUNG CANCER EARLY DETECTION AND TREATMENT REFERRAL PROGRAM

Establishes, within available appropriations, a DPH Lung Cancer Early Detection and Treatment Referral Program to (1) promote screening, detection, and treatment to people ages 50 to 80, prioritizing high-risk populations, and (2) provide public education, counseling, and treatment referrals

§§ 165 & 446 — PROGRAM OF ALL-INCLUSIVE CARE FOR ELDERLY

Allows the DSS commissioner to submit a Medicaid state plan amendment to cover Program of All-Inclusive Care for Elderly services under Medicaid, within available appropriations

§ 166 — PRIVATE EDUCATION LENDER AND CREDITOR DISCLOSURES

Requires private education lenders and creditors to register with DOB and provide it with certain information about their loans and borrowers; requires DOB to publish a summary of the information it receives; allows DOB to bar certain violators for up to 10 years

§ 167 — OFFICE OF THE STUDENT LOAN OMBUDSMAN

Establishes an Office of the Student Loan Ombudsman and requires the DOB commissioner to appoint a student loan ombudsman to head the office

§§ 168 & 169 — FEDERAL STUDENT LOAN SUBSERVICER REGISTRATION

Extends existing law's registration requirement for federal student loan servicers to also cover subservicers of these loans

§ 170 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM FOR PEOPLE WITH IDD

Amends a provision in PA 23-137 that creates a local voluntary public safety registration system for people with IDD, limiting initial registration to children with IDD and setting up a notification and opt-in procedure municipal police departments must follow to allow registrants to remain in the system after they turn 18

§ 171 — COMPENSATION FOR FAMILY CAREGIVERS UNDER PA 23-137

Requires DSS to amend current Medicaid waivers, rather than apply for new ones, to authorize compensation for family caregivers in DDS-administered waiver programs

§ 172 — COMMUNITY RESIDENCES EXEMPTED FROM A PROXIMITY AND DISPERSION REQUIREMENT

Amends PA 23-137, § 68, to narrow the community residences that are exempted from a public health law's proximity and dispersion limitation, aligning the exemption with the definition of "community residences"

§ 173 — SITING WAREHOUSES AND DISTRIBUTION FACILITIES

For certain smaller towns, prohibits allowing a warehouse or distribution facility on a parcel of land that meets specified conditions

§§ 174 & 175 — STUDENT LOAN REIMBURSEMENT PILOT PROGRAM

Requires OHE, within available appropriations, to establish a pilot program to reimburse eligible people for up to $5,000 a year (for a total of up to $20,000) for their student loan payments; makes payments deductible from a person's state adjusted gross income

§§ 176-183, 420 & 453 — EARLY VOTING IMPLEMENTATION

Delays implementation of early voting from January 1, 2024, to April 1, 2024, and correspondingly modifies several effective dates in PA 23-5; makes the statewide early voting awareness campaign discretionary for the secretary of the state

§ 184 — USE OF OPIOID SETTLEMENT FUNDS TO EQUIP POLICE WITH OPIOID ANTAGONISTS

Expands the purposes for which the Opioid Settlement Fund may be used to include providing funds to municipal police departments to equip officers with opioid antagonists

§ 185 — CLASS I RUN-OF-THE-RIVER HYDROPOWER

Reverses a change in the definition of Class I renewable energy sources made by PA 23-102

§ 186 — RPS CAP ON CLASS I RUN-OF-THE-RIVER HYDROPOWER

Increases the RPS cap on certain Class I run-of-the-river hydropower from one to 2.5 percentage points of the Class I requirement

§ 187 — LICENSING EXEMPTION FOR CHILD CARE SERVICES

Exempts the Police Athletic League of Stamford, Inc., from the OEC licensure requirements for child care service providers

§§ 188-190 — COMMISSION ON RACIAL EQUITY IN PUBLIC HEALTH

Redesignates the Commission on Racial Equity in Public Health's membership as an advisory body to the commission and reduces its membership from 28 to 15

§§ 191 & 192 — NEWBORN SCREENING FOR CYTOMEGALOVIRUS

Starting July 1, 2025, requires all newborns to be tested for CMV, instead of only those who fail a newborn hearing screening; requires the public health commissioner to convene a CMV working group and report to the Public Health Committee by January 1, 2025

§ 193 — CWCSEO TWO-GENERATIONAL STRATEGIC PLAN

Requires CWCSEO to (1) review the two-generational initiative's membership; (2) develop an advisory strategic plan and submit it to specified legislative committees by September 1, 2024; and (3) develop a dashboard to track two-generational outcomes of families in the state

§§ 194-198 — CONNECTICUT MUNICIPAL REDEVELOPMENT AUTHORITY (MRDA) AND AFFORDABLE HOUSING DEVELOPMENT

Requires municipalities that opt to collaborate with MRDA to adopt a housing growth zone near existing infrastructure; adds three members to MRDA's board; changes requirements for member municipalities

§ 199 — MUNICIPAL REPORTS TO DECD ON HOUSING PERMITTING AND DEMOLITION

Requires municipalities to annually report statistics on housing permits issued and dwellings demolished

§ 200 — STUDY OF STATE PROPERTY THAT COULD BE DEVELOPED AS HOUSING

Requires OPM to study whether any state-owned real property is available and suitable to develop as housing

§ 201 — ACCESS TO PUBLIC DEFENDER SERVICES

Requires the Public Defender Services Commission to (1) annually establish guidelines for determining a person's eligibility for free representation and (2) publish the guidelines online

§ 202 — ATTORNEY GENERAL QUALIFICATIONS

Modifies the qualifications to serve as attorney general

§§ 203-206 & 421 — HEALTH INSURANCE PROGRAMS FOR PARAEDUCATORS

Establishes a subsidy program in FY 24 and a stipend program in FY 25 for paraeducators' health insurance costs; requires the Office of Health Strategy to help paraeducators enroll in certain health insurance programs; establishes a paraeducator healthcare working group

§§ 207-208 & 450 — DELAYED EFFECTIVE DATE FOR CONSUMER HEALTH DATA PRIVACY PROVISIONS

Delays, by three months, the effective date of PA 23-56's provisions on consumer health data privacy and consumer health data controllers; makes corresponding changes to provisions on the attorney general's enforcement authority

§§ 209-219 — DELAYING CHANGES TO MOTOR VEHICLE ASSESSMENT LAWS

Delays, by one year, provisions in a 2022 law that made various changes to motor vehicle taxation and assessment procedures

§§ 220 & 221 — PROHIBITION ON REVIEWS OF RECURRING PRESCRIPTION DRUGS TO TREAT AUTOIMMUNE DISORDERS, MULTIPLE SCLEROSIS, OR CANCER

Prohibits health carriers (e.g., insurers and HMOs) from requiring a prospective or concurrent review of a recurring prescription drug used to directly treat an autoimmune disorder, multiple sclerosis, or cancer that they already approved through utilization review

§ 222 — UTILIZATION REVIEW REQUEST TIME FRAMES

Shortens the maximum timeframes for health carriers to notify an insured or his or her authorized representative about certain utilization review decisions

§§ 223 & 224 — NEWBORN HEALTH INSURANCE COVERAGE

Extends, from 61 days to 91 days after birth, the time period within which an insured person must (1) notify the health carrier about a newborn's birth and (2) pay any required premium or subscription fee to continue the newborn's coverage beyond that period

§§ 225 & 226 — STEP THERAPY PROHIBITIONS

Reduces how long an insurer can require an insured to use step therapy for prescription drugs from 60 to 30 days and prohibits step therapy from January 1, 2024, to January 1, 2027, for drugs used to treat schizophrenia, major depressive disorder, or bipolar disorder

§ 227 — STEP THERAPY TASK FORCE

Establishes a 23-member task force to study step therapy data collection

§§ 228 & 229 — MANAGED CARE ORGANIZATIONS REPORTS AND CONSUMER REPORT CARD

Requires managed care organizations (MCOs) to annually report certain prior authorization and utilization review data, actuarial analyses, and estimated premium savings to the insurance commissioner; requires the commissioner to include some of this information in his annual consumer report card

§ 230 — ELECTRONIC UTILIZATION REVIEW PROCESSING

Requires health care providers participating in a health carrier's network to use the carrier's secure electronic system to process utilization reviews

§§ 231-246, 444, 452 & 454 — BOARDS AND COMMISSIONS REPEAL

Repeals more than 20 boards, commissions, working groups, panels, and task forces

§§ 247-250 — FY 23 BUDGET ADJUSTMENTS

Makes deficiency appropriations and corresponding reductions for FY 23 in the General Fund and Special Transportation Fund

§§ 251-259 — PARTICIPATION BY PHARMACISTS AND INTERNS IN HAVEN'S ASSISTANCE PROGRAM

Makes pharmacists and pharmacy interns eligible for the professional assistance program for health professionals

§ 260 — MUNICIPAL APPROVAL OF CAA AIRPORT PURCHASE

Expands a provision in PA 23-135 that subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located to include instances where the airport is leased and where the municipality controls the airport; additionally requires approval by the municipality that owns or controls the airport; specifies that approval may not be unreasonably withheld

§§ 261-263, 278-281 & 443 — AUTISM SPECTRUM DISORDER (ASD) AND OPM

Makes OPM, rather than DSS, the lead agency to coordinate ASD services and transfers many of DSS's ASD-related duties to OPM

§§ 264-270 — TEMPORARY FAMILY ASSISTANCE (TFA) ELIGIBILITY AND BENEFITS

Modifies TFA requirements, including (1) extending the program's time limit from 21 to 36 months, (2) modifying the criteria for time limit extensions, (3) statutorily raising the asset limit, and (4) disregarding income for certain households

§ 271 — STATE ADMINISTERED GENERAL ASSISTANCE (SAGA) ASSET LIMIT INCREASE

Expands SAGA eligibility by raising asset limits from $250 to $500 for individuals and $500 to $1,000 for married couples

§ 272 — STATE SUPPLEMENT PROGRAM (SSP) BENEFIT START DATE

Aligns the start date for SSP eligibility for a residential care home or rated housing facility resident with the date the person begins residing in the home or facility, subject to a 90-day limit based on when DSS received the application

§ 273 — DSS PAYMENTS TO NON-ICF-ID BOARDING HOMES

Generally caps FY 24 rates at FY 23 levels for room and board at private residential facilities; allows DSS to provide fair rent increases at its discretion beginning for FY 24

§ 274 — DSS PAYMENTS TO ICF-IDS

For ICF-IDs, establishes a methodology for inflationary adjustments, but prohibits inflationary increases for FYs 24 to 26; generally requires rates for FYs 24 to 26 to be based on corresponding cost reports; maintains per diem, per bed rates at $501 for FYs 24 and 25, but eliminates the minimum rate for FY 26, allows DSS to provide discretionary fair rent increases, and requires DSS to determine when an ownership change requires the department to rebase rates

§§ 275 & 291 — NURSING HOME MEDICAID RATES

Requires DSS to issue individualized quality metrics reports to nursing homes; requires DSS to report on rate withholds; makes conforming changes to transition to an acuity-based reimbursement methodology; sets a methodology for determining inflationary adjustments and prohibits these adjustments for FYs 24 and 25 with certain exceptions

§ 276 — FLAT RATE FOR RESIDENTIAL SERVICES

Freezes FY 24 rates at FY 16 levels for residential care homes, community living arrangements, and community companion homes that receive a flat rate rather than a cost-based rate

§ 277 — RESIDENTIAL CARE HOME RATES

Requires DSS to determine FY 24 rates for residential care homes based on 2022 cost report filings; allows rate increases, within available appropriations, for FYs 24 and 25 for certain costs, but prohibits rate increases based on any inflation factor for FY 24; establishes a method to calculate inflationary rate increases in subsequent years; and requires DSS to determine when a change in ownership requires the department to rebase rates

§ 282 — RATES FOR COMPLEX CARE NURSING SERVICES

Requires DSS to raise adult rates for at-home complex care nursing services to equal the pediatric rate and prohibits age-based differentials for these services

§§ 283-285 — EXPANSION OF HUSKY HEALTH BENEFITS TO CHILDREN INELIGIBLE DUE TO IMMIGRATION STATUS

Extends HUSKY health benefits to children ages 15 and under, rather than ages 12 and under, who meet program income limits but are ineligible due to immigration status; requires DSS to study extending coverage to anyone ages 25 and younger under similar conditions; applies third party state subrogation rights to medical assistance provided under these provisions

§§ 286 & 287 — FUNERAL ASSISTANCE FOR PEOPLE WITH LIMITED INCOME

Increases, from $1,350 to $1,800, the maximum amount DSS must pay towards funeral and burial or cremation costs for people with limited income

§ 288 — STATE-CONTRACTED PROVIDERS FOR IDD SERVICES

Authorizes state-contracted providers who received rate increases in FYs 22-23 for wage and benefit increases for employees providing services to people with intellectual disability to use these funds in FY 23 for wage increases for certain intermediate care facility employees

§ 289 — DMHAS GRANT PROGRAM FOR MENTAL HEALTH SERVICES

Allows DMHAS grant funds awarded to hospitals, municipalities, and nonprofit organizations for psychiatric and mental health services to be used for building construction or renovation

§ 290 — CONNECTICUT PARTNERSHIP FOR LONG-TERM CARE ADMINISTRATION

Moves the Connecticut Partnership for Long-Term Care from ADS to OPM

§§ 292 & 293 — THIRD-PARTY LIABILITY FOR MEDICAID PAYMENTS

Codifies two new federal requirements for parties with third-party liability under the state's Medicaid program

§§ 294, 297 & 443 — REPEALED HUMAN SERVICES PROVISIONS

Repeals a limitation on state funds for emergency housing for TFA and SAGA recipients, conforming to practice; repeals an effectively obsolete program (ConnMAP) and a requirement that DSS establish a child health quality improvement program

§ 295 — ENERGY ASSISTANCE VENDOR PAYMENT STANDARDS

Requires DSS to ensure an adequate supply of fuel vendors for LIHEAP by (1) setting pricing standards, (2) reimbursing providers based on the price of fuel on the delivery dates, and (3) allowing vendors to electronically submit their invoices and receive payments; requires payment to a fuel vendor within 10 business days, rather than 30 days as under prior law, after receiving an authorized fuel slip or invoice

§ 296 — MEDICAID PAYMENTS FOR MATERNITY SERVICES

Authorizes the DSS commissioner to implement a bundled payment for maternity services and associated alternative payment methods; requires her to do this to the extent federal law allows, within available appropriations, and in consultation with specified stakeholders

§ 298 — WORKING GROUP ON SKILLED NURSING FACILITY EXCESS LICENSED BED CAPACITY

Requires DSS to (1) appoint and convene a 10-member working group to review and evaluate excess licensed bed capacity at skilled nursing facilities; (2) report to each individual nursing home the implications of the working group's recommendations on the nursing home's Medicaid rate; and (3) recommend Medicaid rate adjustments to address excess licensed bed capacity

§§ 299-301 — SHARING TAX RETURN INFORMATION FOR ACCESS HEALTH OUTREACH

Requires Access Health CT and DRS to enter into a memorandum of understanding to share information so that Access Health CT may do targeted outreach to state residents about enrollment through the exchange

§ 302 — HUSKY C INCOME LIMIT

Expands eligibility for HUSKY C by raising the income limit to 105% of FPL

§ 303 —BIRTH CERTIFICATE AMENDMENTS

Allows people who submit certain documentation to change birth certificates to reflect changes to a parent's legal name

§ 304 — PRISONER OR INMATE NAME CHANGES

Requires the DOC commissioner, chief court administrator, and Board of Pardons and Paroles chairperson to determine a method for inmate name changes and requires the DOC commissioner to report on it to the Judiciary Committee by July 1, 2024

§ 305 — INMATES WITH GENDER INCONGRUENCE

Gives certain rights to inmates with a gender incongruence diagnosis, such as having DOC staff address them based on their gender identity

§§ 306 & 307 — REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES AND GENDER INCONGRUENCE

Expands "reproductive and gender-affirming health care services" to include gender incongruence for various purposes, such as a cause of action for recovery for persons against whom a judgment was entered in another state for their participation in providing or receiving these services that are legal in Connecticut; specifies that the term "gender dysphoria" is based on the most recent American Psychiatric Association's manual

§ 308 — NAME CHANGE FEE ELIMINATION

Eliminates the $250 probate court filing fee to change a person's name

§ 309 — GENDER-AFFIRMING CARE IN HUSKY HEALTH

Requires DSS to (1) consult with those with expertise in gender-affirming care in developing and updating coverage policies for gender-affirming care in the HUSKY Health program and (2) report at least annually on this coverage to the Council on Medical Assistance Program Oversight

§ 310 — PRIVATE SCHOOL CURRICULUM ACCREDITATION

Narrows a requirement that SBE allow a private school's supervisory agent to accept accreditation from a specified accreditation agency by applying the requirement only to Waterbury rather than statewide; also requires the early childhood commissioner to recognize the agency for the same Waterbury school

§§ 311 & 312 — SCHOOL MEAL PROGRAMS

Extends free school meal eligibility to students with a family income below 200% of the federal poverty level who are otherwise ineligible; makes state payment of federal reimbursement grants to school operators in the federal feeding programs required rather than optional (PA 23-208, § 13, repeals these sections)

§ 313 — OPEN CHOICE FUNDS GRANT FOR LEGACY FOUNDATION

Requires, for FYs 24 and 25, the education commissioner to expend $500,000 of remaining Open Choice funds for a grant to The Legacy Foundation for student wrap-around services

§§ 314-317 — REQUIREMENT TO PROPORTIONATELY REDUCE SPECIFIED EDUCATION GRANTS

Extends the requirement that certain education grants be proportionately reduced if the amount appropriated for them does not fully fund them according to their statutory formulas

§ 318 — TRS MEMBERSHIP CRITERIA FOR STATE BOARD OF EDUCATION STAFF

Changes the eligibility criteria for membership in the Teachers' Retirement System for certain SBE professional staff

§§ 319-322 — FAFSA COMPLETION REQUIREMENT FOR HIGH SCHOOL STUDENTS

Beginning with the graduating class of 2025, institutes a FAFSA completion high school graduation requirement; allows a waiver of the requirement; and requires SDE to create the forms to implement the waiver

§§ 323-325 — PRIORITY SCHOOL DISTRICT FUNDING

Ties eligibility for certain population-based supplemental PSD grants to FY 22 population; adds a fourth fiscal year of PSD phase-out grants in FY 24 for former PSDs that received their third year of phase-out grants in FY 23

§§ 326 & 327 — STATE POLICE STING OPERATIONS UNIT REGARDING ONLINE SEXUAL ABUSE OF MINORS

For FYs 25 and 26, requires DESPP to establish an investigative unit within the Internet Crimes Against Children Task Force to conduct sting operations relating to the online sexual abuse of minors; makes related changes to the task force's staffing and duties

§§ 328 & 329 — HVAC AND OUTDOOR ATHLETIC FACILITY MINIMUM REIMBURSEMENT RATES FOR CERTAIN TOWNS

Creates minimum HVAC and outdoor athletic facility school construction reimbursement rates for certain towns

§ 330 — SCHOOL READINESS PROGRAM PER CHILD COST

Extends the FY 21 cap on the school readiness program's per child cost rate through FY 24 and increases it beginning in FY 25

§ 331 — CARE 4 KIDS PROGRAM

Allows the Office of Early Childhood (OEC) to establish a protective service class making certain foster care children, newly adopted children, and homeless children categorically eligible for Care 4 Kids

§ 332 — SMART START COMPETITIVE GRANT PROGRAM

Removes the FY 24 sunset date (i.e., June 30, 2024) for the smart start competitive grant, making the program permanent

§ 333 — MAGNET SCHOOL ENROLLMENT REQUIREMENTS AND REVISING REDUCED ISOLATION STANDARDS

Allows the education commissioner to revise the magnet school reduced isolation standards

§ 334 — GRANTS TO ASSIST SHEFF PROGRAMS

Allows the education commissioner to award grants from existing Sheff settlement funds for four specific purposes

§§ 335 & 336 — GRANTS FOR THE HIRING OF VARIOUS SCHOOL MENTAL HEALTH PERSONNEL

Postpones by one year the dates by which SDE must begin administering the school mental health specialist grant program; removes the requirement that grant recipients in this program and a second related program refund unexpended grant amounts to SDE; adjusts education commissioner reporting dates

§ 337 — GRANT FOR DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Postpones by one year the requirement for SDE to administer a grant program to provide student mental health services to boards of education and youth camp and summer program operators; removes the requirement that grant recipients refund unexpended grant amounts to SDE

§§ 338 & 339 — EARLY CHILDHOOD EDUCATION FUND

Requires the comptroller to establish the fund and charges the OEC commissioner with reporting expenditure recommendations to legislative committees; requires the commissioner to report recommendations from the Blue Ribbon Panel on Child Care

§ 340 — ECS GRANT SCHEDULE

Changes the statutory schedule for ECS grant increases so that currently underfunded towns are fully funded by FY 26 rather than by FY 28; changes the scheduled reductions for overfunded towns by holding the towns harmless for certain years and making the reduction smaller in other years

§§ 341 & 342 — MAGNET SCHOOL GRANT PROGRAMS AND TUITION

Beginning in FY 25, sets a floor for magnet school grant amounts, thus allowing SDE to increase the grant amounts within available appropriations; beginning in FY 25, generally limits the tuition magnet schools can charge sending districts to 58% of the amount charged in the previous year; extends through FY 25 the ban on SDE awarding magnet school grants to schools that do not meet residency and reduced isolation enrollment requirements; makes permanent the requirement that magnet school operators meet these enrollment requirements; renews for FY 24 reduced magnet school tuition payments for certain towns; sunsets a targeted magnet school grant

§ 343 — CHARTER SCHOOL GRANT INCREASES

Increases the per-student state charter school grant for FYs 24-25; makes the FY 25 amount ongoing for future years

§ 344 — VO-AG CENTER GRANTS AND TUITION

Requires, in FY 25 and subsequent years, each vo-ag center grant to be at least the amount indicated in law ($5,200); beginning in FY 25, limits vo-ag center tuition paid by sending towns to 58% of the amount charged in the previous year

§ 345 — OPEN CHOICE GRANT SCHEDULE

Requires that beginning in FY 25 each Open Choice grant be at least the amount indicated in law

§ 346 — SUPPLEMENTAL FUNDING AMOUNTS FOR ECS, CHARTER SCHOOL, MAGNET SCHOOL, OPEN CHOICE, AND VO-AG CENTER GRANTS

Requires SDE to apportion the $150 million appropriated for "Education Finance Reform" in specific amounts for supplemental funds for the following grants: ECS, charter schools, interdistrict magnet schools, Open Choice Program, and agriscience and technology centers

§§ 347-349 — CORPORATION BUSINESS TAX SURCHARGE EXTENSION

Extends the 10% corporation business tax surcharge for three additional years to the 2023, 2024, and 2025 income years

§§ 350 & 351 — HUMAN CAPITAL INVESTMENT TAX CREDIT

Increases the human capital investment tax credit from 5% to 10% (for most eligible investments) and 25% (for eligible child care-related expenditures); expands eligibility to additional child care-related expenses; allows corporations to use the 25% human capital investment credits to reduce up to 70% of their corporation business tax liability, rather than 50.01%

§§ 352 & 353 — FILM AND DIGITAL MEDIA TAX CREDIT

Temporarily increases, for the 2024 and 2025 income years, the redemption rate for film and digital media tax credits claimed against the sales tax from 78% to 92% of the credits' face value; requires production companies and DECD to report certain information on the companies' job creation

§ 354 — FIXED CAPITAL INVESTMENT TAX CREDIT

Allows certain Connecticut-headquartered corporations that own at least 80% of an LLC to claim the fixed capital investment tax credit for amounts the LLC invested in qualifying fixed capital

§§ 355 & 356 — ANGEL INVESTOR TAX CREDITS FOR CANNABIS BUSINESSES

Eliminates the 40% angel investor tax credit for eligible investments in approved cannabis businesses beginning July 1, 2023

§ 357 — HISTORIC HOMES REHABILITATION TAX CREDIT

Changes the taxes against which historic homes rehabilitation tax credits may be claimed

§ 358 — CT-N FUNDING

Increases, by $600,000, the amount of specified tax revenue reserved for CT-N each fiscal year

§ 359 — WORKING GROUP ON THE TAXATION OF REAL AND PERSONAL PROPERTY ON TRIBAL LAND

Establishes a working group to study the taxation of reservation land held in trust for federally recognized Indian tribes and personal property located there

§§ 360-365 & 448 — PASS-THROUGH ENTITY TAX

Starting in 2024, (1) makes the PE tax optional, (2) changes the method for calculating the tax base, (3) eliminates the corporation tax credit for PE taxes paid, and (4) eliminates the option for PEs to file a combined return with one or more commonly-owned PEs; reimposes a requirement that PEs file an income tax return and pay the tax on behalf of any nonresident member for whom the business is the only source of Connecticut income

§ 366 — HIGHWAY USE TAX REPORTING FREQUENCY

Requires carriers subject to the highway use tax to file returns and submit payments quarterly, rather than monthly, starting with the fourth quarter of 2023

§ 367 — DIESEL FUEL TAX RATE FREEZE

Sets the FY 24 diesel fuel tax rate at 49.2 cents per gallon, which is the same as the FY 23 rate

§§ 368 & 370 — TAXATION OF AVIATION FUEL

Exempts sales of aviation fuel from the petroleum products gross earnings tax (PGET) starting July 1, 2023, and subjects it to a new aviation fuel tax of 15 cents per gallon starting July 1, 2025

§§ 369 & 371 — CONNECTICUT AIRPORT AND AVIATION ACCOUNT AND CONNECTICUT AIRPORT AUTHORITY FUNDING

Transfers $8 million from the STF to the Connecticut airport and aviation account in each of FYs 24 and 25, contingent on CAA entering into a management agreement for Sikorsky Airport; starting in FY 26, deposits aviation fuel tax revenue into the airport and aviation account

§ 372 — TAX CREDIT FOR PRE- AND POST-BROADWAY PRODUCTIONS AND LIVE THEATRICAL TOURS

Establishes a new tax credit for production companies of eligible theater productions performed at qualified facilities in Connecticut; caps the total credits allowed at $2.5 million per fiscal year

§ 373 — UNCLAIMED BOTTLE BILL DEPOSITS REMITTED TO GENERAL FUND

Shifts the timing of the required remittance of unclaimed bottle bill deposits to the General Fund for FY 24; for FY 25, reduces the required quarterly remittance from 55% to 50%; beginning in FY 26, ties the required remittance to the average statewide redemption rate for the preceding fiscal year

§ 374 — TAX GAP ANALYSIS AND STRATEGY AND DRS PLAN

Requires DRS to (1) estimate the state's tax gap, develop a strategy to reduce the gap, and evaluate related staffing needs; (2) report information on this estimate and strategy to the legislature; and (3) publish a plan for the agency for closing the tax gap

§ 375 — TAX INCIDENCE REPORT

Expands the scope of DRS's biennial tax incidence report by requiring that the report include (1) the PE tax and other taxes generating at least $100 million and (2) additional information on tax burden distribution, effective tax rates, and tax credit and modification distribution

§ 376 — PERSONAL INCOME TAX RATES

Starting with the 2024 tax year, decreases the bottom two marginal income tax rates from (1) 3% to 2% and (2) 5% to 4.5%; gradually eliminates the benefit of the act's decreased marginal rates for taxpayers with taxable incomes exceeding $105,000 (single filers and married filing separately), $168,000 (heads of household), or $210,000 (joint filers)

§ 377 — RETIREMENT INCOME EXEMPTIONS

Starting in 2024, extends eligibility for the pension and annuity and IRA income tax exemptions to taxpayers with federal AGIs of at least (1) $100,000 but less than $150,000 for joint filers and (2) $75,000 but less than $100,000 for other filing statuses; gradually reduces the exemption for these taxpayers until it fully phases out at $100,000 or $150,000, as applicable

§§ 377 & 379 — CANNABIS BUSINESS EXPENSES DEDUCTION

Allows cannabis licensees to deduct, for state personal income or corporation business tax purposes, ordinary and necessary business expenses that would otherwise be eligible for a federal tax deduction but are disallowed because marijuana is a banned controlled substance

§ 378 — EARNED INCOME TAX CREDIT INCREASE

Increases the state EITC from 30.5% to 40% of the federal credit

§ 380 — SALES AND USE TAX EXEMPTION FOR NONPRESCRIPTION OPIOID ANTAGONISTS

Exempts nonprescription opioid antagonists from the state sales and use tax

§ 381 — GAAP DEFICIT

Deems that $1 is appropriated in FYs 24-25 to pay off the state's GAAP deficit

§ 382 — TRANSFER OF FY 24 GENERAL FUND REVENUE TO FY 25

Requires the state comptroller to transfer $95 million of FY 24 General Fund resources for use in FY 25

§§ 383-385 — TRANSFERS FROM GENERAL FUND

Transfers specified amounts from the General Fund to other appropriated funds in FYs 24 and 25

§ 386 — TASK FORCE TO REVIEW BOARDS OF ASSESSMENT APPEALS PROCEEDINGS

Establishes a seven-member task force to review boards of assessment appeals proceedings and report to the legislature by January 1, 2024

§ 387 — TASK FORCE ON BUILDING INSPECTION TIMELINESS

Establishes a seven-member task force to study the timeliness of building inspections required for building permits and report to the legislature by January 1, 2024

§§ 388 & 389 — STATE TREASURER AND INVESTMENT ADVISORY COUNCIL

Expands the investment-related job titles for which the state treasurer may set compensation; eliminates a prohibition on IAC members contracting with or providing investment services for state trust funds but requires that they recuse themselves from related discussions or votes

§§ 390-392 — CORPORATION STOCK SHARE PLAN

Creates tax incentives for eligible corporations offering an employee stock-sharing arrangement that distributes their common stock to participating employees (i.e., offering a "share plan"); exempts from state personal income tax any share plan stock taxpayers receive; requires DRS to study the share plan program and report its findings to the legislature by December 15, 2023

§§ 393-395 — XL CENTER

Allows CRDA to enter into two separate agreements concerning the XL Center's (1) management and operation and (2) reconstruction and renovation; eliminates a requirement that the OPM secretary, on the state's behalf, enter into an agreement with CRDA on the proceeds from operating retail sports wagering at the XL Center

§ 396 — CONNECTICUT AIRPORT AUTHORITY REPORT

Requires CAA to annually report to the legislature on airport finances and acquisition, closure, and expansion plans

§§ 397-409 — REVENUE ESTIMATES

Adopts revenue estimates for FYs 24 and 25 for appropriated state funds

§§ 410-418 — STATE VOTING RIGHTS ACT

Prohibits election methods that impair a protected class member's right to vote or dilute their vote; authorizes the secretary of the state and others to file a court action and authorizes the court to impose tailored remedies for violations; creates a statewide election database; establishes requirements for municipal language assistance; establishes a preclearance process requiring certain jurisdictions to get approval for certain election-related policies; prohibits intimidation, deception, or obstruction related to voting; allows aggrieved parties to seek remedies in court

§ 419 — STANDARD WAGE LAW

Modifies the state's standard wage law to, among other things, (1) require contractors covered by the law to meet certain notice posting requirements, (2) specify which benefits are covered by the 30% surcharge that contractors must pay under certain circumstances, and (3) allow aggrieved employees to bring a civil action in Superior Court

§§ 422 & 428 — COOPERATIVE PURCHASING AND PURCHASES FROM OTHER STATES

Allows state agencies, with DAS approval, to make purchases directly from other states; expands the circumstances under which UConn and CSCU may make cooperative purchases

§ 423 — EXEMPTION FROM POSTING CONTRACTS ONLINE

Exempts, from a requirement that DAS post on its website any goods or services contract entered into without competitive bidding or competitive negotiation, minor nonrecurring or emergency purchases of $25,000 or less

§ 424 — FILINGS BY STATE INFORMATION TECHNOLOGY CONTRACTORS

Eliminates a requirement that state IT contractors file a copy of executed subcontracts or subcontract amendments with the DAS commissioner

§§ 425, 426 & 429 — COMPETITIVE PROCESSES FOR GOODS AND SERVICES PURCHASES

Increases, for UConn, CSCU, and state agencies, the thresholds at which (1) goods and services procurements must be advertised online (from $50,000 to $100,000) and (2) competitive bidding may be waived for minor purchases (from $10,000 to $25,000); increases the threshold at which the Standardization Committee must approve a competitive bidding waiver for certain emergency procurements

§ 427 — NONDISCRIMINATION AFFIRMATION

Allows state contractors to affirm their understanding of the law's nondiscrimination requirements with respect to sexual orientation by signing the contract

§ 430 — UCONN CAPITAL PROJECTS

For UConn construction manager at-risk projects to renovate existing buildings or facilities, allows (1) certain work to begin before the project's guaranteed maximum price (GMP) is determined and (2) a separate GMP to be determined for each phase of a multi-phase project

§§ 431 & 432 — UCONN CONTRACTOR PREQUALIFICATION

Generally increases the threshold requiring separate contractor prequalification by UConn to $1 million for capital projects; eliminates a requirement that the university separately prequalify contractors for each project and instead allows UConn to prequalify contractors for one year and renew the prequalification for two years

§§ 433-437 — DAS CONTRACTOR PREQUALIFICATION AND RELATED THRESHOLDS

Increases, from $500,000 to $1 million, several thresholds relating to DAS contractor prequalification; requires contractors and substantial subcontractors to include specified information in their bids for DAS contracts of more than $500,000 but less than $1 million; requires DAS to hold an annual training on state contracting requirements

§ 449 — FY 23 ARPA TRANSFER ELIMINATED

Eliminates the FY 23 transfer of $314.9 million in ARPA funds to the General Fund

§§ 1-13 — FY 24 AND FY 25 APPROPRIATIONS

Appropriates money for state agency operations and programs for FYs 24 and 25

The act appropriates money for state agency operations and programs in FYs 24 and 25. The table below shows the net annual appropriations for each year from each appropriated fund.

FY 24 and FY 25 Net Appropriations by Fund

§	Fund	Net Appropriation	
		FY 24	FY 25
1	General Fund	$22,105,580,970	$22,805,856,723
2	Special Transportation Fund	2,148,400,525	2,286,389,891
3	Mashantucket Pequot and Mohegan Fund	52,541,796	52,541,796
4	Banking Fund	34,759,959	35,832,606
5	Insurance Fund	104,441,098	135,210,679
6	Consumer Counsel and Public Utility Control Fund	36,917,566	37,943,087
7	Workers' Compensation Fund	28,835,998	29,128,141
8	Criminal Injuries Compensation Fund	2,934,088	2,934,088
9	Tourism Fund	17,494,453	16,144,453
10	Cannabis Social Equity and Innovation Fund	5,800,000	10,200,000
11	Cannabis Prevention and Recovery Services Fund	2,358,000	3,358,000
12	Cannabis Regulatory Fund	10,096,526	10,247,420
13	Municipal Revenue Sharing Fund	568,645,047	568,645,047

EFFECTIVE DATE: July 1, 2023

§§ 14 & 15 — SPENDING REDUCTIONS AND BUDGETED LAPSES

Allows the OPM secretary to reduce spending in the executive and judicial branches of government to achieve unallocated lapses in the General Fund

For FYs 24 and 25, the act allows the Office of Policy and Management (OPM) secretary to reduce allotments for the executive and judicial branches of government to achieve budgeted lapses in the General Fund as shown in the table below. (The reduction in General Fund expenditures for executive branch personal services corresponds to the "Reflect Historical Staffing" lapse in § 1.) Under the act, judicial reductions must be as determined by the chief justice and chief public defender.

FY 24 and FY 25 Spending Reductions by Branch

	General Fund		General Fund – Personal Services	
Branch	FY 24	FY 25	FY 24	FY 25
Executive	$48,715,570	$48,715,570	$80,000,000	$129,000,000
Judicial	5,000,000	5,000,000	-	-

EFFECTIVE DATE: July 1, 2023

§ 16 — FEDERAL REIMBURSEMENT FOR DCF AND DSS PROJECTS

Authorizes DSS and DCF to establish receivables for anticipated federal reimbursement

For FYs 24 and 25, the act allows the departments of Children and Families (DCF) and Social Services (DSS), with OPM's approval, to establish receivables for the anticipated federal reimbursement for approved projects. They must do so in compliance with any advanced planning documents approved by the federal Department of Health and Human Services.
EFFECTIVE DATE: July 1, 2023

§ 17 — APPROPRIATIONS FOR "NONFUNCTIONAL – CHANGE TO ACCRUALS" LINE ITEM ACCOUNTS

Bars the OPM secretary from allotting funds from the "Nonfunctional – Change to Accruals" line item accounts in the state's appropriated funds

The act bars the OPM secretary from allotting funds from the "Nonfunctional – Change to Accruals" line item accounts in the state's appropriated funds, regardless of the law requiring the governor, through OPM, to allot appropriations before they can be spent. These line items represent the change to accruals in agency budgets due to the conversion to generally accepted accounting principles (GAAP)-based budgeting.
EFFECTIVE DATE: July 1, 2023

§ 18 — AUTHORITY TO TRANSFER FUNDS TO AND FROM THE RESERVE FOR SALARY ADJUSTMENTS ACCOUNT

Allows the OPM secretary to transfer specified funds to implement and account for adjustments to various personal services expenses

The act authorizes the OPM secretary to transfer the following:

1. personal services appropriations in any appropriated fund from agencies to the Reserve for Salary Adjustments account to provide for collective bargaining's impact and related costs and
2. General Fund appropriations for Reserve for Salary Adjustments to any agency in any appropriated fund to implement salary increases; other employee benefits; agency costs related to staff reductions, including accrual payments; agency personal services reductions; or any other authorized personal service adjustment.

EFFECTIVE DATE: July 1, 2023

§ 19 — COLLECTIVE BARGAINING AGREEMENT COSTS

Carries forward the unexpended portion of appropriated funds related to collective bargaining agreements and related costs and requires that the funds be used for the same purposes in FYs 24 and 25

The act carries forward the unexpended funds appropriated in the FY 22-23 budget that relate to collective bargaining agreements and related costs, as determined by the OPM secretary, and requires that the funds be used for the same purpose in FYs 24 and 25. It similarly carries forward the same unexpended funds appropriated for FY 24 and requires that they be used for the same purpose in FY 25.
EFFECTIVE DATE: July 1, 2023

§§ 20 & 21 — APPROPRIATION TRANSFERS AND ADJUSTMENTS TO MAXIMIZE FEDERAL MATCHING FUNDS

Authorizes the governor, subject to specified conditions, to transfer or adjust agency appropriations to maximize federal matching funds

The act allows the governor, with the Finance Advisory Committee's (FAC) approval, to transfer all or part of an agency's appropriation at the agency's request to another agency to take advantage of federal matching funds. Under the act, both agencies must certify that the receiving agency will spend the transferred appropriation for its original purpose. Federal funds generated from such transfers can be used to reimburse spending, expand services, or both as the governor determines with FAC approval.

The act also allows the governor, with FAC approval, to adjust agency appropriations to maximize federal funding to the state.
EFFECTIVE DATE: July 1, 2023

§ 22 — DSS PAYMENTS TO DMHAS HOSPITALS

Specifies how (1) DSS must spend appropriations for certain DMHAS hospital payments and (2) hospitals must use the funds they receive from DMHAS

The act requires DSS to (1) spend money appropriated to it for "Department of Mental Health and Addiction Services (DMHAS) – Disproportionate Share" payments when and in the amounts OPM specifies and (2) make disproportionate share payments to DMHAS hospitals for operating expenses and related fringe benefits. It requires the hospitals to (1) use the funds they receive from DMHAS for fringe benefits to reimburse the comptroller and (2) deposit the other DMHAS funds they receive into "grants – other than federal accounts." Unspent disproportionate share funds in these accounts lapse at the end of each fiscal year.
EFFECTIVE DATE: July 1, 2023

§ 23 — TRANSFER FOR BIRTH-TO-THREE PROGRAM

Requires SDE to transfer certain federal special education funds to OEC for the Birth-to-Three Program

For FYs 24 and 25, the act requires the State Department of Education (SDE) to transfer $1 million of the federal special education funds it receives each year to the Office of Early Childhood (OEC) for the Birth-To-Three Program to carry out federally required special education responsibilities.
EFFECTIVE DATE: July 1, 2023

§ 24 — PRIORITY SCHOOL DISTRICT GRANTS

Distributes PSD grants for FYs 24 and 25

The act distributes priority school district (PSD) grants for FYs 24 and 25 across three categories as shown in the table below.

PSD Grant Funding Distribution

Category	*FY 24*	*FY 25*
Priority school districts	$30,818,778	$30,818,778
Extended school building hours	2,919,883	2,919,883
School accountability	3,412,207	3,412,207

By law, the PSD program provides grants to districts (1) in the eight towns with the largest population in the state or (2) whose students receive low standardized test scores and have high levels of poverty.
EFFECTIVE DATE: July 1, 2023

§ 25 — DCF-LICENSED PRIVATE RESIDENTIAL TREATMENT FACILITIES

Suspends rate adjustments for DCF-licensed private residential treatment facilities

For FYs 24 and 25, the act suspends per diem and other rate adjustments for private residential treatment facilities licensed by DCF.
EFFECTIVE DATE: July 1, 2023

§ 26 — GRANT TO SALVATION ARMY BOYS AND GIRLS CLUB OF NEW LONDON

Redirects a $100,000 carryforward from FY 20-21 appropriations to DECD for a grant to the Salvation Army Boys and Girls Club of New London, rather than the Boys & Girls Club of Southeastern Connecticut

The FY 22-23 budget act carried forward unspent balances from FY 20-21 appropriations for designated accounts and transferred them to specified purposes in FYs 22 and 23. This act modifies one of these transfers by redirecting a $100,000 Department of Economic and Community Development (DECD) grant in each of FYs 22 and 23 to the Salvation Army Boys and Girls Club of New London rather than the Boys & Girls Club of Southeastern Connecticut.
EFFECTIVE DATE: Upon passage

§§ 27-28, 32, 37 & 41-45 — CARRYFORWARDS AND TRANSFERS

Carries forward certain agencies' unspent funds and requires that they be used in FYs 24-25

FY 24 Appropriations Carried Forward to FY 25 (§§ 27 & 28)

As shown in the table below, the act carries forward amounts appropriated in FY 24 and requires that they be used for specified purposes in FY 25 rather than lapsing at the end of FY 24.

FY 24 Appropriations Carried Forward to FY 25 for a Different Purpose

§	Agency	FY 24 Purpose	FY 25 Purpose	Amount
27	Department of Administrative Services (DAS)	Rents and Moving	Emergency vehicle operations course for the Department of Emergency Services and Public Protection	Up to $1 million
28	Department of Labor (DOL)	Connecticut Youth Employment Program	Same as FY 24	Unspent balance

Prior Years' Appropriations Carried Forward for a Different Purpose (§§ 32, 37, 42-43 & 45)

As shown in the table below, the act carries forward prior years' appropriations to FY 24 and requires that they be used for other purposes in the same agency.

Funds Carried Forward for a Different Purpose

§	Agency	Prior Purpose	New Purpose	Amount
32	DOL	Workforce Investment Act	Personal services: to support additional unemployment insurance program costs	Up to $3,323,985
37	Department of Energy and Environmental Protection	Other Expenses: for a grant to Batterson Park	Conducting a study (up to $650,000) and actions deemed necessary as a result of the study (the remainder)	Unspent balance
42	OEC	Early care and education account	Care4Kids TANF/CCDF account: to pay the family child care provider agreement's costs	Up to $7,800,000
43	Department of Housing	Housing and homeless services account	Emergency rental assistance program administration	Up to $2,000,000
45	DECD	Other Expenses: for a grant to Sprague for streetscape improvements	Grant to Sprague for recreation field and park lighting	Unspent balance

Funds Carried Forward From FY 23 Unspent Funds (§ 41(a)-(c))

The act requires the OPM secretary to identify $339,572,439 in unspent funds from FY 23 General Fund appropriations. It carries forward these funds and transfers them to various agencies for specified purposes enumerated under the act, totaling $266.1 million in FY 24 and $73.5 million in FY 25. These transfers include (1) a total of $195 million over the biennium to UConn, UConn Health, and the Connecticut State Colleges and Universities (CSCU) for temporary operating support; (2) $53.3 million to OPM in FY 24 for one-time support to private providers; and (3) $32 million to DSS in FY 24 for temporary grants to federally qualified health centers and look-alikes.

Under the act, the unspent balance of these transferred amounts available for FY 24 does not lapse and is available in FY 25 for the same purposes specified under the act.

Funds Carried Forward From FY 20-21 Appropriations (§§ 41(d) & 44)

The FY 22-23 budget act carried forward certain unspent balances from FY 20-21 appropriations and transferred them to specified purposes in FYs 22 and 23. Under this act, these amounts do not lapse and must continue to be available in FY 24 for the same purposes with certain exceptions for specified carry forwards transferred for different purposes under the act (see §§ 27, 37, and 42-45).

It also specifically carries forward the unspent balance of the FY 20-21 appropriation carried forward and transferred to DECD to support the establishment of nonstop air service to Jamaica for the same purpose in FY 24 (§ 44).

EFFECTIVE DATE: Upon passage, except two of the DECD carryforwards (§§ 44 & 45) are effective July 1, 2023.

§§ 29 & 30 — FY 23 APPROPRIATION FOR REDEEMING OUTSTANDING GAAP BONDS

Appropriates $211.7 million from the General Fund in FY 23 for debt service payments and reserves this amount to redeem the outstanding GAAP bonds

The act appropriates $211.7 million from the General Fund in FY 23 for debt service payments and reserves this amount to redeem outstanding GAAP bonds issued in 2013. Under the act, the unspent balance of this appropriation is carried forward to FY 24 for the same purpose.

EFFECTIVE DATE: Upon passage

§ 31 — DECD APPROPRIATION FOR THE MUNICIPAL REDEVELOPMENT AUTHORITY

Allows FY 24-25 appropriations to DECD for MRDA to be used for MRDA's personal services and fringe benefit expenses

The act allows the FY 24-25 appropriations to DECD for the Municipal Redevelopment Authority (MRDA) to be used to support personal services and fringe benefit costs for MRDA's staff during those fiscal years.

EFFECTIVE DATE: July 1, 2023

§ 33 — PROBATE COURT ADMINISTRATION FUND

Requires that the fund's balance at the end of FY 23 remain in the fund rather than be transferred to the General Fund

Under existing law, if there is a balance in the Probate Court Administration Fund on June 30 exceeding 15% of its authorized expenditures in the coming fiscal year, then that excess is transferred to the General Fund. The act suspends this provision for FY 23 by requiring that any balance in the fund as of June 30, 2023, remain there.

EFFECTIVE DATE: Upon passage

§ 34 — DISTRIBUTION FROM TOBACCO SETTLEMENT FUND TO TOBACCO LITIGATION SETTLEMENT ACCOUNT

Distributes $550,000 from the Tobacco Settlement Fund to the tobacco litigation settlement account for the Office of the Attorney General's tobacco enforcement activities in FYs 24-25

The act requires $550,000 to be distributed from the Tobacco Settlement Fund to the tobacco litigation settlement account for the Office of the Attorney General's tobacco enforcement activities in FYs 24-25.

EFFECTIVE DATE: July 1, 2023

§ 35 — ANAEROBIC DIGESTER PROJECT IN FRANKLIN

Specifies how $4.3 million in farm manure management system program funds must be distributed to farms associated with an anaerobic digester project in Franklin

PA 22-118 transferred $5 million in FY 23 from the community investment account to the Department of Agriculture (DoAg) for a farm manure management system program. The act requires $4.3 million of these funds to be distributed to specified farms that are associated with the anaerobic digester project in Franklin. DoAg must distribute these grants by July 12, 2023.
EFFECTIVE DATE: Upon passage

§§ 36 & 47 — RESERVED AMOUNTS FROM LINE ITEM APPROPRIATIONS

Reserves certain amounts from line items in agency budgets for various purposes in FYs 24 and 25

As shown in the table below, the act reserves certain amounts from line items in the State Department of Education (SDE) and State Library budgets for various purposes in FYs 24 and 25.

Reserved Amounts for FY 24 and FY 25 Line Item Appropriations

§	Agency	Appropriation For	Reserved For	Amount	
				FY 24	FY 25
36	State Library	Other Expenses	Grants (in equal amounts) to (1) United Way of Central and Northeastern Connecticut for the Dolly Parton Imagination Library; (2) Read to Grow; and (3) Reach Out and Read	$500,000	$500,000
47 (various subsections)	SDE	Other Expenses	Grants to various specified youth organizations and programs	3,270,000	2,870,000
47(h)	SDE	Other Expenses	Robotics	75,000	75,000
47(j)	SDE	Other Expenses	ECE recruitment and after school K-2 reading tutoring	2,000,000	2,000,000
47(z)	SDE	Other Expenses	Virtual reality study	100,000	--
47(AA)	SDE	Other Expenses	Thompson Alliance District	200,000	200,000
47(BB)	SDE	Family Resource Center	Alliance districts	50,000	--
47(CC)	SDE	Other Expenses	Promotion and marketing of teaching	487,500	487,500
47(DD)	SDE	Magnet Schools	Grant to Capitol Region Education Council for operating expenses	1,000,000	--
47(EE)	SDE	Magnet Schools	To SDE to cover certain magnet school tuition costs	3,000,000	--

EFFECTIVE DATE: July 1, 2023, except the State Library provision is effective upon passage.

§ 38 — MASHANTUCKET PEQUOT AND MOHEGAN FUND GRANTS

Allocates the total grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund for FYs 24 and 25

For FYs 24 and 25, the act specifies the grant amounts paid to municipalities from the Mashantucket Pequot and Mohegan Fund, totaling $52.5 million annually in FYs 24 and 25. In doing so, it overrides the statutory formulas for the grants but expressly subjects them to the laws that hold back all or part of the grant for the following purposes:

1. a school or associated athletic team under its school board's jurisdiction using Native American names, symbols,

or images without tribal consent (CGS § 3-55j(l));
2. failing to send the state the portions of fees the municipality collects from applicants for a planning, wetlands and watercourse, and coastal permit (CGS § 22a-27j); and
3. failing to conduct a timely revaluation (CGS § 12-62(d)).

EFFECTIVE DATE: July 1, 2023

§§ 39 & 40 — YOUTH SERVICES PREVENTION AND YOUTH VIOLENCE INITIATIVE GRANTS

Specifies how a portion of the funds appropriated to the judicial branch for Youth Services Prevention and Youth Violence Initiative grants must be distributed

The act appropriates to the judicial branch for FYs 24 and 25 (1) $7.28 million per year for Youth Services Prevention and $5.45 million per year for the Youth Violence Initiative (§ 1). For certain organizations, it specifies each organization's (1) FY 24 Youth Services Prevention grant amount, totaling $7.05 million, and (2) FY 24 and 25 Youth Violence Initiative grant amounts, totaling $4.56 million in each year.

EFFECTIVE DATE: July 1, 2023

§ 46 — ARPA ALLOCATION FOR THE CONNECTICUT SUMMER AT THE MUSEUM PROGRAM

Requires at least $3.5 million of the ARPA allocation to DECD for the Connecticut Summer at the Museum Program to be used for grants to for-profit entities as part of the program

The act requires at least $3.5 million of the American Rescue Plan Act (ARPA) allocation to DECD for the Connecticut Summer at the Museum Program to be made available for grants to for-profit entities as part of the program.

EFFECTIVE DATE: July 1, 2023

§§ 48 & 49 — ARPA ALLOCATION ADJUSTMENTS

Modifies previous ARPA funding allocations and adds new allocations for FYs 23-25

The act adjusts ARPA funding allocations for FYs 22-25 by doing the following:
1. adding allocations for FYs 24 and 25 for initiatives and programs that previously received allocations for FYs 22 and 23,
2. adding allocations for FYs 23-25 for new initiatives and programs,
3. eliminating certain allocations for FYs 22 and 23,
4. adjusting previous allocation amounts for specified programs, and
5. changing the purposes for which previous allocations may be used.

EFFECTIVE DATE: Upon passage

§§ 50 & 51 — BRISTOL AND DAY KIMBALL HOSPITALS

Reserves specified amounts for payments to Bristol Hospital and Day Kimball Hospital to support the development and implementation of plans for maintaining their health services and a path to financial viability

The act reserves specified amounts from FY 24-25 General Fund appropriations and ARPA allocations and requires that they be paid to Bristol and Day Kimball hospitals by September 30, 2023, to help them each prepare a plan. The plan must be for (1) maintaining essential health services aligned with community need and the most current community needs health assessment and (2) creating a path to financial viability. Specifically, it reserves (1) $2.5 million of DSS's FY 24 General Fund appropriation for Bristol Hospital's plan and (2) $4 million of ARPA funding allocated to DSS for FY 24 for Day Kimball Hospital's plan.

Under the act, the plans must consider the feasibility of providing access to 24-hour emergency services, obstetrics, behavioral health, population-relevant specialty care, and primary care services. Each hospital must submit its finished plan to the OPM secretary. After the OPM secretary approves the plan in consultation with DSS, the Department of Public Health (DPH), and Office of Health Strategy, DSS must pay an additional (1) $2.5 million of its FY 24 General Fund appropriation to Bristol Hospital and (2) $4 million of its FY 24 ARPA allocation to Day Kimball Hospital to implement its plan.

The act also reserves an additional $2 million of DSS's FY 25 General Fund appropriation and $2 million of its FY 25 ARPA allocation and requires that it be paid to Bristol Hospital and Day Kimball Hospital, respectively, for activities related to implementing the approved plan. Under the act, DSS may only make these additional payments if the OPM secretary certifies that progress is being made toward implementing the plan with a clear path to financial viability.
EFFECTIVE DATE: Upon passage

§ 52 — RURAL SPEED ENFORCEMENT GRANT PROGRAM

Extends a DESPP grant program for speed enforcement on rural roads to eligible municipalities without a law enforcement unit or resident state trooper

Existing law requires the Department of Emergency Services and Public Protection (DESPP), within available resources, to administer a municipal grant program for speed enforcement activities on rural roads. Municipalities eligible for grants under prior law were those with a population of less than 25,000 and that had a law enforcement unit or resident state trooper. The act removes the requirement that these municipalities have a law enforcement unit or resident state trooper.

By law, eligible municipalities must apply to the program as DESPP prescribes. Program grants are capped at $5,000, but municipalities may receive up to 10 grants. DESPP must continue to award grants until all resources dedicated to the program are spent.
EFFECTIVE DATE: July 1, 2023

§ 53 — AMBULANCE RATES

Requires the DPH commissioner to increase the maximum allowable rates by 10% in FY 24 for licensed and certified ambulance services, invalid coaches, and paramedic intercept services

For FY 24, the act requires the DPH commissioner to increase by 10% the maximum allowable rates for licensed and certified ambulance services, invalid coaches, and paramedic intercept services.
EFFECTIVE DATE: Upon passage

§ 54 — HOSPITAL NURSE STAFFING PLANS

Requires hospitals to report biannually, instead of annually, on their prospective nurse staffing plans and expands the plan's required contents

By law, hospitals must report on their prospective nurse staffing plans to the Department of Public Health (DPH), along with a written certification that the plan is sufficient to provide adequate and appropriate patient health care services in the ensuing hospital licensure period.

The act modifies requirements for these plans by (1) requiring hospitals to report to DPH biannually, by each January 1 and July 1, instead of annually, as under prior law; (2) requiring hospitals to post their plans on each patient care unit in a conspicuous location visible and accessible to staff, patients, and the public; and (3) expanding their required contents.
EFFECTIVE DATE: October 1, 2023

Plan Contents

In addition to the information the law already requires (e.g., nurse and administrative staffing levels and minimum professional skill mix for patient care units), starting January 1, 2024, the act requires plans to include the following:

1. information on hospital staff objections or refusals to comply with the nurse staffing plan that were communicated to the hospital staffing committee (see below);
2. measurements of and evidence to support the plan's successful implementation;
3. direct care registered nurse (RN) staff retention, turnover, and recruitment metrics, including the (a) turnover rate per hospital unit during the prior 12 months and (b) average years of experience of permanent direct care RN staff per unit;
4. the number of times since the last plan submission that the hospital was non-compliant with the plan, including the plan's nurse staffing ratios and a description of how and why the hospital was non-compliant and the hospital's plans to avoid future noncompliance; and

5. certification that the hospital and its hospital staffing committee are meeting the act's requirements and a description of how each requirement is being met.

§ 54 — HOSPITAL STAFFING COMMITTEES

Modifies the composition, leadership, and selection of hospital staffing committee membership; establishes criteria the committees must consider when developing hospital nurse staffing plans; sets related notification, recordkeeping, and compensation requirements

By law, hospitals must establish a dedicated hospital staffing committee to help prepare its annual nurse staffing plan, and at least 50% of its members must be direct care RNs the hospital employs. The act further requires (1) direct care RNs to be an odd number and one more than the total number of non-direct care RNs on the committee membership and (2) that each committee include broad-based representation across hospital services.

Under the act, when RNs are members of a collective bargaining unit, the collective bargaining unit must select the direct care RNs who will account for at least 50% of the committee membership. It expressly provides that doing so cannot be construed to allow conduct prohibited under the National Labor Relations Act or the State Employee Relations Act. A collective bargaining unit representative must also provide the hospital with a list of multiple names of direct care RNs from which hospital management must select the one additional member beyond the 50%.

Direct care RNs who are not members of a collective bargaining unit must be selected for the committee through a process the hospital's direct care RNs determine. The act requires the hospital staffing committee that existed before October 1, 2023, to seek feedback from all direct care RNs the hospital employs on what the process should entail. The direct care RNs who are members of this committee must decide, by majority vote, the parameters of the process. Hospital management must select the remaining committee members.

The act requires the hospital staffing committee, when developing the nurse staffing plan, to (1) evaluate the most recent patient outcomes research, (2) share with hospital staff the procedures for communicating concerns about the plan and staffing assignments, and (3) review all reports communicated to the committee on these concerns or any RN's objection or refusal to participate in a staffing assignment.

EFFECTIVE DATE: October 1, 2023

Compensation

The act requires hospitals to pay its employees who serve on the committee their regular pay rate, including differentials, for doing so and consider, to the extent possible, the time the employees serve on the committee as part of their regularly scheduled workweek. It also requires hospitals to ensure that direct care RNs have coverage to attend committee meetings.

Leadership and Meetings

The act requires each hospital staffing committee to have two co-chairpersons with direct patient care experience, as follows: (1) one elected by committee members who are not direct care RNs and (2) one direct care RN elected by the committee's direct care RNs.

It also requires the committee to take minutes of every meeting and, upon request, (1) make them available to any hospital staff member and (2) submit them to DPH.

Under the act, a majority of members constitutes a quorum for conducting committee business. The committee must make decisions by a majority vote of its members at the meeting. If a quorum is an equal number of members who are and who are not direct care RNs, a sufficient number of non-direct care RNs must abstain from voting to allow direct care RNs to be a majority of the voting members.

Notification

The act requires hospitals to notify nurses, on their hire date and annually after that, about the hospital staffing committee, including (1) its purpose; (2) the criteria and process for becoming a member; (3) the hospital's internal review process for the nurse staffing plan; and (4) the hospital's mechanism for obtaining input from direct care staff, including direct care RNs and other members of patient care teams, in developing the plan.

Records

The act requires hospitals to maintain accurate records for at least the prior three years on the ratios of patients to (1) direct care RNs per patient care unit per shift and (2) assistive personnel providing patient care per patient care unit per shift. The records must also include the number of:

1. patients in each unit on each shift,
2. direct care RNs assigned to each patient in each unit on each shift, and
3. assistive personnel providing patient care assigned to each patient in each unit on each shift.

Hospitals must also make the records available, upon request, to DPH, hospital staff and patients, collective bargaining units representing staff, and the public.

Under the act, "assistive personnel" are non-licensed personnel who provide specific delegated patient care activities.

§ 54 — HOSPITAL NONCOMPLIANCE WITH NURSE STAFFING REQUIREMENTS

Requires hospitals to biannually report to DPH on their compliance with nurse staffing assignments in their nurse staffing plans; requires DPH to investigate complaints regarding nurse staffing plan violations and, when appropriate, issue orders of noncompliance that require hospitals to implement corrective action plans and pay civil penalties; allows DPH to audit nurse staffing assignments

Biannual Report

The act requires each hospital, by October 1, 2024, and biannually after that, to report to DPH, as the commissioner prescribes, whether it has complied in the past six months with at least 80% of nurse staffing assignments in its nurse staffing plan.

DPH Orders for Noncompliance

If a hospital fails to (1) establish or maintain a hospital staffing committee, (2) submit a biannual compliance report to DPH, (3) post the staffing plan, or (4) comply with at least 80% of the nurse staffing assignments in its nurse staffing plan, the act requires the DPH commissioner to issue an order that does the following:

1. requires the hospital to submit and implement a corrective action plan unless DPH disapproves the plan within 20 business days after the hospital submits it and
2. imposes a civil penalty of $3,500 for the first violation and $5,000 for subsequent violations.

Hearings

If a hospital contests the DPH order, it must submit a written request for a hearing to DPH within five business days after receiving the order. If the hospital fails to do so within that time, the order is deemed final.

Under the act, if DPH receives a hearing request, it must be conducted as a contested case proceeding under the Uniform Administrative Procedure Act (UAPA).

Civil Penalties

The act requires hospitals to pay any civil penalties imposed by DPH (1) within 15 days after the final date the hospital may appeal the DPH order to Superior Court under the UAPA or (2) in the case of an appeal, within 15 days after the final judgment.

Under the act, if the hospital does not pay the civil penalties, or the cost of a required audit (see below), the DPH commissioner must notify the social services commissioner who must immediately withhold the amount owed from the hospital's next Medicaid payment.

Audit

The act permits the DPH commissioner to order an audit of a hospital's nurse staffing assignments for each unit in the nurse staffing plan. The audit may include an assessment of the hospital's compliance with the staffing plan's required contents, the accuracy of reports submitted to DPH, and the hospital staffing committee's membership.

In determining whether to order an audit, the DPH commissioner must consider (1) whether the hospital has been consistently noncompliant with the nurse staffing plan, (2) fear of false reporting by the hospital, or (3) any other health care quality safety concerns.

Under the act, the audit must be paid for by the hospital and does not affect the work of a medical review committee conducting a peer review of hospital activity.

EFFECTIVE DATE: October 1, 2023

§ 54 — HOSPITAL NURSE PARTICIPATION IN HOSPITAL ACTIVITIES

Prohibits hospitals from requiring registered nurses to perform patient care tasks beyond the scope of their license and allows an RN to object to doing so, with limited exceptions

The act prohibits hospitals from requiring an RN to perform any patient care task beyond the scope of his or her license. It allows an RN to object to or refuse to participate in any activity, policy, practice, or task the hospital assigns, if he or she does not have the education, training, or experience to participate without compromising patient safety.

However, an RN cannot abandon a patient or refuse to perform patient care activities in the following situations:

1. during an ongoing surgical procedure, until it is completed;
2. in critical care units, labor and delivery, or emergency departments, until they are relieved by another nurse;
3. public health or institutional emergencies; and
4. an instance where the nurse's inaction or abandonment would jeopardize patient safety.

The act provides that the prohibition does not prohibit a hospital, DPH, or the State Board of Examiners for Nursing from requiring a nurse to complete additional training or continuing education consistent with the nurse's assigned roles and job description.

It also prohibits a hospital from taking any adverse action (e.g., discharge, discrimination, or retaliation) against an RN or any aspect of the RN's employment for (1) objecting or refusing to participate, (2) participating in a hospital staffing committee, or (3) raising concerns about unsafe staffing or workplace violence, racism, or bullying.

Form Submissions

If an RN objects or refuses to participate, he or she must (1) immediately contact a supervisor for assistance or allow the hospital to find a suitable replacement and (2) within 12 hours, submit a DPH-approved form the hospital developed that includes the following:

1. a detailed statement of the reasons for the objection or refusal to participate;
2. a description of how performing the activity, policy, practice, or task would compromise patient safety; and
3. the ways in which the activity, policy, practice, or task was inconsistent with the nurse's education, training, experience, or job description.

The act requires the hospital to review and analyze the form through one of its committees or functions (e.g., the quality assessment and performance improvement program, risk management, or patient safety) and make any necessary adjustments to nurse staffing assignments to improve patient safety. They must also provide DPH with confidential access to the forms upon request.

Filing Complaints

If an RN reasonably believes his or her participation in an activity, policy, practice, or task violates a provision of the hospital's nurse staffing plan or a policy of its nurse staffing committee, he or she may file a complaint with the nurse staffing committee on a DPH-approved form the hospital developed. The hospital and its nurse staffing committee must analyze the complaint and provide DPH with an analysis of actions they took in response to it. The received complaint forms must be submitted along with the biannual report required under the act (see above).

EFFECTIVE DATE: October 1, 2023

§ 55 — MANDATORY NURSE OVERTIME IN HOSPITALS

Similar to prior law, prohibits hospitals from requiring nurses to work overtime and from discriminating or retaliating against them for refusing to do so, with limited exceptions

Similar to prior law, the act prohibits hospitals from requiring nurses to work overtime and from discriminating or retaliating against them (e.g., threatened or actual discipline or discharge) for refusing to do so.

Under existing law, the prohibition does not apply in the following situations:

1. nurses participating in an ongoing surgical procedure, until it is completed;
2. nurses working in critical care units, until they are relieved by another nurse starting a scheduled work shift;
3. public health emergencies;
4. institutional emergencies, such as adverse weather conditions or widespread illness, that the hospital administrator determines will significantly reduce the number of nurses available to work; and
5. nurses covered by a collective bargaining agreement that addresses mandatory overtime.

The act (1) specifies that these exemptions apply only when patient safety requires it and there is no reasonable alternative and (2) limits the last exemption to only nurses employed by a state-operated behavioral health facility covered by a collective bargaining agreement that addresses mandatory overtime.

The act requires hospitals, under these limited exemptions, to make a good faith effort to cover overtime hours voluntarily before mandating nurses to work them. It also prohibits them, as a regular practice, from mandating overtime in order to provide necessary staffing levels for patient care or address situations resulting from routine staffing needs (e.g., absenteeism or vacation, personal, or sick leave).

Under the act, "overtime" means working:

1. in excess of a set scheduled work shift, regardless of the shift's length, if the shift is determined and communicated at least 48 hours before it starts;
2. more than 12 hours in a 24-hour period; or
3. more than 48 hours in any hospital-defined work week.

Collective Bargaining Units

The act provides that its provisions cannot (1) be construed to alter or impair a collective bargaining agreement's terms that place additional mandatory overtime restrictions or limitations or (2) prohibit mandatory overtime for nurses covered by collective bargaining agreements that address mandatory overtime that are in effect prior to October 1, 2023, or for state employees, in effect prior to June 1, 2027.

EFFECTIVE DATE: October 1, 2023

§ 56 — PROJECT LONGEVITY INITIATIVE EXPANSION

Expands the Project Longevity Initiative by (1) making its goal to reduce gun violence in all the state's municipalities, not only its cities, and (2) requiring its implementation in Norwich and New London in addition to Bridgeport, Hartford, New Haven, and Waterbury

By law, the "Project Longevity Initiative" is a comprehensive, community-based initiative to reduce gun violence. The act expands this initiative by (1) making its goal to reduce gun violence in all state municipalities, not only its cities, and (2) requiring its implementation in Norwich and New London in addition to Bridgeport, Hartford, New Haven, and Waterbury as under prior law.

Existing law requires the chief court administrator to consult with various state officials (e.g., chief state's attorney) and local stakeholders (e.g., clergy members, nonprofits, and community leaders) in implementing the initiative in Bridgeport, Hartford, and Waterbury. The act expands this to include Norwich and New London.

As required under existing law for the original four cities included in the initiative, the administrator in her duties and responsibilities must also do the following for Norwich and New London:

1. provide planning and management assistance to municipal officials and
2. do anything necessary to apply for and accept federal funds allotted or available to the state under any federal act or program.

The act also deletes obsolete language resulting from the transfer of responsibility for the initiative from the Office of Policy and Management secretary to the chief court administrator.

EFFECTIVE DATE: July 1, 2023

§ 57 — PROBATE COURT JUDGES' AND EMPLOYEES' INSURANCE COVERAGE

Increases the share of certain costs for the state group hospitalization and medical and surgical insurance plan that must be paid from the Probate Court Administration Fund for probate judges and employees

Existing law requires that the Probate Court Administration Fund pay (1) up to 100% of the state group health insurance premium charged for a probate judge's or employee's individual coverage and (2) a portion of any additional cost for the judge's or employee's form of coverage (e.g., premiums for spouses and dependents). The act increases, from up to 50% to up to 70%, the share of these additional costs that the fund must cover, making it equal to the share paid by the state comptroller for active state employees (CGS § 5-259(a)).
EFFECTIVE DATE: July 1, 2023

§ 58 — POLICE RECORDING EQUIPMENT REPORTING

Requires (1) POST to create a form for law enforcement units to use to report on their compliance with state law's body and dashboard camera requirements, (2) the units to annually submit a report on the form, and (3) UConn's Institute for Municipal and Regional Policy to review the submissions and report findings and recommendations to specified entities

Under existing law, police officers must generally use body-worn recording equipment (i.e., body cameras) while interacting with the public, and law enforcement units must require the use of dashboard cameras with a remote recorder in each police patrol vehicle used by any of the police officers it employs.

The act requires the Police Officer Standards and Training Council (POST) to create a form for law enforcement units to use to report their compliance with the body and dashboard camera laws. POST must do this by October 1, 2023, and in consultation with UConn's Institute for Municipal and Regional Policy. The form must require the following:

1. a unit's number of operating body and dashboard cameras,
2. a unit's number of police patrol vehicles unequipped with a dashboard camera and the reasons for this,
3. information on any incidents in which a unit's internal investigation found a police officer violated the unit's policy on the use of body cameras or dashboard cameras, and
4. any other information deemed necessary.

Under the act, beginning by January 1, 2024, each law enforcement unit must submit a report annually using POST's form to UConn's Institute for Municipal and Regional Policy, which must then post the units' reports on its website. Starting by July 1, 2024, the institute, annually and within available appropriations, must review the units' reports and submit a report of its own with its findings and any recommendations to the governor, POST, OPM's Criminal Justice Policy and Planning Division, and the Judiciary and Public Safety and Security committees.
EFFECTIVE DATE: July 1, 2023

Definitions

By law, a "police officer" is a sworn member of a law enforcement unit or any member of that unit who performs police duties. A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

A "police patrol vehicle" is any state or local police vehicle besides an administrative vehicle with a body-camera-wearing occupant, a bicycle, a motor scooter, an all-terrain vehicle, an electric personal assistive mobility device, or an animal control vehicle. A "dashboard camera with a remote recorder" is a camera that (1) attaches to a dashboard or windshield of a police vehicle, (2) electronically records video of the view through the vehicle's windshield, and (3) has an electronic audio recorder that may be operated remotely.

§ 59 — DECD STATEWIDE TOURISM MARKETING

Prohibits funds appropriated for statewide tourism marketing from being used to market DECD

The act specifies that the funding it appropriates to the Department of Economic and Community Development (DECD) for statewide marketing ($4.5 million in both FYs 24 and 25) must be used to support tourism programs throughout the state and not for marketing the department.
EFFECTIVE DATE: Upon passage

§ 60 — MEDICAID WAIVER APPENDIX K REPORT

Requires the DSS commissioner to report to the Appropriations and Human Services committees by January 1, 2024, on the implementation of emergency amendments to home- and community-based Medicaid waivers

Under federal law, Appendix K emergency preparedness and response amendments generally allow the state to make temporary changes to home- and community-based Medicaid waivers during emergency situations (e.g., the COVID-19 public health emergency). The act requires the DSS commissioner to report to the Appropriations and Human Services committees by January 1, 2024, on how the department implemented Appendix K amendments for the applicable Medicaid home- and community-based services waivers.
EFFECTIVE DATE: Upon passage

§ 61 — RESERVE FOR SALARY ADJUSTMENTS ACCOUNT REPORTS

Starting by January 1, 2024, requires the OPM secretary to give the Appropriations Committee quarterly reports on the status of the reserve for salary adjustments account

The act requires the Office of Policy and Management (OPM) secretary, starting by January 1, 2024, to submit quarterly reports to the Appropriations Committee on the status of the reserve for salary adjustments account. The report must at least include the (1) total amount of appropriated and carryforward funds available in the account and (2) amount distributed to each agency during the previous calendar quarter. The first quarterly report submitted each year must also include a year-end reconciliation for the previous calendar year.

By law, the legislature, upon the Department of Administrative Services (DAS) commissioner's request and OPM secretary's approval, must appropriate sufficient funds to the reserve for salary adjustments account to be used for modifying the state employee compensation plan, as identified by (1) the objective job evaluation process the DAS commissioner must conduct at least every five years and (2) other studies negotiated under collective bargaining agreements.
EFFECTIVE DATE: Upon passage

§ 62 — DPH PANDEMIC PREPAREDNESS REPORT

Requires the public health commissioner to annually report to the Appropriations Committee on the state's pandemic preparedness starting by January 1, 2024

The act requires the public health commissioner, by January 1, 2024, and annually after that, to report to the Appropriations Committee on the state's pandemic preparedness.
EFFECTIVE DATE: July 1, 2023

§ 63 — BEVERAGE CONTAINER RECYCLING GRANT PROGRAM

Within available appropriations, makes organizations that serve people with intellectual and developmental disabilities eligible for a grant under the beverage container recycling grant program

The act requires, within available appropriations, any organization that serves people with intellectual and developmental disabilities to be eligible to participate in the state's beverage container recycling grant program. It does this regardless of the law's parameters for awarding grants.

By law, this Department of Energy and Environmental Protection (DEEP) grant program provides forgivable grants for new and proposed expansions of beverage container redemption centers in urban areas and environmental justice communities lacking access to redemption centers. Grant funds are prioritized to first-time redemption center owners and those that are locally owned, minority-owned, and women-owned businesses. The law also specifies certain factors to be considered when awarding grants, such as walking distance to the location, population density, and current access to beverage container redemption locations. The funds may be used for things like infrastructure, technology, and initial operating expenses.
EFFECTIVE DATE: July 1, 2023

§ 64 — PLANNING COMMISSION FOR HIGHER EDUCATION

Changes the membership and appointing authorities of the Planning Commission for Higher Education; requires the commission to update the strategic master plan for higher education

By law, the Planning Commission for Higher Education develops and ensures implementation of a strategic master

plan for higher education that must address degree attainment, the number of people entering the workforce, and the achievement gap.

The act modifies certain duties of the commission, makes changes to its membership and appointing authorities, and requires it to update the strategic master plan.

EFFECTIVE DATE: July 1, 2023

Commission Members and Appointing Authorities

By law, the commission includes 19 voting members. The act changes the appointing authority for four members, as shown in the table below.

Changes to Appointing Authorities

Member	***Appointing Authority***	
	Prior Law	***The Act***
Large independent higher education institution representative	President of the Connecticut Conference of Independent Colleges (CCIC)	Senate president pro tempore
Small independent higher education institution representative	CCIC president	House speaker
Private career school representative	Education commissioner	Office of Higher Education (OHE) executive director
Teaching faculty representative from a private career school	Education commissioner	OHE executive director

The act replaces the vice president with the provost, in the list of officials who may represent independent higher education institutions, along with the president or chair of the institution's board.

Under prior law, there were 13 ex-officio, nonvoting commission members, which included the CCIC president or president's designee. The act replaces the president or president's designee with a representative of one of the state's independent higher education institution associations, appointed by the governor. The act also adds the Chief Workforce Officer to the commission, increasing the total number of ex-officio, nonvoting members from 13 to 14.

By law, the chairperson, who must be a voting member, is appointed by the governor from among the commission's members.

Strategic Master Plan Update

The act requires the commission to revise and update the strategic master plan adopted in 2015. Prior law required the plan to establish numerical goals on degree attainment, the workforce, and the achievement gap for 2020 and 2025. The act instead requires the updated plan to (1) assess progress toward these goals established under the 2015 plan and (2) revise or establish these goals for the years 2025 and 2030.

By law, the commission must recommend changes to funding policies, practices, and accountability to improve coordination of appropriation, tuition, and financial aid and seek ways to maximize funding through federal and private grants. The act specifies that this funding's purpose is to accomplish state goals.

Prior law allowed the commission to consider various actions in developing the plan. Under the act, in updating the plan, the commission may also consider:

1. increasing financial aid in workforce shortage areas for first-generation students, in addition to minority students as required under prior law;
2. expanding dual credit and career pathway opportunities in high schools and aligning them with higher education institutions, rather than implementing mandatory college preparatory curricula as prior law required;
3. assessing and promoting, rather than implementing, high school programs to assist students seeking higher education or an alternative path to post-secondary education;
4. addressing the educational needs and increasing the retention rates of underserved and first-generation students, in addition to minority students and nontraditional students as required under prior law;

5. developing policies to promote the Connecticut Automatic Admissions program, rather than the Guaranteed Admission Program; and
6. developing policies to award credits for prior learning and experience.

In developing the plan, prior law allowed the commission to consider seeking partnerships between public higher education institutions and the business community to move students into workforce shortage areas. The act instead allows the commission to consider promoting partnerships between higher education institutions and the business community to expand work-based learning opportunities for students and retraining and development opportunities for employees.

Existing law requires the commission, in developing the plan, to consider establishing partnerships between public high schools and higher education students. Under the act, these partnerships may also include community organizations. The act specifies that the purpose of these partnerships is to expand college access for underserved and first-generation students.

Reporting Requirements

The act requires the commission to submit the following information, by September 1, 2024, to the Appropriations, Commerce, Education, Higher Education and Employment Advancement, and Labor and Public Employees committees and the governor:

1. a preliminary report on the development of the updated strategic master plan, including specific goals and benchmarks for 2025 and 2030; and
2. recommendations for appropriate legislation and funding.

Prior law required the commission to annually report to these committees and the governor on the plan's implementation and progress towards the goals specified in the plan. The act delays this reporting requirement by making the next report due January 1, 2026.

§ 65 — COMPETITIVE BIDDING FOR SHORE LINE EAST

Directs the DOT commissioner to select and contract with a Shore Line East operator through a competitive process

The act authorizes and directs the Department of Transportation commissioner to select one or more operators for Shore Line East rail service through a competitive process and enter into a contract with the ones selected.
EFFECTIVE DATE: Upon passage

§ 66 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires the Legislative Commissioners' 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

§ 67 — STIPENDS AND TUITION REFUNDS FOR CERTAIN STONE ACADEMY STUDENTS

Requires the Office of Higher Education to pay, from the private career schools student protection account, stipends and tuition refunds to certain Stone Academy practical nurse education program students

The act requires the Office of Higher Education (OHE) to make two sets of payments from the private career school student protection account (see *Background — Private Career School Student Protection Account*). First, OHE must pay a stipend to each person who:

1. graduated from Stone Academy's practical nurse education program (i.e., Career Training Specialists, LLC) between November 1, 2021, and February 28, 2023;
2. has taken or passed the licensure exam to be a licensed practical nurse; and
3. meets any requirements established by the OHE executive director.

Under the act, the OHE executive director determines the stipend amounts for each qualifying person but total payments cannot exceed $150,000.

Second, the act specifically requires OHE to pay a tuition refund to each applicant who:

1. was enrolled in, but did not graduate from, Stone Academy's practical nurse education program between November 1, 2021, and February 1, 2023, and
2. completed a course or unit of instruction at Stone Academy that was not in compliance with applicable statutes and regulations.

The refund must be based on applications received through existing law's process for private career school tuition refunds (see *Background — Application for Private Career School Tuition Refund*). If the executive director determines that an applicant is entitled to a tuition refund, he must determine the appropriate amount, which must not exceed the tuition paid for the course or unit of instruction. The refund must be paid in the manner and subject to the terms specified under existing law.

The act also allows the state to take appropriate action, including an action in Superior Court, against Stone Academy or its owner or owners to reimburse the (1) private career student protection account for the above stipends, refunds, and administrative costs paid from the account and (2) state for the reasonable and necessary expenses for taking these actions. The state must reimburse the account up to an amount equal to the stipends, refunds, and administrative cost from any proceeds collected through any action taken.

The act specifies that its provisions must not be interpreted to limit any right or remedy available to the state arising from Stone Academy's operations.

EFFECTIVE DATE: Upon passage

Background — Private Career School Student Protection Account

This General Fund account is generally used to refund tuition to students unable to complete a course at a private career school because the school becomes insolvent or ceases operation. It is funded by quarterly assessments on private career schools and certain other fees (CGS § 10a-22u).

Background — Application for Private Career School Tuition Refund

When a private career school becomes insolvent or closes abruptly, preventing a student from finishing a course or unit of instruction, state law allows the student to apply to the OHE executive director for a tuition refund. A student has two years from the date when the school became insolvent or ceased operating to apply for the refund. The executive director reviews the applications and determines the validity of the student's claim and the amount of the refund. Tuition refunds are financed by the private career school student protection account. The student or any person or organization who paid tuition on the student's behalf receives a refund from the state to the extent the account has the necessary funds (CGS § 10a-22v).

§ 68 — SET-ASIDE PROGRAM GOAL REPORT

Requires DAS to give awarding agencies a preliminary set-aside goal report for the upcoming fiscal year and delays the deadline by which agencies must submit their goals to DAS

The act delays, from August 30 to September 30, the annual deadline by which state agencies and political subdivisions, other than municipalities, must submit their small contractor and minority business enterprise contracting set-aside goals for the current fiscal year to the Department of Administrative Services (DAS) and other parties. (The law exempts municipalities from this reporting requirement.)

The act also requires DAS to annually give awarding agencies a preliminary set-aside goal report for the upcoming fiscal year by June 30.

EFFECTIVE DATE: July 1, 2024

§ 69 — HISTORIC PRESERVATION REVIEW PROCESS WORKING GROUP

Establishes a working group to study and make recommendations on the historic preservation review process under the Connecticut Environmental Policy Act

The act establishes a working group to (1) study the State Historic Preservation Officer's (SHPO) role in administering the historic preservation review process related to the Connecticut Environmental Policy Act (CEPA) and (2) recommend changes to the act and its related regulations. Specifically, it requires the study to make recommendations on:

1. the historic preservation consultation process,

2. historic preservation review timelines,
3. outlining steps in the review process and defining the roles of those involved with it,
4. specific goals and outcomes of the review process, and
5. a process for municipalities to appeal SHPO's determinations made under CEPA on the renovation or rehabilitation of historic buildings or properties.

The act requires the working group to submit its findings and recommendations to the Commerce Committee by February 1, 2024. The working group terminates on the date it does so or February 1, 2024, whichever is later.
EFFECTIVE DATE: Upon passage

Working Group Membership and Staff

The working group consists of (1) the Commerce Committee's chairpersons (who serve as the working group's chairs); (2) the Commerce Committee's ranking members, SHPO, DECD commissioner, and OPM secretary, or their designees; and (3) 16 appointed members, as described below.

The governor appoints two members: one from his office with expertise in overseeing CEPA administration and one representing the Council on Environmental Quality. Additionally, the following five tribes appoint one member each: Schaghticoke, Paucatuck Eastern Pequot, Mashantucket Pequot, Mohegan, and Golden Hill Paugussett.

The working group chairs appoint nine members:

1. one from an organization that advocates on behalf of Connecticut municipalities,
2. one from an organization that advocates on behalf of Connecticut's small towns and communities,
3. one from an organization that advocates for revitalizing historic commercial districts and downtowns in the state,
4. one from a municipal historic preservation commission,
5. one from an association representing businesses and industries in the state,
6. two municipal economic development officers,
7. one from a property development organization who has expertise in construction and renovations, and
8. one from the brownfields working group established under state law.

Legislative appointees or designees can be members of the General Assembly, except the representative of the brownfields working group. The act requires appointing authorities to make initial appointments by July 12, 2023, and to fill any vacancies.

The working group's chairs must schedule and hold the first meeting by September 10, 2023, and the Commerce Committee's administrative staff serve as the working group's administrative staff.

Background — Related Act

SA 23-15 contains substantially similar provisions.

§ 70 — OFFICE OF WORKFORCE STRATEGY LOCATION

Moves OWS from the Office of the Governor to DECD for administrative purposes only

For administrative purposes only, the act moves the Office of Workforce Strategy (OWS) from the Office of the Governor to the Department of Economic and Community Development (DECD).
EFFECTIVE DATE: Upon passage

§ 71 — OPM HOUSING PROGRAMS REPORT

Ends a reporting requirement for OPM on housing programs by making the final report due by January 1, 2024

Prior law required OPM, within available appropriations, to (1) aggregate certain data on federal and state housing programs in the state; (2) analyze the programs' impact on economic and racial segregation; and (3) report its related findings and recommendations to the Housing Committee biennially. The act ends the reporting requirement by making OPM's final report due by January 1, 2024.
EFFECTIVE DATE: Upon passage

§ 72 — COMMUNITY INVESTMENT FUND 2030 ADMINISTRATIVE COSTS

Prohibits Community Investment Fund 2030 bond proceeds from paying for related administrative costs; requires DECD to pay for the administrative costs within available appropriations

By law, the Community Investment Fund 2030 is a five-year bonding program running through FY 27 to fund qualifying projects and grants in eligible municipalities (i.e., those designated as public investment communities or alliance districts). The Community Investment Fund 2030 board, located within DECD, directs these investments.

Under prior law, funds from the bond proceeds could be used to pay or reimburse the program administrator (i.e., DECD or its designee) for administrative costs to run the program, among other things. The act explicitly prohibits using these funds for administrative costs and correspondingly requires DECD to pay for those within available appropriations.
EFFECTIVE DATE: July 1, 2023

§§ 73-80 — TRANSFER OF MUNICIPAL GRANT FUNDING FROM MRSA TO MRSF

Principally makes certain municipal grants, including PILOT and motor vehicle property tax grants, payable from MRSF rather than MRSA and correspondingly diverts certain tax revenue to that fund, rather than MRSA, to cover the grants; specifies supplemental revenue sharing grant amounts for certain municipalities and districts; changes the date by which OPM must make PILOT grants to municipalities

Prior law required that 7.9% of the revenue from the state's 6.35% sales and use tax be diverted each month to the Municipal Revenue Sharing Account (MRSA) to cover certain grants. The act requires that these tax revenues that are attributable to FY 23, even if received after the end of the fiscal year, continue to be diverted to MRSA. Then, beginning FY 24, the act requires that 7.9% of the sales and tax revenues be diverted to the Municipal Revenue Sharing Fund (MRSF) instead.

Beginning FY 24, the act correspondingly requires the OPM secretary to use MRSF, rather than MRSA, to fund the following municipal grants: (1) motor vehicle property tax grants (under CGS § 4-66*l*(c)), (2) payment in lieu of taxes (PILOT) grants, including those known as tiered PILOT and additional PILOTs paid to specified municipalities (including Branford, New London, and Voluntown), and (3) municipal revenue sharing grants. He must do this by the October 1 after the end of the fiscal year, if any funds (including funds accrued during the year but received after it) are remaining in the account.

Under the act, beginning FY 24, the secretary must also annually pay from MRSF, by October 31, supplemental revenue grants to specified towns and districts, totaling approximately $74.7 million. These grants must be proportionally reduced if the funds appropriated do not cover their full amounts.

The act additionally (1) makes PILOT grants payable by September 30 each year, rather than May 30, and (2) makes conforming changes, such as eliminating deadlines for the OPM secretary to certify PILOT grant amounts to the Comptroller and make payments to the municipalities.
EFFECTIVE DATE: July 1, 2023, except the provision changing the PILOT grant payment deadline to September 30 and making municipal-specific PILOT payments payable from MRSF (§ 76) is effective upon passage.

§§ 81-84 — COMPENSATION FOR JUDGES AND CERTAIN OTHER STATE OFFICIALS

Increases the salary and other compensation for judges and certain other judicial officials by approximately 3% starting in FY 24 and again in FY 25; correspondingly increases the salary of certain other state officials whose salary, by law, is tied to that of judges

For both FYs 24 and 25, the act increases the following by approximately 3%: (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 the salary of the chief justice or a Superior Court judge or a state referee's per-diem rate (including the governor, lieutenant governor, and constitutional officers).
EFFECTIVE DATE: July 1, 2023

Judicial Salaries

The table below shows the act's changes to judicial salaries starting in FYs 24 and 25.

Judicial Salaries

Position	*Prior Salary*	*Salary Starting July 1, 2023 (FY 24)*	*Salary Starting July 1, 2024 (FY 25)*
Supreme Court chief justice	$226,711	$233,512	$240,518
Chief court administrator (if a judge)	217,854	224,390	231,121
Supreme Court associate judge	209,770	216,063	222,545
Appellate Court chief judge	207,450	213,674	220,084
Appellate Court judge	197,046	202,957	209,046
Deputy chief court administrator (if a Superior Court judge)	193,420	199,223	205,199
Superior Court judge	189,483	195,167	201,023
Chief family support magistrate	164,932	169,880	174,976
Family support magistrate	156,973	161,682	166,533
Family support referee	245/day*	252/day*	260/day*
Judge trial referee	285/day*	294/day*	302/day*

*Plus expenses, mileage, and retirement pay

As under existing law, judges with at least 10 years of judicial or other state service also receive semi-annual longevity payments equal to a specified percentage of their annual salary.

Administrative Judges

The law provides judges with extra compensation for taking on certain administrative duties. The act increases these annual payments, which are in addition to the judges' annual salaries, from $1,292 to $1,331 starting in FY 24 and then to $1,371 starting in FY 25.

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.

Related Increases

The act's provisions result in salary, rate, or maximum compensation increases for other officials or judges whose compensation is tied to those of judges or judge trial referees. Specifically:

1. the salaries of workers' compensation administrative law judges vary depending on service time 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 state 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)).

Additionally, existing law generally makes the (1) governor's salary equal to the salary for the Supreme Court chief justice and (2) lieutenant governor's, secretary of the state's, state treasurer's, state comptroller's, and state attorney general's equal to those for Superior Court judges (CGS §§ 3-2, -11, -77, -111 & -124).

§§ 85 & 86 — HIGHER EDUCATION ETHNIC AND RACIAL DIVERSITY PLAN

Eliminates a requirement that OHE maintain a racial and ethnic diversity plan for the state's higher education institutions, but adds similar provisions into the existing OHE minority advancement program

Prior law specifically required the Office of Higher Education (OHE), in consultation with the constituent units, to develop and maintain an affirmative action plan that ensured that an institution's students, faculty, administrators, and staff represented the state's racial and ethnic diversity. The act incorporates the plan into the existing minority advancement program, which supports higher education institutions in meeting their ethnic and racial diversity goals.

It eliminates corresponding requirements that (1) OHE annually report on the affirmative action plan to the governor and General Assembly, (2) institutions develop corrective procedures if plan goals are not met, and (3) the Planning Commission for Higher Education review the plan when developing the higher education strategic master plan.

In practice, state higher education institutions already prepare affirmative action plans and the Commission on Human Rights and Opportunities annually reports to the governor and General Assembly on the plans' results (CGS § 46a-68).
EFFECTIVE DATE: July 1, 2023

§ 87 — BOR DISPOSING OF SURPLUS REAL PROPERTY

Authorizes BOR, with the OPM secretary's review and approval, to sell surplus CSCU property outside of the current disposition process for surplus state property

The act authorizes the Board of Regents (BOR), regardless of existing law on the disposition of surplus state property (see *Background*), to sell, exchange, lease, convey, or transfer surplus property that (1) a Connecticut State Colleges and Universities (CSCU) institution controls and has custody over, and (2) BOR determines is no longer needed to discharge any of the institution's functions.

Under the act, the Office of Policy and Management (OPM) secretary must review and approve these transactions, which must be to a bona fide purchaser at a price and on terms BOR determines are:

1. reflective of fair market value, based on at least two appraisals done within three months before the transaction;
2. in the state's and the owning institution's best interest; and
3. consistent with the owning institution's objectives and purposes.

The act requires BOR to use the proceeds from any of these transactions as follows: first, to pay outstanding bonds or other debt associated with the property or improvements to it; second, for any costs associated with the transaction; and, finally, for any capital expenditure consistent with BOR's campus improvement plan.
EFFECTIVE DATE: July 1, 2023

Background — Surplus Property

Existing law has numerous requirements for the disposition of surplus state property. Among other things, it requires the Department of Administrative Services (DAS) to first offer the property to the municipality in which the property is located if no state agencies express interest in it. If the municipality declines to acquire the property, DAS may offer it to other parties through a sale, lease, exchange, or other agreement. DAS must also consider offering surplus property to abutting landowners before offering it for general sale. By law, UConn is exempt from this process (CGS § 4b-21).

§ 88 — SOCIAL EQUITY AND INNOVATION ACCOUNT

For FY 24, allows the money in the Social Equity and Innovation Account to be allocated for purposes the Social Equity Council solely determines, and delays the transfer of remaining money into the Social Equity and Innovation Fund from the end of FY 23 until the end of FY 24

Account Purposes

Under prior law and under the act until the end of FY 23, the Office of Policy and Management (OPM) secretary must allocate money from the Social Equity and Innovation Account, in consultation with the Social Equity Council, to state agencies for the following purposes:

1. paying costs the council incurs;
2. administering programs under the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) for the purposes of (a) paying the council's costs and (b) administering programs under RERACA to provide access to capital for businesses, technical assistance for starting and operating a business, and funds for workforce education and community investments; and
3. paying costs incurred to implement activities RERACA authorizes.

For FY 24, the act instead requires the OPM secretary to allocate the money in the account for purposes the Social

Equity Council solely determines to further the principles of equity. These purposes may include providing (1) access to capital for businesses, (2) technical assistance for business start-ups and operations, and (3) funds for workforce education, community investments, and investments in disproportionately impacted areas. By law, the Social Equity Council is charged with, among other duties, promoting and encouraging full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition (CGS § 21a-420d).

Existing law 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 (CGS § 21a-420(21)).

Account Transfer Delay

Under existing law, at the end of FY 23, $5 million must be transferred from the account to the General Fund, or if the account contains less than this amount, the remaining amount must be transferred. Prior law then required all the money that was left in the account to be transferred to the Social Equity and Innovation Fund. The act delays the transfer to the fund until the end of FY 24.

By law, money from the Social Equity and Innovation Fund must be appropriated to provide (1) access to business capital, (2) technical assistance for business start-ups and operations, (3) workforce education, (4) community investments, and (5) paying costs incurred to implement activities authorized under RERACA.

EFFECTIVE DATE: Upon passage

§§ 89 & 445 — HIGHER EDUCATION CONSTITUENT UNIT EMPLOYEE RETIREMENT COSTS

Beginning FY 24, requires the (1) comptroller to pay the retirement-related fringe benefit costs for all employees of the constituent units of the state higher education system, rather than only for General Fund-supported employees and (2) constituent units to fund their employee health and life insurance, unemployment compensation, and employers' social security tax

Beginning in FY 24, the act requires constituent units to pay the non-retirement employee fringe costs beginning FY 24 (i.e., health and life insurance, unemployment compensation, and social security tax). Constituent units are UConn and the Connecticut State Colleges and Universities (CSCUs), which includes the regional community technical colleges (i.e., CT State) and Charter Oak State College.

The act also requires the Office of the State Comptroller to pay the retirement-related fringe costs for all higher education constituent unit employees. This includes retirement for hazardous duty employees and employees enrolled in the State Employee Retirement System, an alternative retirement program, or the teachers' retirement system, as applicable.

Under prior law, the comptroller paid the fringe benefit costs, using the resources appropriated for the State Comptroller-Fringe Benefits, for constituent unit employees paid out of the General Fund, while the constituent units paid these costs for employees compensated from other sources (e.g., tuition revenue).

The act makes conforming changes by repealing requirements that the comptroller fund certain fringe benefit costs for (1) non-General Fund supported community college employees and (2) UConn Health Center employees.

EFFECTIVE DATE: July 1, 2023

§§ 90-92, 94 & 445 — ONLINE LOTTERY SALES

Eliminates the diversion of online lottery sales revenue to fund the state's debt-free community college program

"Pledge to Advance CT," or PACT, is the state's debt-free community college program. Prior law generally dedicated future online lottery sales revenue to fund it. The act eliminates this revenue diversion. (Section 1 of this act instead appropriates funds in FYs 24 and 25 for this program.)

The Connecticut Lottery Corporation (CLC) has not yet implemented online lottery ticket sales. But beginning in FY 24, prior law required the first $14 million in net proceeds for each fiscal year to be transferred to the debt-free community college account. The act eliminates the (1) debt-free community college account (CGS § 10a-174a), (2) dedicated account for online lottery proceeds (CGS § 12-853a), and (3) required fund transfers (CGS § 12-812(d)).

The act instead directs the revenue back into CLC's lottery and gaming fund (i.e., the fund used to pay prizes and operating expenses). By law, CLC must transfer to the General Fund on a weekly basis any balance of this fund that exceeds

the corporation's needs for paying lottery prizes and meeting operating expenses and reserves, with an exception for payments directed to the Connecticut Teachers' Retirement Fund Bonds Special Capital Reserve Fund in certain circumstances.

The act also makes several conforming changes.

EFFECTIVE DATE: July 1, 2023

§§ 93 & 445 — REGIONALIZATION TASK FORCE AND SUBACCOUNT REPEALED

Repeals the regionalization task force and a related subaccount to fund its recommendations

The act repeals a task force established in 2019 to study ways to encourage greater and improved collaboration between the state and municipal governments and regional bodies (CGS § 4-66s). The task force submitted its recommendations and terminated according to law. The act also eliminates a regionalization subaccount in the General Fund's regional planning incentive account that funds the task force's recommendations.

The act also repeals related provisions:

1. requiring the OPM secretary to establish requirements, procedures, and guidelines for offering regional functions, activities, or services the task force identified that municipalities perform, but might be more efficiently performed by OPM and
2. authorizing OPM and specified regional entities to charge fees to municipalities that opt to participate in these regional functions, activities, or services.

EFFECTIVE DATE: July 1, 2023

§ 93 — COG FUNDING

Distributes $7 million from the regional planning incentive account to the regional councils of governments (COGs) each year beginning in FY 24

Beginning FY 24, the act requires $7 million to be annually distributed to the regional councils of governments (COGs) from the regional planning incentive account. The funds must be distributed according to a formula the OPM secretary determines in consultation with the COGs.

Under the act, the formula must include for each COG a (1) base amount and (2) per capita amount, based on population data outlined in the most recent decennial census. The formula must be reviewed and updated every five years after its initial adoption. (Unchanged by the act, existing law set the formula at $185,500 plus 68 cents per capita to each COG but a separate, subsequent provision removed this requirement (see *Background — Related Act* below).)

EFFECTIVE DATE: July 1, 2023

Background — Related Act

Beginning with FY 24, PA 23-205, § 155, eliminates the prior law's COG grant funding formula ($185,500 plus a per capita amount).

§ 95 — OPEN EDUCATIONAL RESOURCE COUNCIL

Transfers the Connecticut Open Educational Resource (OER) Coordinating Council from OHE to CSCU and makes conforming changes; expands restrictions on council grant award recipients; adds to council duties; requires it to report biennially rather than annually to the legislature, and to include additional information in its report; allows the OER state-wide coordinator to hire a part-time employee

By law, the Connecticut Open Educational Resource (OER) Coordinating Council must establish an OER program to lower the cost of textbooks and course materials for high-impact courses at state higher education institutions. The act makes various changes to the council and modifies the definition and use of OER.

EFFECTIVE DATE: July 1, 2023

Open Educational Resources

Prior law defined "OER" as a college-level resource available on a website for students, faculty, and the public to use

on an unlimited basis at a lower cost than the marketing value of the printed textbook or other educational resource. It included full courses, course materials, modules, textbooks, streaming videos, tests, software, and other similar teaching, learning, and research resources residing in the public domain or released under a creative commons attribution license that permits the free use and repurposing of the resources.

The act redefines OER as a teaching, learning, or research resource that is (1) offered freely to users in at least one form and (2) either in the public domain or released under a creative commons attribution license or other open copyright license.

Council Structure and Staffing

Under prior law, the OER council was part of the executive branch and the Office of Higher Education (OHE) executive director appointed council members, including the statewide OER coordinator. OHE administrative staff served as the council's administrative staff.

The act moves the council from the executive branch to the Connecticut State Colleges and Universities (CSCU) and gives the CSCU president the same duties that the OHE executive director had under prior law (i.e., appointing the statewide coordinator and council members). The act also makes the CSCU administrative staff serve as the council's administrative staff and authorizes the coordinator to hire a part-time employee to assist and support the council.

Council Duties

The act requires the council to develop a model OER policy for higher education institutions to adopt. The policy must establish (1) definitions for OER terms, (2) methods to collect data on OER use and availability, and (3) ways to present online course catalogs to students to clearly identify courses using OER.

Licensing Options

By law, the council can accept, review, and approve grant applications for converting or adopting these resources. Under prior law, grant recipients could only license their OERs through a creative common attribution license. The act expands this limitation to also allow licensing through other open copyright licenses (i.e., ones that are not a creative commons attribution license, but allow for the free use, reuse, modification, and distribution of a work product if the original author is credited).

Reporting Requirements

Prior law required the council to annually report to the Higher Education and Employment Advancement Committee on the use of OERs, including the number and percentage of high-impact courses for which OERs have been developed. Beginning February 1, 2024, the act makes this a biennial, rather than annual, reporting requirement and changes the report's contents to instead include the number of courses using OER for all required materials. By law, unchanged by the act, the report must also include information about (1) the degree to which higher education institutions promote OER use and access, (2) grants the council awards, and (3) any legislative recommendations.

Background — Related Act

PA 23-151 contains identical provisions.

§ 96 — INDEPENDENT COLLEGE AND UNIVERSITY PROGRAM APPROVAL EXEMPTIONS

Makes permanent the law exempting qualifying independent colleges and universities from OHE's program approval process for an unlimited number of higher education programs per academic year; requires independent higher education institutions to update the credentials database at least annually with any new, modified, or discontinued programs

Prior law exempted qualifying independent colleges and universities from OHE's approval process for an unlimited number of new or modified programs until June 30, 2023, and beginning July 1, 2023, the law would have limited the exemptions to 15 new or modified programs in any academic year.

The act removes the restrictions set to begin on July 1, 2023, which makes permanent the law exempting qualifying

independent colleges and universities from OHE's program approval process for an unlimited number of programs per academic year. Under existing law and the act, institutions qualify for these exemptions if they:

1. are eligible to participate in specified federal financial aid programs;
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.

The act also makes a corresponding change to a reporting requirement. Prior law required exempt institutions to file certain information with OHE about new programs and related topics. The act instead requires these institutions to update OHE's credentials database by the last day of each semester, but at least annually, with any new, modified, or terminated higher learning programs.

As under existing law, these institutions also must file with OHE annually the institution's (1) current program approval process and all governing board actions concerning approval of any new higher learning program and (2) financial responsibility composite score.

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2023

§ 97 — CONTRACT ASSIGNMENTS BY STATE AGENCIES

Allows the OPM secretary to execute an MOU with a department head to assign the department head the authority to enter into a contract or written agreement using funds appropriated to the secretary for the contract or agreement; allows budgeted agencies' department heads to similarly assign this authority upon the secretary's approval

The act allows the OPM secretary to execute a memorandum of understanding (MOU) with a budgeted agency's department head for certain contract assignments. It also allows a budgeted agency's department head, with the secretary's approval, to similarly execute an MOU with a different budgeted agency's department head for these assignments.

In both cases, the MOU may give the assignee department head the authority to enter into a contract or written agreement using funds appropriated to the secretary or the original department (as applicable) by the General Statutes or a public or special act, or authorized by the State Bond Commission, for the contract or agreement. The assignee department head must also otherwise have the authority to contract for the specific purpose for which the funds must be used.

The act requires the OPM secretary to submit a report to the Appropriations Committee annually beginning by January 1, 2024, with a summary of all assignments in the prior year by the secretary and budgeted agencies.

By law, budgeted agencies are executive branch departments, boards, councils, commissions, institutions, or other agencies (CGS § 4-69(11)(A)). A department head generally means state agency commissioners and certain executive directors (i.e., not every budgeted agency has a department head) (CGS § 4-5).

EFFECTIVE DATE: July 1, 2023

§ 98 — FEES FOR STATE AGENCY ELECTRIC VEHICLE STATIONS

Changes the fund into which fees collected for using state agency EV charging stations are deposited

By law, state agencies must assess and collect fees for using electric vehicle (EV) charging stations purchased and installed on state agency property on or after October 1, 2022. The fees must recover, at the maximum extent practicable, the operational, maintenance, and electric costs for the stations. The act requires that the collected fees be deposited in the state fund that pays the hosting state agency's electricity costs, rather than the fund that paid for the station as prior law required.

EFFECTIVE DATE: July 1, 2023

§ 99 — GRANT PROGRAM FOR PURCHASING BODY AND DASHBOARD CAMERAS AND RELATED EQUIPMENT AND SERVICES

Extends by two years, through FY 25, the municipal grant program for purchasing eligible body and dashboard cameras and related equipment and services

The act extends by two years, through FY 25, the OPM-administered municipal grant program for purchasing eligible police body cameras, digital data storage devices or services, and certain dashboard cameras. By law, the grants are for up

to 50% of the associated costs for distressed municipalities and up to 30% for all other municipalities. In both cases, funding for digital data storage services is limited to the cost for up to one year.
EFFECTIVE DATE: Upon passage

§§ 100-106 — BACKGROUND CHECKS BY THE DEPARTMENT OF ADMINISTRATIVE SERVICES

Requires DAS to conduct background checks for certain agencies and positions in addition to the existing requirement for the employing state agencies

The act requires the Department of Administrative Services (DAS) commissioner to conduct criminal background checks for specified positions at other state agencies. Under a 2019 executive order that centralized human resources for most state agencies (Executive Order No. 2), DAS currently performs these functions on these agencies' behalf. The table below lists the positions affected by the act and the agencies currently required to conduct background checks.

Under existing law, these agencies generally must require prospective (or in some cases current or transferring) employees to (1) state whether they have ever been convicted of a crime or are facing pending criminal charges when they apply and (2) submit to state and national criminal history checks. Under the act, the DAS commissioner must also do so for these positions.

The act also increases the frequency of periodic criminal background checks, from every 10 years to every five years, for existing Department of Revenue Services (DRS) employees and any other state employees or applicants exposed to federal tax information and allows these checks more frequently if the U.S. Treasury Department requires it.

Finally, the act adds a requirement that the DAS commissioner conduct background checks on all state agency contractors and subcontractors (including applicable employees) with access to certain federal tax information.
EFFECTIVE DATE: Upon passage

Covered Agencies and Positions

The act extends to the DAS commissioner the requirement to conduct criminal background checks and other listed verifications for the positions and agencies listed in the table below.

Covered Positions and Agencies

Covered Positions	***Agency Required to Conduct the Checks Under Existing Law****
Applicants, including transfers, to the vital records unit of the Department of Public Health (DPH)	DPH
Applicants for any position with direct contact with inmates	Department of Correction
External applicants to the Department of Motor Vehicles (DMV)	DMV
Applicants to DRS, including transfers, and current DRS employees (the act additionally adds contractors and subcontractors, including applicable employees, with access to federal tax information, returns, or return information)	DRS
Applicants to the Department of Children and Families (DCF)	DCF
Applicants offered conditional employment by the Department of Developmental Services (DDS)	DDS
Any agency applicants or transfers that have exposure to federal tax information, if DAS provides HR services for the employing agency (the act additionally expands this requirement to all agency contractors and subcontractors, including applicable employees)	Employing Agency

*Now in combination with DAS

§§ 107-111 & 447 — PERSONAL SERVICES AGREEMENT PROCUREMENT THRESHOLDS

Increases, from $20,000 to $50,000, the cost threshold at which agencies must use competitive solicitation methods to enter into a PSA; eliminates a PSA's duration as a criterion for determining whether a competitive solicitation is required; these changes also apply to POS contracts

The act (1) increases, from $20,000 to $50,000, the cost threshold at which executive branch agencies must use competitive negotiation or competitive quotations when entering into a personal services agreement (PSA) and (2) eliminates a PSA's duration as a criterion for determining whether a competitive solicitation is required. These changes also generally apply to purchase-of-service (POS) contracts as, by law, these contracts are subject to the same requirements as PSAs (see *Background — POS Contracts*).

The act also (1) requires the purchasing agency, rather than the OPM secretary, to notify the state auditors about certain PSAs for audit services and (2) eliminates a provision in prior law that deemed PSA applications requiring the OPM secretary's approval as being approved if he did not act on them within a set period. Lastly, it makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2024

Cost Thresholds

Prior law (1) prohibited state agencies from executing a PSA costing more than $50,000 or lasting longer than one year without the OPM secretary's approval and (2) required the purchasing agency to use competitive negotiation or competitive quotations for these procurements unless it received a waiver from the OPM secretary to allow a sole source purchase.

The act eliminates a PSA's duration as a factor for determining whether these requirements apply, thereby applying them to PSAs only when their cost exceeds $50,000.

For PSAs with a term of one year or less, prior law required agencies to use competitive negotiation or competitive quotations (1) when possible, for PSAs costing up to $20,000, and (2) for each PSA that costs more than $20,000 and up to $50,000, unless the purchasing agency received a waiver from the OPM secretary to allow a sole source purchase.

The act makes a conforming change by increasing, from $20,000 to $50,000, the maximum cost of a PSA for which agencies must use competitive negotiation or quotations when possible.

For PSAs requiring the OPM secretary's approval for the PSA or a sole source purchase waiver, the act eliminates provisions in prior law that (1) required him to act on the application within 15 business days after receiving it and (2) deemed the application approved if he did not act within this time.

Audit Services

Existing law requires that the state auditors be given an opportunity to review certain PSA applications for audit services and advise whether they are necessary and, if so, could be provided by the auditors. The requirement applies to audit services PSAs that are subject to the OPM secretary's approval (e.g., those costing more than $50,000).

Prior law required the secretary to immediately notify the auditors of these applications upon receipt. The act instead requires the (1) purchasing agency to notify the auditors and (2) auditors to advise the purchasing agency, rather than the secretary as under prior law, of the need for the services and whether the auditors could provide them.

Background — POS Contracts

By law, a POS contract is one between a state agency and a private provider organization or municipality to obtain direct health and human services for agency clients and generally not for administrative or clerical services, material goods, training, or consulting service. The definition does not include a contract with an individual. The law subjects POS contract requirements to the same procurement requirements as PSAs (CGS § 4-70b(a) & (e)).

§ 112 — RETIREMENT SECURITY PROGRAM REIMBURSEMENT

Eliminates a deadline for the state's retirement security program to reimburse the General Fund for certain expenses and instead requires it to follow a plan the OPM secretary and state comptroller establish

The act eliminates (1) an October 1, 2023, deadline for the Connecticut Retirement Security Program to reimburse the General Fund for any money spent from it to administer the program and (2) a requirement that the reimbursement also

cover any costs paid from the General Fund to compensate covered employees. The act instead requires that the reimbursement follow a plan established and agreed upon by the OPM secretary and state comptroller.

The plan must (1) include a schedule for reimbursing any money spent from the General Fund on the program and (2) incorporate any terms that the comptroller and state treasurer agreed upon to repay the General Fund for any funding advance made under a repealed law that authorized advances. The act requires the reimbursement payments to continue under the plan's terms until all money spent from the General Fund for the program is repaid. It also allows the program to pay any unpaid amounts earlier than the plan requires.

The law generally requires the program, which the comptroller administers, to promote and enhance retirement savings by establishing employee-funded Roth individual retirement accounts for eligible private-sector employees.

EFFECTIVE DATE: Upon passage

§ 113 — CONNECTICUT PORT AUTHORITY BUILDING PERMITTING PROCESS

Extends an existing building permitting process, which applies to state agencies and the Connecticut Airport Authority, to the Connecticut Port Authority

Existing law exempts state agencies and the Connecticut Airport Authority (CAA) from laws that generally require obtaining the following from a local building official: (1) a building permit before constructing or altering a building or structure and (2) a certificate of occupancy before occupying or using a building or structure. However, this law separately requires them to obtain other building permits and certificates of occupancy under specified circumstances.

The act applies this law to the Connecticut Port Authority (CPA). It also makes related and conforming changes and a technical change to remove an obsolete provision.

EFFECTIVE DATE: Upon passage

Separate Building Permitting Process

Among other things, under existing law and the act, state agencies and the authorities (hereinafter, collectively, "the entities") are responsible for substantial compliance with the State Building Code and the Fire Safety Code when constructing new buildings and altering their existing buildings. The entities must apply for and receive a building permit from the state building inspector before constructing certain buildings, structures, and additions. Specifically, they must do so for ones that (1) include residential occupancies for at least 25 people or (2) exceed certain statutory threshold limits (see *Background*). Under existing law and the act, the state building inspector may inspect all their constructions and alterations and order them to comply with the State Building Code.

For each construction that must have the required building permit, the entities must apply to the state building inspector for a certificate of occupancy before occupying or using it. Additionally, for state and CAA buildings and structures constructed or altered on and after July 1, 1989, with the building permit, the law further prohibits the state agencies and CAA from occupying or using their respective building or structure until the state building inspector has issued a certificate of occupancy for it. For all other state and CAA buildings and structures constructed or altered on and after July 1, 1989 (i.e., those without the building permit), the law further prohibits the state agencies and CAA from occupying or using their respective building or structure until the agency or CAA certifies to the state building inspector that it substantially complies with the State Building Code and Fire Safety Code. The act applies these two prohibitions to CPA buildings and structures constructed or altered on and after July 1, 2023.

Background — Threshold Limits

By law, the threshold limits generally are (1) four stories; (2) 60 feet high; (3) a clear span of 150 feet wide; (4) 150,000 square feet of floor space; or (5) occupancy by 1,000 or more people (CGS § 29-276b).

§ 114 — BUDGET RESERVE FUND SURPLUS

Prescribes, through FY 24, the order in which the state treasurer must transfer excess BRF funds to reduce the state's unfunded pension liability

Existing law caps the Budget Reserve Fund's (BRF) balance at 15% of net General Fund appropriations for the current fiscal year, through FY 24. (Starting in FY 25, PA 23-1 increases the maximum balance to 18%.)

Once the BRF reaches its maximum balance, the law requires the state treasurer to transfer any remaining General

Fund surplus, as he determines to be in the state's best interests, for reducing either the State Employees Retirement Fund's or Teachers' Retirement Fund's unfunded liability by up to 5%. Any amounts that remain after this transfer may be used to make additional payments to either retirement system, as the treasurer determines is in the state's best interests, or to pay off other forms of state debt (CGS § 4-30a(c)).

The act requires the treasurer, from June 12, 2023, through the end of FY 24, to determine that it is in the state's best interest to appropriate the excess funds as follows:

1. first to reduce the State Employees Retirement Fund's unfunded liability by up to 5%,
2. second to reduce the Teachers' Retirement Fund's unfunded liability by up to 5%, and
3. third to make additional payments toward the State Employees Retirement System's unfunded liability.

The same provision applies under existing law through the end of FY 23 (PA 22-118, § 229).

EFFECTIVE DATE: Upon passage

§ 115 — PA 23-102 CHANGES TO CONTESTED PURA PROCEEDINGS

Narrows the scope of a provision in PA 23-102 that prohibits utility company rate recovery for certain expenses incurred for PURA rate-making hearings

Prior law prohibited electric distribution companies (EDCs, i.e., Eversource and United Illuminating) from recovering their costs for attending or participating in the Public Utilities Regulatory Authority's (PURA) rate-making hearings. PA 23-102, § 2, broadens this prohibition to cover any PURA-regulated utility company with more than 75,000 customers, any rate proceeding before PURA, and the costs of preparing for or appealing them. It also specifies that these costs include fees for attorneys, expert witnesses, and consultants; the portion of employee salaries associated with attending, participating, preparing, or appealing the proceeding; and related costs PURA identifies.

This act narrows these changes in PA 23-102 so that they only apply to rate proceedings begun on or after January 1, 2024, for EDCs and PURA-regulated gas companies, pipeline companies, and water companies (not all PURA-regulated utility companies) with more than 75,000 customers.

EFFECTIVE DATE: Upon passage

§ 116 — PA 23-102 PROHIBITION ON COST RECOVERY FOR MEMBERSHIP DUES, LOBBYING COSTS, AND ADS

Narrows the scope of a provision in PA 23-102 that prohibits utility companies' rate recovery for certain expenses like trade association membership, lobbying, and advertising

PA 23-102, § 3, prohibits any PURA-regulated utility company from recovering through their rates any direct or indirect costs associated with certain activities (e.g., membership dues for an industry trade association, lobbying, certain advertising, and certain travel expenses). It also requires those companies with more than 75,000 customers to annually report to PURA an itemized list of the costs associated with those activities and bars them from recovering their costs for preparing the reports through their rates.

This act narrows these provisions in PA 23-102 so that they only apply to EDCs and PURA-regulated gas companies, pipeline companies, and water companies (not all PURA-regulated utility companies), and for the reporting requirement, to those companies with more than 75,000 customers.

EFFECTIVE DATE: Upon passage

§ 117 — PA 23-102 PROVISIONS ON ELECTRIC BILL FORMAT

Requires PURA to study the components of the delivery portion of electric bills and consider what additional information should be available to increase transparency about the costs and benefits of programs funded through certain charges on a customer's bill

PA 23-102, § 14, generally requires EDCs to use four categories for charges in their bills (generation, local distribution, transmission, and system benefits and federally mandated congestion charges approved by PURA) and allows PURA to modify these categories under certain conditions.

This act also requires PURA's chairperson to conduct a study that analyzes the components of the delivery portion of the electric bill for each EDC's customers. The study must consider what additional information should be available to customers on a state-run website, an EDC's website, or at other locations that aim to increase transparency about the costs

and benefits of programs funded through certain charges on a customer's bill. It may also include recommendations for a detailed plan to educate customers on how to access programs funded through these charges. The chairperson must submit a report with the analysis and recommendations to the Energy and Technology Committee by January 15, 2025.
EFFECTIVE DATE: July 1, 2023

§§ 118 & 451 — PA 23-102 PROVISIONS ON PURA COMMISSIONERS

Repeals a provision in PA 23-102 that would have generally (1) allowed PURA's chairperson to assign any matter before PURA to one utility commissioner and (2) required that in any contested proceeding assigned to one commissioner, any proposed final decision must be voted on by all of the PURA commissioners

The act repeals CGS § 16-2, as amended by PA 23-102, § 21. Among other things, this provision (1) allowed PURA's chairperson to assign any matter before PURA to one or more utility commissioners, rather than to a panel of three or more utility commissioners as under prior law, and (2) gave the assigned commissioner the same powers that the panels had under prior law (e.g., deciding whether to hold a public hearing). It also required that in any contested proceeding assigned to one or more PURA commissioners, any proposed final decision must be voted on by all of the PURA utility commissioners.

In repealing the provision, the act reverts to current law, which generally allows PURA's chairperson to assign any matter before PURA to a panel of at least three commissioners, and requires any decision by the panel, if it was not unanimous, to be approved by a majority vote of all PURA commissioners. (Currently, only three commissioners serve on PURA.)

The act also changes how PURA's chairperson is selected. It requires the governor, starting by June 30, 2023, and in each odd-numbered year after that, to appoint the chairperson from among the commissioners. The chairperson then serves a two-year term, starting on July 1 of that year. Prior law required the commissioners to elect the chairperson from amongst themselves for a one-year term. (The repealed section in PA 23-102, contains an identical provision; in effect, this act retains this provision from PA 23-102.)
EFFECTIVE DATE: Upon passage

§ 119 — DUI AND CRIMINAL RECORD ERASURE

Specifies that a DUI conviction is not eligible for automatic criminal record erasure until 10 years after the person's most recent conviction; makes DUI convictions ineligible for erasure if the person has a second DUI conviction within 10 years

Existing law provides a process, not yet fully operational, to erase records of most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction. Among other things, PA 23-134 specifies that motor vehicle violations are generally covered by the law in the same way as misdemeanors or felonies (i.e., either seven or 10 years after the person's most recent conviction).

Under PA 23-134, a first driving under the influence (DUI) conviction (which has criminal penalties equivalent to a misdemeanor) was eligible for erasure seven years after the person's most recent conviction. This act instead makes DUI ineligible for erasure until 10 years after the person's most recent conviction in all cases.

This act also makes a DUI conviction ineligible for erasure if the defendant has a second DUI within the following 10 years. It replaces a provision in PA 23-134 that instead made a DUI conviction ineligible for erasure if it occurred within 10 years before any additional DUI arrest.
EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-169, § 2, contains the same provisions on DUI record erasure.

§§ 120-123 — CANNABIS SOCIAL EQUITY AND INNOVATION AND PREVENTION AND RECOVERY SERVICES FUNDS

Renames two funds to specify they are "cannabis" funds; specifies that money may only be expended through General Assembly appropriations

The act (1) renames the Social Equity and Innovation Fund and Prevention and Recovery Services Fund to specify they

are "cannabis" funds and (2) specifies that money in the funds must be appropriated by the legislature. It also specifies that any balance remaining at the end of any fiscal year must be carried forward to the next fiscal year. It also makes various minor, technical, and conforming changes.

By law, money from the Social Equity and Innovation Fund must be appropriated to provide (1) access to business capital, (2) technical assistance for business start-ups and operations, (3) workforce education, (4) community investments, and (5) paying costs incurred to implement activities authorized under RERACA (CGS § 21a-420f(c)). The Prevention and Recovery Services Fund must be appropriated for the purposes of (1) substance abuse prevention, treatment, and recovery services and (2) collecting and analyzing data regarding substance use (CGS § 21a-420f(d)).

EFFECTIVE DATE: July 1, 2023

§ 124 — CANNABIS REGULATORY FUND

Establishes a non-lapsing fund to be appropriated to state agencies to pay for costs incurred implementing authorized activities under RERACA

Starting July 1, 2023, the act establishes the Cannabis Regulatory Fund as a separate, non-lapsing fund. The fund must contain any money required to be deposited in it and the treasurer must hold it separate and apart from all other money, funds, and accounts.

The act requires that the fund be appropriated to state agencies for paying costs incurred to implement authorized activities under RERACA.

EFFECTIVE DATE: July 1, 2023

§§ 125 & 126 — DOC PILOT PROGRAMS FOR ALCOHOL USE DISORDER TREATMENT AND MENTAL ILLNESS

Requires DOC to (1) operate two pilot programs for people in its custody: one for people with alcohol use disorder and one for people with mental illness; (2) spend at least $500,000 on each pilot program to treat participants with certain medications; and (3) report to the legislature on the programs

The act requires the Department of Correction (DOC) to operate the following two pilot programs for people in its custody:

1. one to screen, assess, and treat people with alcohol use disorder and
2. one to treat people with mental illness.

Under the act, the department must spend at least $500,000 on each pilot program to treat participants with medications that are (1) approved by the federal Food and Drug Administration, for participants with alcohol use disorder and (2) clinically appropriate, long-acting injectables, for participants with mental illness.

The act requires DOC, by December 1, 2025, to report to the Appropriations and Judiciary committees on each pilot program, including:

1. the total number of people who received the treatment;
2. the number of people who requested the treatment but were not approved, and the reasons they were denied; and
3. initiatives to expand and improve access to the medications described above for people in DOC custody.

EFFECTIVE DATE: July 1, 2024

§ 127 — DOC COMMISSARY IMPLEMENTATION PLAN

Requires DOC to (1) in consultation with JJPOC's incarceration subcommittee, develop and submit a commissary implementation plan to JJPOC regarding youth in DOC facilities and (2) fully implement the plan by November 1, 2023

By July 1, 2023, the act requires DOC, in consultation with the Juvenile Justice Policy and Oversight Committee's (JJPOC) incarceration subcommittee, to develop and submit a commissary implementation plan to JJPOC. DOC must fully implement the plan by November 1, 2023.

The act also requires DOC to immediately implement procedures for more equitable commissary options for certain incarcerated youth.

EFFECTIVE DATE: Upon passage

Commissary Implementation Plan

Under the act, the plan must provide for the following regarding youths in DOC facilities:

1. an integrated positive behavior motivation system to engage and reinforce positive youth behaviors and expectations that can be used to pay for commissary goods in place of money;
2. revised commissary policies and procedures that include developing and implementing these positive behavior motivation policies and procedures;
3. increased incentives to promote good health and recognize a diverse range of ethnic groups, races, sexes, and cultural backgrounds;
4. identification of youth within the institution who do not have equitable access to the commissary (see below) and strategies to implement equitable access;
5. provision of menstrual products as required by law;
6. transition of saved commissary allocations, including how associated saved funds can be transitioned and accessed when a youth is transferred to an adult facility;
7. ongoing training and assistance, such as that provided through the Capitol Region Education Council's Positive Behavioral Intervention and Supports;
8. a continuous quality improvement system for the plan's ongoing implementation; and
9. biannual surveys or focus groups to get feedback from youth in DOC facilities on (a) ways to improve DOC's system and (b) the plan's implementation.

Procedures for More Equitable Commissary Options

The act requires DOC to immediately implement procedures for more equitable commissary options for youth within the institution that do not have equitable access to it, including those who are indigent, without family support, or with disabilities that contribute to lack of access.

§ 128 — PASSPORT TO THE PARKS ACCOUNT REPORT

Requires the DEEP commissioner to report on the passport to the parks account and subaccounts quarterly instead of semiannually; expands the report contents and recipients

By law, when DEEP rents out a state park property for special events (e.g., weddings and receptions), the funds collected go into a subaccount in the passport to the parks account dedicated to maintaining that specific park.

Prior law required the DEEP commissioner to report semiannually to the Office of Fiscal Analysis on the (1) rental fees collected, itemized by subaccount; (2) amount DEEP spent for each park; and (3) projects for which funds were spent.

The act instead requires the commissioner to report (1) by July 1, 2023, and quarterly thereafter and (2) additionally to the Appropriations and Environment committees. It expands the report contents to also include the (1) projected end-of-fiscal-year balance for the account and each subaccount and (2) number of positions funded through the account, and whether they are filled or unfilled or permanent or seasonal.

EFFECTIVE DATE: Upon passage

§§ 129-131 — DEPARTMENT OF HOUSING

Makes DOH a standalone executive branch agency instead of an agency within DECD for administrative purposes only

The act makes the Department of Housing (DOH) a standalone executive branch agency. Under prior law, DOH was within DECD for administrative purposes only.

EFFECTIVE DATE: October 1, 2023

§§ 132 & 133 — HEALTH CARE PROVIDERS SERVING AS ADJUNCT FACULTY

Requires public higher education institutions to consider any licensed health care provider with at least 10 years of clinical experience to be qualified for an adjunct faculty position; correspondingly requires the Office of Higher Education, within available appropriations, to establish a program providing incentive grants to these providers who become adjunct professors

Beginning January 1, 2024, the act requires public higher education institutions to consider any licensed health care provider applying for an adjunct faculty position in their field to be qualified if the provider has at least 10 years of clinical experience. Under the act, the institutions must give them the same consideration as other qualified applicants. These provisions apply to UConn, the Connecticut State Universities, the regional community-technical colleges, and Charter Oak State College.

Under the act, by January 1, 2024, and within available appropriations, the Office of Higher Education (OHE) must establish and administer a program giving $20,000 incentive grants to licensed health care providers accepting adjunct professor positions under the provisions described above if they remain in the position for at least one academic year. These providers are eligible for another $20,000 grant if they remain in the position for at least two academic years. OHE's executive director must establish the application process.

The act requires the executive director, starting by January 1, 2025, to annually report on the program to the Public Health Committee. The director must report on the following:

1. the number and demographics of the adjunct professors who applied for and received program grants,
2. which institutions employed them and the number and types of classes they taught, and
3. any other information he considers pertinent.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-97, §§ 9 & 10, contains identical provisions on health care providers serving as adjunct faculty and a related grant program.

§§ 134-136 — DEBT FREE COMMUNITY COLLEGE AND THE ROBERTA B. WILLIS SCHOLARSHIP PROGRAM

Extends eligibility for the state's debt-free community college program to returning students; makes various changes to the Roberta B. Willis Scholarship program, including requiring FY 24 awards to use ARPA funds first and excluding regional-community technical colleges from the program

The act extends eligibility for the state's debt-free community college program to returning students. It also makes changes to the Roberta B. Willis Scholarship program, including:

1. limiting eligibility for the program by excluding the regional-community technical colleges and thus making their students ineligible to receive an award;
2. changing how scholarship funds are allocated, including requiring OHE to use certain federal American Rescue Plan Act (ARPA) allocations before General Fund appropriations;
3. prohibiting any unused appropriations from automatically lapsing when the fiscal year ends, instead requiring that the funds be permanently held for the program; and
4. allowing the program to use a student aid index as an alternative to family contribution when determining student eligibility.

(PA 23-208, §§ 11 & 13, repeals this act's changes to the Roberta B. Willis scholarship program and replaces them with substantially similar provisions, except as described below.)

The act also makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2024, except the Roberta B. Willis Scholarship program changes are effective July 1, 2023.

Debt-Free Community College Eligibility Expansion (§ 134)

Under prior law, the state's debt-free community college program allowed eligible Connecticut high school graduates who enrolled as first-time community-technical college students to receive awards on a semester basis.

The act removes requirements that (1) a qualifying student must be a first-time enrollee at a regional community-technical college, therefore extending program eligibility to returning students, and (2) awards must be applied during a student's first 48 consecutive months of community college attendance, allowing them to receive the award if they meet all other eligibility requirements. As under existing law, an award is available to a qualifying student for the first 72 credit hours they earn.

The act also makes conforming changes by eliminating separate eligibility requirements for qualifying students who take a medical or personal leave of absence or are called to active duty in the armed forces while enrolled in a community college.

Allocation of Roberta B. Willis Scholarship Program Funds (§ 135)

FY 24 Funding Sources. The act requires OHE, for FY 24, to make awards and allocations for the Roberta B. Willis Scholarship program first from its allocation of federal ARPA funds until these funds are exhausted, before making any awards or allocating any funds from General Fund appropriations. (PA 23-208, § 11, instead requires OHE to use (1) the funds appropriated or allocated for the program for FY 24 to make its award and allocations for the 2023 and 2024 academic years and (2) all of the ARPA funds allocated for the program by December 31, 2024.)

The act makes conforming changes by requiring that the program's funding allocations across its three award types (i.e., the need and merit-based grant, need-based grant, and Charter Oak grant) be made within available funds, rather than available appropriations as prior law required.

Maximum Allocation for the Need and Merit-Based Grant. Under prior law, at least 20% but no more than 30% of the program's available appropriations were allocated to the need and merit-based grant. The act maintains the 20% minimum but caps the maximum allocation at the greater of (1) 30% of available funds or (2) $10 million. It retains the existing allocations for the need-based grant (up to 80% of available funds) and Charter Oak grant (at least $100,000 of available funds).

Administrative Allowance. Under prior law, the program received an administrative allowance for each fiscal year set at the greater of (1) 0.25% of the available appropriations or (2) $100,000. The act instead bases this allowance on available funds, subject to a $100,000 annual minimum.

Regional-Community Technical Colleges (§ 135)

The act excludes the regional-community technical colleges from the scholarship program, which makes students at these institutions ineligible to receive an award. It also makes several conforming changes.

Award Distribution and Student Eligibility (§ 135)

Prior law required OHE to make the determination of financial need for the need and merit-based grants based on the eligible student's "family contribution" (i.e., the expected family contribution for educational costs calculated from the student's Free Application for Federal Student Aid (FAFSA)). Beginning July 1, 2024, the act instead requires it to do so based on the eligible student's "student aid index" to reflect changes in federal law. (The federal FAFSA Simplification Act, part of the Consolidated Appropriations Act of 2021 – P.L. 116-260, phases out the "Expected Family Contribution" and replaces it with "Student Aid Index.") Under the act, "student aid index" is the index used to determine financial aid eligibility as computed from a student's FAFSA.

Prior law required OHE to make awards on a sliding scale up to a maximum federal family contribution set annually by OHE and based on funding levels and the number of eligible applicants. Under the act, as an alternative to family contribution, OHE can also use student aid index when making need and merit-based awards. It similarly requires OHE to use student aid index as an alternative to family contribution in determining how much funding to allocate to institutions for need-based grants.

§ 137 — ENDOMETRIOSIS DATA AND BIOREPOSITORY PROGRAM

Requires UConn Health Center to develop an endometriosis data and biorepository program by January 1, 2024, and annually report on it to the Public Health Committee

The act requires UConn Health Center (UCHC), by January 1, 2024, to develop an endometriosis data and biorepository program to enable and promote research on (1) early detection of endometriosis in adolescents and adults and (2) the development of therapeutic strategies to improve clinical management of the condition. It must do this in collaboration with an independent, nonprofit biomedical research institution in Connecticut that is engaged in endometriosis research with UCHC.

Under the act, UCHC must annually report on the program's implementation to the Public Health Committee, starting by January 1, 2025.

EFFECTIVE DATE: July 1, 2023

Program Duties

Under the act, the endometriosis data and biorepository program must do the following:

1. design a comprehensive longitudinal sample and clinical data collection protocol to characterize endometriosis and cellular functions of those with endometriosis;
2. collect from patients with endometriosis and control patients without the condition and code (a) endometrial tissue specimens; (b) fluids, including blood and urine; and (c) clinical and demographic data and questionnaires on endometriosis symptoms and quality of life;
3. develop standard operating procedures for biological material samples, including for their transportation, coding, processing, and long-term retention and storage;
4. establish data transmission and onboarding operations necessary for institutions in the state to participate in banking with and accessing data from the program;
5. curate biological endometriosis samples from a diverse cross-section of communities in the state to ensure they represent all groups affected by endometriosis, including under-represented populations such as African American, black, Latino, Latina, Latinx, and Puerto Rican persons; other persons of color; transgender and gender diverse persons; and persons with disabilities;
6. raise awareness on endometriosis in these underrepresented populations and promote research on better diagnostic and therapeutic options, including through communications with health care providers and those impacted by endometriosis on information about the latest therapeutic options for people diagnosed with the condition;
7. create opportunities for collaborative research among institutions in the state focused on the pathogenesis, pathophysiology, progression, prognosis, and prevention of endometriosis and the discovery of noninvasive diagnostic biomarkers, new targeted therapeutics, and improved medical and surgical interventions;
8. serve as a centralized resource for endometriosis information and a conduit to promote endometriosis education and raise its public awareness;
9. facilitate collaboration among researchers and health care providers, educators, students, patients, and others impacted by endometriosis through conferences and continuing medical education programs on best practices for endometriosis diagnosis, care, and treatment;
10. collect information on endometriosis's impact on Connecticut residents, including health and comorbidity, health care costs, and overall quality of life; and
11. apply for and accept grants, gifts, and funds bequeathed to perform its functions.

Under the act, a "biorepository" is a facility that collects, catalogs, and stores human samples of biological material, including urine, blood, tissue, cells, DNA, RNA, and protein for laboratory research. These samples are coded without individual identifiers and linked with phenotypic data (i.e., non-individually identifiable clinical information on a person's disease history, symptoms, and demographic data, including age, sex, race, and ethnicity).

Background — Related Act

PA 23-67 contains the same provisions requiring UCHC, by January 1, 2024, to develop an endometriosis data and biorepository program.

§ 138 — ANNUAL TRIBAL GRANTS

Requires the OPM secretary to annually distribute $20,000 grants from the Mashantucket Pequot and Mohegan Fund to the Schaghticoke, Paucatuck Eastern Pequot, and Golden Hill Paugussett tribes

The act requires the OPM secretary to annually distribute a $20,000 grant to each of the Schaghticoke, Paucatuck Eastern Pequot, and Golden Hill Paugussett tribes beginning in FY 24. He must distribute the grants from the Mashantucket Pequot and Mohegan Fund in addition to any payments made to towns from the fund.

The tribes must use the grants to manage their properties. The act prohibits using the grants in connection with any legal claim against the state or federal government or to support any petition for federal recognition.

EFFECTIVE DATE: Upon passage

§ 139 — PRORATED PILOT GRANTS

Increases tiered PILOT grant rates by three percentage points, from 50%, 40%, and 30% to 53%, 43%, and 33% for tier one, two, and three municipalities, respectively

The payment in lieu of taxes (PILOT) program gives annual grants to municipalities and fire districts for (1) state-owned property, municipally owned airports, and Indian reservation land and (2) private nonprofit college and hospital

property. PILOT grant amounts are generally determined by multiplying the assessed value of the PILOT-eligible property by the statutory reimbursement rate for the given property type.

By law, if the amount appropriated for PILOT grants is not enough to fully fund them according to these reimbursement rates, the grant amounts must be prorated according to a three-tiered proration method. (OPM generally determines each municipality's and district's tier designation based on its per capita property wealth, with certain exceptions.) Under prior law, tier one, two, and three municipalities received 50%, 40%, and 30% of their PILOT grants, respectively. The act increases these rates to 53%, 43%, and 33%, respectively.

By law, unchanged by the act, if the annual appropriation is not enough to fund the grants at these percentages, then the grants to each municipality and district must be proportionately reduced, but they cannot be less than what was received in FY 21. Conversely, if the annual appropriation exceeds the amount required to fund PILOT grants at these percentages, then the grants must be proportionately increased.

EFFECTIVE DATE: July 1, 2023

§ 140 — BATTERSON PARK FEASIBILITY STUDY

Requires the DEEP commissioner to study the feasibility of, and recommend options for, public recreational access to Batterson Park, hold public meetings on park redevelopment, and report to the Environment Committee by January 15, 2024

The act requires the DEEP commissioner to study the feasibility of, and recommend options for, public recreational access to Hartford's Batterson Park property in New Britain and Farmington. In doing this, she must consult with Hartford and other interested municipalities.

Under the act, the study must evaluate various park redevelopment options, including public and public-private partnerships. It must consider each parcel of Batterson Park owned by Hartford in New Britain and Farmington and assess the following:

1. recreational uses, including passive and active uses;
2. Batterson Park Pond's water quality;
3. on- and off-site measures needed to support swimming in the pond;
4. existing and new infrastructure and capital investments needed to accommodate public recreation and park access;
5. ongoing park operation and maintenance costs;
6. public safety concerns;
7. funding needs for each redevelopment option; and
8. other matters the commissioner considers necessary for a detailed feasibility assessment of each option.

The act requires the commissioner to hold at least one meeting in each affected municipality (i.e., Hartford, New Britain, and Farmington) to take public comments on the park's redevelopment. Within 14 days before each meeting, a notice of the meeting's time and place must be posted on DEEP's and the host municipality's websites.

The commissioner must submit a report on the study to the Environment Committee by January 15, 2024.

EFFECTIVE DATE: Upon passage

§ 141 — ASSISTANCE TO MDC FOR SEWER UPGRADES AND REPAIRS

Requires DEEP to use available funds, including certain Clean Water Act funds, for a financial assistance program for MDC to make sewerage system upgrades and repairs in Hartford

The act requires DEEP to use available funding to operate a program that gives financial assistance to the Metropolitan District Commission (MDC) for repairs and improvements to Hartford's sewerage systems. DEEP must develop the program by January 1, 2024, and it must jointly identify projects with the MDC, prioritizing those that will mitigate or prevent flooding and sewerage back-ups in residential dwellings (including repairing components on private property).

Under the act, funding must come from Clean Water Act or other funds, but it cannot be the funding MDC receives for capital costs associated with complying with certain consent agreements involving the federal Environmental Protection Agency and Connecticut. The program ends upon the exhaustion of available funding.

Any contracts entered into for the repairs or improvements must comply with the state's nondiscrimination and affirmative action contracting provisions.

EFFECTIVE DATE: Upon passage

Report to DEEP and Legislature

By February 1, 2024, and then generally monthly, the act requires MDC to submit a report to DEEP and the Environment and Planning and Development committees with (1) a description of any repairs and improvements begun or completed in the previous month under the program; (2) an itemized accounting of expenditures; and (3) a list of projects the district started but has been unable to complete due to permitting issues, including the nature of the issues. MDC's first report must also have a detailed description of the scope of all projects it anticipates undertaking, with the estimated schedule for each project. After the first report, MDC does not need to submit a report in months that it does not undertake repairs or improvements under the program.

§§ 142-144 & 146 — SEWERAGE GRANT PROGRAM FOR HARTFORD RESIDENTS

Requires the comptroller to establish the Hartford Sewerage System Repair and Improvement Fund to support a financial assistance program for Hartford residents impacted by certain flooding

The act requires the comptroller to establish the Hartford Sewerage System Repair and Improvement Fund, which may contain public or private funds, to be used to administer and operate a grant program for people impacted by certain flooding in Hartford. It explicitly allows Harford to contribute to the fund. The grant program ends upon the exhaustion of funds.

Specifically, by January 1, 2024, the comptroller must set up a grant program to (1) give financial assistance to eligible owners of real property in Hartford to pay for necessary repairs from flood damage caused on or after January 1, 2021, and (2) reimburse residents for costs associated with damage to personal property due to flooding occurring on or after that date. Program funds must also be used to compensate the program's administrator and reimburse inspection costs (see below).

The grant program must be administered by a gubernatorially appointed administrator who is a Hartford resident with experience in environmental justice issues and insurance policy claims determinations. The administrator must be appointed by August 1, 2023, employed under a personal service agreement, and paid the per diem rate for a senior judge. Hartford's state representatives and senators must submit a list of at least two candidates by July 15, 2023, but the governor does not have to choose the administrator from that list.

EFFECTIVE DATE: Upon passage

Application and Grant Awards

The act requires the administrator to develop the application process and eligibility criteria, subject to the comptroller's approval. The eligibility criteria must require that the property owner is a Hartford resident who owned real or personal property in the city that was damaged by flooding on or after January 1, 2021. The application must include, if applicable, a copy of any determination made on a claim against any property and casualty insurance policy, including the amounts paid under the claim. The act specifies that no applicant is ineligible solely because (1) their property was uninsured when the damage occurred or (2) the applicant did not receive payment under an insurance claim. The administrator must review applications and make eligibility decisions within 30 days after receipt.

If the applicant is eligible for assistance to pay for real property repairs, an inspector must evaluate the damage to the applicant's property and give the administrator a report in the form he or she sets describing the damage and estimated repair costs. The inspector must be employed by MDC, or, if the applicant chooses to hire their own inspector, have experience in assessing flood damage and be approved by the administrator. Within 30 days after receiving the report, the administrator may award the applicant a grant using a formula the comptroller sets. The formula must reduce the grant by any amount paid out by an insurance company for the damage. Applicants who hire their own inspector can seek reimbursement for reasonable inspection costs (also as set by the administrator), and the administrator must reimburse them for it.

Within 30 days after determining an applicant is eligible for reimbursement for costs associated with personal property damage, the administrator must award it following the comptroller's formula. The formula may reduce the grant by any amount paid out by an insurance company for the damage.

The act makes the administrator's finding related to eligibility or costs inadmissible in any administrative or judicial proceeding.

Appeals

The act allows applicants to appeal the administrator's eligibility or award amount decisions to the comptroller within 30 days after a decision, using procedures he sets. The comptroller may hire an administrator to conduct these appeals and

the comptroller's or the hired administrator's decision is unappealable.

Notice to Landlords

If requested by a tenant residing in a residential building that was damaged by flooding on or after January 1, 2021, the administrator must inform the building's owner about the program by mail or email, if the administrator knows the owner's mailing address or electronic mail address.

Community Outreach

The act requires the comptroller, for FY 24, to give a $75,000 grant to the Blue Hills Civic Association using funds from the Hartford Sewerage System Repair and Improvement Fund. The grant must be used for a community outreach effort to inform residents about assistance for property repair and reimbursement for flooding damage costs.

The act also requires MDC to designate an employee by January 1, 2024, to serve as a community outreach liaison, responsible for answering questions about the grant program, helping individuals apply for assistance, and promoting community awareness about the program. The awareness efforts must include contacting individuals known to have had real or personal property damage from flooding and sewerage back-ups to provide information on the grant program and the availability of licensed inspectors.

§ 145 — REPORT ON SEWERAGE AND STORMWATER PROJECTS BY HARTFORD AND MDC

Requires Hartford and MDC to report to DEEP and the legislature on sewer and stormwater projects and flooding prevention plans

The act requires Hartford and MDC to jointly submit a report by January 1, 2024, to DEEP and the Environment and Planning and Development committees that describes (1) the status of any planned or underway long-term projects in Hartford that are intended to improve the city's sewerage or stormwater infrastructure and (2) their plan to mitigate or prevent future flooding issues, including the feasibility of investing in green infrastructure. The report must be published on DEEP and MDC's websites.

EFFECTIVE DATE: Upon passage

§ 147 — LGBTQ JUSTICE AND OPPORTUNITY NETWORK

Changes the name and modifies the membership and scope of the LGBTQ Health and Human Services Network

The act renames the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Health and Human Services Network as the LGBTQ Justice and Opportunity Network and modifies its scope. It tasks the network with making recommendations to the state legislative, executive, and judicial branches about access and opportunity services to LGBTQ people in the state, instead of about delivering health and human services for these individuals. The act also requires the network to build a more just environment for LGBTQ people, in addition to its duties under existing law of building a safer and healthier environment.

By law, the network must report to the Public Health, Human Services, Appropriations, and other legislative committees as necessary. The act adds the Judiciary Committee to this list. Additionally, existing law requires the Commission on Women, Children, Seniors, Equity and Opportunity to provide administrative support to the network. The act specifies that this support must be provided within available appropriations.

EFFECTIVE DATE: July 1, 2023

Membership

The act also modifies the composition of the network by removing two members and adding five new ones. It removes the True Colors, Inc. executive director and an LGBT Veteran Care coordinator. It adds the executive directors of (1) A Place to Nourish Your Health, (2) Kamora's Cultural Corner, (3) Apex Community Care, and (4) Queer Youth Program of Connecticut, and an LGBTQ licensed mental health provider. Additionally, the act replaces the AIDS Connecticut executive director with the executive director of Advancing CT Together. By law, the network includes those individuals or their designees. All appointments must be made within 60 days after the act's effective date.

Unchanged by the act, the House speaker, in consultation with the Senate president pro tempore, fills any vacancies,

and either may appoint additional members.

§ 148 — TRF-SCRF AND CONNECTICUT BABY BOND TRUST PROGRAM

Requires the TRF-SCRF to contain any financial guaranty the state treasurer obtains for the fund; sets conditions under which the money in the SCRF and any amount available under the guaranty may be deposited in the Connecticut Baby Bond Trust

Financial Guaranties in the TRF-SCRF

By law, the Connecticut Teachers' Retirement Fund Bonds Special Capital Reserve Fund (TRF-SCRF) secures principal and interest payments on the pension obligation bonds (POB) issued in 2008 to fund the Teachers' Retirement System's unfunded liability. Its purpose is to provide adequate protection for these bondholders, and its funds are pledged to paying the bonds it secures.

Authority to Acquire Financial Guaranties for the Fund. Existing law requires the TRF-SCRF to contain any money the law requires to be deposited in it, including deposits from the Connecticut Lottery Corporation. The act additionally requires it to contain any financial guaranty or guaranties the treasurer acquires for the fund's purposes. This may include any letter of credit, surety bond, insurance policy, guaranty, or similar instrument issued by a financial institution (e.g., a bond or insurance company), so long as the institution is rated within the top two rating categories of at least one nationally recognized statistical rating organization when the financial guaranty is issued, as the state treasurer determines is in the state's best interest. The act makes related conforming changes to the TRF-SCRF law.

The treasurer must prescribe the financial guaranty's form. It must be at par value and payable, or available to be drawn upon, on or before any date by which debt service on the secured bonds must be paid.

Treasurer's Related Powers. The act gives the state treasurer specified powers related to this financial guaranty, including the authority to (1) enter into related agreements on the state's behalf (including intercreditor provisions if there are multiple financial guaranties) and (2) pledge the state's full faith and credit under any such agreement, including the moneys that must be deposited in the fund to meet the state's payment obligations under the agreement. As part of the contract the state enters into with the other parties to the agreement, the act (1) appropriates all amounts needed to pay the state's obligations on time and (2) requires the treasurer to pay these amounts when due. It also authorizes the fund to pay any of the agreement's costs.

Related Legal Actions. The act allows the Hartford Superior Court to enter a judgment against the state based on any agreement entered into under the act, including any claim, set-off, or demand the state has against the plaintiffs. The case must be heard without a jury. The act reserves to the state all legal defenses except governmental immunity and requires that the action have privilege in its trial assignment upon either party's motion.

Release of TRF-SCRF Funds to the Connecticut Baby Bond Trust

The act establishes conditions under which excess money in the TRF-SCRF must be deposited in the Connecticut Baby Bond Trust. It allows the funds to be released in this way after the state treasurer acquires a financial guaranty or guaranties and if the TRF-SCRF's deposits, together with the amount available under the financial guaranty or guaranties, exceed the fund's required minimum capital reserve. In doing so, it specifies that the TRF-SCRF, if it is wholly or partly funded by a financial guaranty or guaranties, continues to provide adequate protection for the POB bondholders and any related refunding bonds.

Prior law authorized the treasurer to release funds from the TRF-SCRF to the General Fund when the amount in the fund equaled or exceeded its required minimum capital reserve. Specifically, it (1) required the state treasurer to certify to the governor, Teachers' Retirement Board (TRB), and lottery corporation president when the TRF-SCRF's deposits first reach or exceed the required minimum and (2) allowed the state treasurer to direct the trustee to remit the excess to him for deposit in the General Fund. The act instead requires him to (1) certify when the total amount in the TRF-SCRF, plus the amount available under a financial guaranty or guaranties, exceeds this required minimum and (2) direct the trustee to remit the excess to the Connecticut Baby Bond Trust.

Fund Termination

Under prior law, any money left in the TRF-SCRF when it terminates had to be transferred to the Budget Reserve Fund. The act instead requires the remaining funds to first be used to pay any obligations under any agreement entered into under the act and then be transferred to the Connecticut Baby Bond Trust. The state treasurer must direct the TRF-SCRF's

trustee to enter into a contract with the Connecticut Baby Bond Trust's trustee for this transfer, as he deems necessary or appropriate, (1) in a way that protects the Baby Bond Trust's beneficiaries' interests and (2) subject to the requirement that the TRF-SCRF be used for paying the bonds it secures.

The act also eliminates an obsolete provision terminating the fund if the TRB failed to approve a specified credited interest percentage for member accounts and return assumption.

EFFECTIVE DATE: Upon passage

§§ 149-152 & 438-442 — CONNECTICUT BABY BOND TRUST PROGRAM

Eliminates the prior $600 million GO bond authorization for the Baby Bond Trust program; makes various other changes to the program

Bond Authorization (§§ 149, 151 & 442)

The act eliminates the $600 million general obligation (GO) bond authorization ($50 million per year from FYs 25-36) for the Connecticut Baby Bond Trust program. By law, the program gives designated beneficiaries (i.e., babies born on or after July 1, 2023, whose births were covered under HUSKY) up to $3,200 in a state trust. Once they reach age 18, designated beneficiaries that meet the program's eligibility requirements may receive the funds, including any investment earnings, to be used for an eligible expenditure (e.g., education, buying a home or investing in a business in Connecticut, or personal financial investments).

The act makes numerous conforming changes, including eliminating provisions giving the state treasurer specified powers relating to the bonds and allowing certain legal actions. It also eliminates provisions requiring the state treasurer, starting in 2024, to submit to the governor and OPM secretary an annual report and calculation of the total amount required to credit $3,200 for each of these beneficiaries.

Disbursements (§§ 152 & 438)

The act exempts disbursements from the trust, rather than the trust's property and earnings, from all state and local taxes. It requires that the disbursements, rather than funds invested in the trust, be disregarded as assets or income, as applicable, when determining an individual's eligibility for (1) state-administered assistance programs, to the extent allowed by federal law, or (2) need-based, institutional aid grants offered at the state's public eligible educational institutions.

Amounts Transferred for Designated Beneficiaries (§§ 439 & 440)

Prior law required the state treasurer to establish an accounting for each designated beneficiary and allowed him to transfer up to $3,200 from the program's bond proceeds to the trust to be credited to the beneficiary's accounting at birth. It also required the transferred amount to be proportionately reduced for any year in which the amount of bond funds made available under the program was insufficient to provide the $3,200. The act eliminates the requirements that the (1) state treasurer set up these accountings and (2) transferred funds come from these bond proceeds. The act instead allows designated beneficiaries, once they reach age 18 and complete the program's financial literacy requirement, to request an amount to be used to pay an eligible expenditure, up to the total amount allocated or transferred on their behalf. This includes their pro rata share of any investment earnings at the time of the disbursement.

Under prior law, if a designated beneficiary failed to submit a valid claim before his or her 30th birthday or died before doing so, then the amount of his or her accounting was credited back to the trust's assets. The act instead requires that this amount be retained by the trust to credit to designated beneficiaries born in subsequent years.

Information Sharing Between State Treasurer and DSS (§§ 439 & 440)

Existing law requires the state treasurer and DSS to enter into a memorandum of understanding (MOU) about information sharing practices needed to carry out the program. The act requires this MOU to be done according to all applicable state or federal laws, rather than contingent on adequate consent authorizing the disclosure of designated beneficiaries' confidential information under these laws.

As under prior law, the act requires DSS, beginning by September 1, 2024, to annually inform the state treasurer of the number of designated beneficiaries born in the prior fiscal year. Under the act, the treasurer may transfer up to $3,200 in the trust for each such beneficiary after receiving this number, rather than upon the birth of a designated beneficiary.

Other Programmatic Changes (§§ 150, 439 & 441)

The act also does the following:

1. exempts the trust's property from the law for determining when property held by a fiduciary is presumed abandoned (§ 150);
2. explicitly subjects the treasurer's trust investments to the same oversight and requirements that the law establishes for other treasurer-administered funds, such as the Teachers' Pension Fund, the State Employee Retirement Fund, and the Connecticut Municipal Employees' Retirement Fund (e.g., investment review by the Investment Advisory Council) (§ 441); and
3. makes various minor, technical, and conforming changes (§§ 150 & 439).

EFFECTIVE DATE: Upon passage

§ 153 — COMPENSATION OF INCARCERATED INDIVIDUALS

Requires a $5-$10 per week pay range for DOC inmates performing services on the state's behalf

The act sets a pay range for the compensation paid to inmates of a Department of Correction (DOC) institution or facility for services they perform on the state's behalf. By law, the DOC commissioner, after consulting with the administrative services commissioner and the OPM secretary, must set the compensation schedule for this work, recognizing degrees of merit, diligence, and skill, and encouraging inmate incentive and industry. The act requires the schedule to have a pay range of at least $5 per week, but no more than $10 per week. Prior law did not specify any minimum or maximum amounts.

EFFECTIVE DATE: October 1, 2023

§§ 154-158 — FOOD AND NUTRITION POLICY ANALYST AND TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS

Requires CWCSEO to hire a food and nutrition policy analyst to help reduce food insecurity and food deserts; authorizes municipalities to provide property tax abatements to new grocery stores located in food deserts that meet certain requirements

The act requires the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) executive director, with the Joint Committee on Legislative Management's approval, to hire a food and nutrition policy analyst to coordinate state efforts to reduce food insecurity and food deserts, promote food as medicine, and provide data on access to nutritionally adequate food. The policy analyst must be qualified by training and experience to perform the office's duties.

The act also (1) authorizes municipalities to provide, for the next two assessment years, property tax abatements to new grocery stores that are established in a food desert and (2) requires larger grocery stores to meet certain labor conditions to qualify. It allows the state, within available appropriations, to give grants to municipalities for their taxes abated under the act.

Additionally, the act requires the Department of Economic and Community Development (DECD) commissioner to develop a plan to, among other things, incentivize grocery store construction in a food desert.

EFFECTIVE DATE: July 1, 2023, except the provisions on tax incentives take effect on October 1, 2023.

Food and Nutrition Policy Analyst (§ 155)

Under the act, the analyst's duties include the following:

1. creating a program that (a) lets individuals search by home address for places to buy food or receive food assistance (e.g., local food recovery organizations, food insecurity programs, farmers markets, and supermarkets) and (b) includes information on available government programs such as the supplemental nutrition assistance program (SNAP), the special supplemental nutrition program for women, infants, and children (WIC), and free or reduced cost school meal programs;
2. creating an interactive map program that provides town-, county-, or census tract-level food insecurity data, including data on the average distance to, and cost of, nutritionally adequate food, and the number and location of food deserts;
3. creating and updating at least biennially a database listing food recovery organizations, food insecurity programs,

supermarket locations, and agricultural producers who sell directly to the public;
4. producing an annual report on food insecurity in the state and submitting it to the CWCSEO director;
5. administering a community-focused work group to develop food security best practices and initiatives, which must be composed of an equal number of representatives from local food recovery organizations, local food insecurity programs, local supermarket owners, agricultural food producers, and representatives of other working groups appointed by the General Assembly or executive branch;
6. promoting public awareness about access to nutritionally adequate food and food as medicine, including by planning public events on solutions to food insecurity; and
7. working with state agencies and the CWCSEO director to promote equitable access to nutritionally adequate food.

The act requires the person serving as the food and nutrition analyst to have at least a bachelor's degree in public health or public administration or equivalent experience in food and health policy (e.g., a demonstrated knowledge of food insecurity issues, the public health impact of nutritionally adequate food's availability, and Medicaid coverage of food as medicine).

The act also requires that any programs, data, and reports that the analyst produces as part of the duties listed above be posted on the CWCSEO website. Starting by January 15, 2024, the analyst must annually compile this data into a report, and the CWCSEO director must submit the report and recommendations to reduce food insecurity to the Aging, Environment, Human Services, Planning and Development, and Public Health committees.

Property Tax Abatement for Grocery Stores in Food Deserts (§§ 156 & 157)

The act authorizes municipalities, by ordinance, to partially or fully abate property taxes on any new grocery store established in a food desert for the assessment years beginning on October 1, 2023, and October 1, 2024. It requires the ordinance to include any additional abatement requirements and an application process. Under the act, a "grocery store" is a retail facility (1) at which at least 90% of its square footage is used to display and sell food products, of which at least 20% is used to display and sell fresh produce, dairy, and meat products, and (2) that is constructed, rehabilitated, remodeled, or refurbished following the prevailing wage standard for the same work in the same trade or occupation in the town in which the project is undertaken.

The act allows the state, at the DECD commissioner's discretion and within available appropriations, to enter into a contract with a municipality to provide a state grant for taxes the municipality abated for qualifying grocery stores in these assessment years. The grant may be for up to the amount of taxes the municipality abated each year.

Labor Peace Agreements. Under the act, to qualify for the abatement, any grocery store larger than 20,000 square feet must enter into a labor peace agreement with a bona fide labor organization (i.e., a labor union representing or seeking to represent grocery store workers; see below).

The act requires that the grocery store's business owner or operator agree to do the following under the labor peace agreement:
1. maintain a neutral position on the labor organization's efforts to represent store employees,
2. allow the labor organization to have access to store employees, and
3. guarantee the labor organization the right to be recognized as the exclusive collective bargaining representative of the store's employees by showing that a majority of store workers have signed authorization cards indicating their preference for representation.

In return, the bona fide labor organization must agree that its members will, for the duration of the agreement, refrain from picketing, work stoppages, boycotts, or other economic interference against the business.

Bona Fide Labor Organizations. The act specifies that certain factors are indicative, but not determinative, of whether a labor organization is a bona fide labor organization. These factors include whether the organization:
1. represents employees in the state over wages, hours, and working conditions;
2. has officers elected by secret ballot or another way consistent with federal law;
3. is free of domination or interference by any employer and has received no improper assistance or support from any employer;
4. has been recognized or certified as the bargaining representative for grocery store employees in the state;
5. has executed a current collective bargaining agreement or agreements with grocery store employers in the state;
6. has spent resources as part of a current and active attempt to organize and represent grocery store workers in the state;
7. has, for the three years immediately before any labor peace agreement with a grocery store seeking a tax abatement, (a) filed its annual financial report with the U.S. Secretary of Labor as required by federal law, (b) audited financial reports, and (c) written bylaws or a constitution; and
8. is affiliated with a regional or national association of unions, including central labor councils.

Strategic Plan on Food Deserts (§ 158)

The act also requires the DECD commissioner, in consultation with the agriculture commissioner, to develop a strategic plan to (1) provide incentives for grocery store construction in a food desert and (2) expand opportunities for food desert residents to access nutritionally adequate food. By January 1, 2024, the DECD commissioner must file a report on the strategic plan with the Commerce; Environment; Finance, Revenue and Bonding; Human Services; and Planning and Development committees.

§§ 159-162 — FIREFIGHTERS CANCER RELIEF BENEFITS

Generally requires that firefighters who have certain cancers and meet other criteria receive workers' compensation-like benefits and disability retirement benefits that are paid by a municipality and then reimbursed from a state account; creates the Firefighters Cancer Relief Fund Advisory Committee to annually evaluate the account; and requires the treasurer to annually report on the account's status and the existing Firefighters Cancer Relief Program

The act generally requires that firefighters who have certain cancers and meet other criteria receive workers' compensation-like benefits and disability retirement benefits. The benefits must be paid by the municipality where the firefighter is employed and then reimbursed to the municipality from the state's firefighters cancer relief account. Under existing law, unchanged by the act, firefighters who meet substantially similar criteria may also qualify for wage replacement benefits from the Firefighters Cancer Relief Program, which is funded by the same account and administered by the Connecticut State Firefighters Association's Firefighters Cancer Relief Subcommittee.

The act also (1) creates the Firefighters Cancer Relief Fund Advisory Committee to annually evaluate the firefighters cancer relief account's financial solvency, (2) requires the state treasurer to annually give the advisory committee a report on the status of the account and the existing Firefighters Cancer Relief Program, and (3) makes a conforming change to allow the account to also fund the act's new cancer relief benefits.

EFFECTIVE DATE: October 1, 2023, except the provisions on the advisory committee and treasurer's report are effective upon passage.

Cancer Relief Compensation and Benefits (§ 159)

Regardless of the state's workers' compensation laws, the act requires firefighters who meet certain criteria related to having cancer to receive compensation and benefits from the firefighters cancer relief account in the same amount and in the same way that they would be provided under the workers' compensation law if the firefighter's death or disability qualified for workers' compensation benefits. More specifically, the compensation and benefits must be as if their death or disability was caused by a personal injury that arose out of and in the course of the firefighter's employment and was suffered in the line of duty and within the scope of his or her employment. In the case of death, the firefighter's dependents would receive the compensation and benefits.

Under the act a "firefighter" includes any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and other classes of inspectors and investigators for whom the State Fire Marshal and the Codes and Standards Committee have jointly adopted minimum qualification standards. "Compensation" is benefits or payments required under the workers' compensation law (e.g., indemnity (i.e., lost wages), medical costs, disability payments, death benefits, and funeral expenses).

The act also requires that the eligible firefighters receive (1) the same retirement or survivor benefits from the municipal or state retirement system that covers them or (2) disability benefits available from the Connecticut State Firefighters Association, that would have been paid if the firefighter's death or disability was caused by a personal injury that arose out of and in the course of their employment and was suffered in the line of duty and within the firefighter's scope of employment. (To the extent that this requirement conflicts with the provisions of collectively bargained retirement systems, it could be subject to claims that it violates the Contracts Clause of the U.S. Constitution, which generally bars states from passing any law that impairs the obligation of existing contracts.)

Qualifying Criteria. To qualify for the act's compensation and benefits a firefighter must meet the following criteria:

1. be diagnosed with any condition of cancer affecting the brain or the skeletal, digestive, endocrine, respiratory, lymphatic, reproductive, urinary, or hematological systems that results in death or temporary or permanent total or partial disability;
2. had a physical examination after entering the service that failed to reveal any evidence of or a propensity for the cancer;
3. not used cigarettes during the 15 years before the diagnosis;

4. worked for at least five years as (a) an interior structural firefighter at a paid municipal, state, or volunteer fire department or (2) a local fire marshal, deputy fire marshal, fire investigator, fire inspector, or another class of inspectors or investigators for whom the state fire marshal and Codes and Standards Committee have jointly adopted minimum qualification standards; and
5. submitted to annual medical health screenings as recommended by the firefighter's medical provider.

Under the act, an "interior structural firefighter" is someone who performs fire suppression, fire rescue, or both, either inside buildings or in closed structures that are involved in a fire station beyond the incident stage.

Applications and Reimbursements. To apply for compensation or benefits under the act, a firefighter must notify the Workers' Compensation Commission and the municipality where he or she is employed in the same way required for workers' compensation claims. Former firefighters who would otherwise be eligible for benefits may also apply within five years after they last served as a firefighter. If an employer required a physical exam as a condition for employment when the firefighter was hired, or annually for continued employment, the act exempts the firefighter from having to show proof of the exam to maintain a claim for benefits.

The act requires the municipality where the firefighter is employed to administer these claims in the same way as required under the workers' compensation law.

(Because the act requires the municipality where the firefighter is employed to administer the claim as a workers' compensation claim, it is unclear how volunteer or state-employed firefighters who are not employed by the municipality where they serve as a firefighter would receive benefits since they are not employed by the administering municipality and the workers' compensation law generally does not include a process for administering claims from non-employees. In addition, it is similarly unclear how the act's application process would apply to claims for disability and disability retirement benefits.)

The municipality must (1) pay the firefighter the compensation or benefits he or she is entitled to and then (2) apply for reimbursement from the firefighters cancer relief account in a form and way set by the state treasurer. Reimbursement payments must be processed within 45 days after the application was received.

The act also requires that any costs associated with the firefighter's cancer treatment be reimbursed by the account if the firefighter's personal or group health insurance does not cover them. (The act does not specify a process for firefighters to apply or qualify for this reimbursement, or what happens if the account becomes insolvent.) Presumably, a firefighter seeking this reimbursement would need to meet the same criteria required for the act's other cancer relief compensation and benefits.

Audits and Authority to Reimburse Municipalities. The act authorizes the state treasurer to audit reimbursements from the account. It also makes a conforming change to allow the treasurer to spend money from the account to reimburse the municipalities for paying the required compensation and benefits (§ 162).

Account Insolvency. Under the act, if the account becomes insolvent, the municipality has no obligation to continue providing the workers' compensation-like compensation and benefits funded by it (it is unclear how the disability retirement benefits required by the act would be affected in these circumstances, as it appears that the act also requires municipalities to be reimbursed for these benefits). (See below, § 161, regarding the treasurer's duty to notify towns of approaching insolvency.)

Benefit Denial. The act allows a firefighter to request that a municipality's denial of compensation or benefits be reconsidered in the same way as for workers' compensation claims (it is unclear if this would require a workers' compensation administrative law judge to adjudicate the claim; neither existing law nor the act gives them jurisdiction over these claims).

Benefit Offset. The act requires that any benefits provided under it be offset (i.e., reduced) by any other benefits a firefighter (or his or her dependents) may be entitled to receive from the firefighter's municipal employer under the workers' compensation law, or the municipal or state retirement system that covers them, due to any health condition or impairment caused by occupational cancer resulting in the firefighter's death or permanent total or partial disability.

Related Workers' Compensation Claims. The act prohibits any firefighter that receives compensation under its provisions from filing a workers' compensation claim for a cancer diagnosis unless (1) the firefighters cancer relief account becomes insolvent or (2) the firefighter dies from cancer. If the account becomes insolvent, a firefighter who was receiving compensation may file a workers' compensation claim for continuation of compensation within one year after receiving notice about the insolvency from the municipality.

If a firefighter who was receiving compensation under the act dies from cancer, the act allows any survivors to file a workers' compensation claim within one year after the firefighter's death. Until the claim is approved, the survivors must continue receiving benefits from the firefighters cancer relief account. If they do not file a workers' compensation claim before the one-year deadline they may continue to receive benefits from the account.

The act specifies that compensation payments made under the act cannot be used as evidence to support any future workers' compensation claim.

Firefighters Cancer Relief Fund Advisory Committee (§ 160)

The act creates the Firefighters Cancer Relief Fund Advisory Committee to annually evaluate the firefighters cancer relief account's financial solvency. The evaluation must at least (1) analyze the fund balance, claims data, and quarterly report from the state treasurer (see below); (2) identify the need for a new funding mechanism for the account; and (3) determine the need to buy insurance to help maintain the account's solvency.

Under the act, the committee consists of (1) two Connecticut Conference of Municipalities representatives, (2) a Uniformed Professional Fire Fighters Association of Connecticut representative, (3) a Connecticut State Firefighters Association representative, (4) the state treasurer or his designee, (5) the state comptroller or his designee, and (6) a representative from the governor's office. The committee also has six appointed members (who may be state legislators) as shown in the table below.

Appointed Members of the Firefighters Cancer Relief Fund Advisory Committee

Appointing Authority	*Appointee's Required Qualifications*
House speaker	Experience in investment fund management
Senate president pro tempore	Expertise in the state's workers' compensation program
House majority leader	Expertise in maintaining solvency
Senate majority leader	Expertise in making investments
House minority leader	None specified
Senate minority leader	None specified

The act requires all initial appointments to the committee to be made within 30 days after the act passes (July 12, 2023), and the appointing authority must fill any vacancy. The House speaker and Senate president pro tempore must select the committee's chairpersons from among its members, and the chairpersons must schedule and hold the committee's first meeting within 60 days after the act passes (August 11, 2023). The Labor and Public Employees Committee's administrative staff must serve as the advisory committee's administrative staff.

The act requires the advisory committee, starting by January 1, 2024, to annually submit a report on its findings and recommendations to the Labor and Public Employees Committee.

Treasurer's Report on Firefighters Cancer Relief Program and Account (§ 161)

The act requires the state treasurer, starting by July 1, 2023, to annually submit a report to the Firefighters Cancer Relief Fund Advisory Committee. The report, which must be prepared in consultation with the Connecticut State Firefighters Association, must be on the status of the firefighters cancer relief account and the existing Firefighters Cancer Relief Program. It must include (1) the account's balance; (2) the program's projected and actual participation; and (3) demographic information of each firefighter who receives program benefits, including gender, age, town of residence, and income level.

Under the act, if the treasurer determines that the account is approaching insolvency, he must notify (1) all municipalities currently providing cancer relief compensation and benefits (see above), (2) the Office of the Governor, (3) the Workers' Compensation Commission, and (4) the Labor and Public Employees Committee.

§ 163 — APPRENTICESHIP REPORTING DATA

Requires apprenticeship program sponsors to annually give DOL certain information about the extent to which apprentices are successfully completing their program

The act requires each person sponsoring a Department of Labor (DOL)-registered apprenticeship program as of, or on or after July 1, 2024, to annually submit certain information about their program to DOL. Specifically, when it submits its annual registration fee, each sponsor must give DOL its current minimum apprentice completion rate and the number of each of the following:

1. registered apprentices currently participating in its program, and those who have advanced a year since the sponsor's previous registration date, or year to date for new sponsors;
2. licensed journeypersons the sponsor currently employs;

3. apprentices who separated from its program since the sponsor's previous registration date, or year to date for new sponsors;
4. apprentices who completed its program since the previous registration, or year to date for new sponsors; and
5. apprentices who completed its program, received a Department of Consumer Protection occupational license, and the sponsor currently employs.

The act requires that all information be submitted in a form and way the labor commissioner sets, disaggregated by gender identity, race, and ethnicity.

Under the act, the information the sponsor provides is considered a public record and thus publicly available for inspection and copying under the state's Freedom of Information Act.

EFFECTIVE DATE: January 1, 2024

§ 164 — LUNG CANCER EARLY DETECTION AND TREATMENT REFERRAL PROGRAM

Establishes, within available appropriations, a DPH Lung Cancer Early Detection and Treatment Referral Program to (1) promote screening, detection, and treatment to people ages 50 to 80, prioritizing high-risk populations, and (2) provide public education, counseling, and treatment referrals

The act establishes, within available appropriations, a Department of Public Health (DPH) Lung Cancer Early Detection and Treatment Referral Program to do the following:

1. promote lung cancer screening, detection, and treatment for people ages 50 to 80, prioritizing populations who have higher lung cancer rates than the general population;
2. educate the public on lung cancer and the benefits of early detection; and
3. provide counseling and referrals for treatment.

The program must at least include:

1. a public education and outreach initiative to publicize (a) early detection services and the extent health insurance covers them, (b) the benefits of early detection and the recommended frequency of screening services, and (c) Medicaid and other public and private programs that may help with the cost of screenings and referral services;
2. development of professional education programs, including the benefits of early detection and the recommended frequency of screenings;
3. a system to track and follow up on all people the program screens for lung cancer, including follow-up on abnormal screening tests and treatment referrals and tracking people to be screened at recommended intervals; and
4. assurance that participating providers of screening and referral services comply with national and state quality assurance legislative mandates.

The act also requires DPH, within existing appropriations and through contracts with health care providers, to provide lung cancer screening and referral services to people ages 50 to 80, giving priority to populations who exhibit higher lung cancer rates than the general population.

EFFECTIVE DATE: October 1, 2023

§§ 165 & 446 — PROGRAM OF ALL-INCLUSIVE CARE FOR ELDERLY

Allows the DSS commissioner to submit a Medicaid state plan amendment to cover Program of All-Inclusive Care for Elderly services under Medicaid, within available appropriations

The act allows the Department of Social Services (DSS) commissioner to submit a Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services (CMS) to cover Program of All-Inclusive Care for Elderly (PACE) services under Medicaid, within available appropriations.

Generally, PACE programs deliver medical and social services through providers that service eligible individuals in a defined service area. Under federal law and the act, PACE programs are operated by PACE providers that deliver comprehensive health care services to eligible individuals in keeping with federal regulations and a PACE program agreement (i.e., an agreement between the federal Department of Health and Human Services or the state administering agency and a provider to operate a PACE program). For-profit and nonprofit providers may operate the programs.

Under the act and federal law, "eligible individuals" are people who:

1. are age 55 or older,
2. require a nursing home level of care,
3. live in a PACE program's service area, and
4. meet any other eligibility requirements included in the PACE program agreement (42 U.S.C. § 1395eee).

The act makes DSS the state administering agency responsible for administering PACE program agreement services. If CMS approves the Medicaid state plan amendment, the act requires DSS to establish participation criteria for eligible individuals and PACE providers and make payments for PACE program services from funds appropriated to the Medicaid account.

By law, for certain programs including Medicaid, DSS may implement policies and procedures while in the process of adopting them as regulations (CGS § 17b-10(b)). The act explicitly allows the DSS commissioner to implement policies and procedures this way if she posts notice of her intent to adopt regulations on the eRegulations System within 20 days of implementing the policies and procedures, which are valid until final regulations are adopted.

Lastly, the act repeals an obsolete provision authorizing the DSS commissioner to seek a federal waiver for a PACE pilot program.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-30 contains the same provisions allowing the DSS commissioner to submit a Medicaid state plan amendment to the federal government to cover PACE services under Medicaid.

Background — PACE Services and Centers

PACE organizations provide services primarily in an adult day health center ("PACE center"). Each PACE organization must operate at least one PACE center in, or contiguous to, its designated service area with enough capacity to allow routine attendance by participants. The PACE center must provide at least primary care, social services, restorative therapies (physical and occupational therapies), personal care and supportive services, nutritional counseling, recreational therapy, and meals (42 C.F.R. § 460.98).

§ 166 — PRIVATE EDUCATION LENDER AND CREDITOR DISCLOSURES

Requires private education lenders and creditors to register with DOB and provide it with certain information about their loans and borrowers; requires DOB to publish a summary of the information it receives; allows DOB to bar certain violators for up to 10 years

The act requires private education lenders and creditors to register with the Department of Banking (DOB) and annually submit certain loan information, beginning with when they register. The information the lenders and creditors must provide includes things such as the schools their borrowers attend, amount of loans provided, and default rates. The DOB commissioner must publish on a public website a summary of the information he receives, registrant contact information, and copies of lenders' model loan documents.

The act authorizes the DOB commissioner to (1) enforce its requirements under his existing authority for banking law violations and (2) bar someone from acting as a private education lender or a private education loan creditor for up to 10 years if they violate the act's provisions and cause a consumer financial harm because of it.

EFFECTIVE DATE: October 1, 2023

Registration

The act generally requires "private education lenders" and "private education loan creditors" to register with the DOB commissioner and pay a fee, in a way he prescribes, before making or purchasing or assuming, as applicable, private education loans owed by Connecticut residents. These lenders and creditors must annually renew their registration. The act allows (1) for registration and payment through the National Multistate Licensing System and Registry and (2) the commissioner to require nonprofit postsecondary educational institutions to register through an alternate registration process and fee structure he sets.

The act applies to any person (1) engaged in the business of making or extending private education loans (a "private education lender") or (2) to whom a private education loan is sold or assigned or who otherwise acquires one (a "private education loan creditor"). Under the act, lenders do not include banks or out-of-state banks; Connecticut, federal, or out-of-state credit unions; the banks' or credit unions' wholly owned subsidiaries; operating subsidiaries with an owner that is wholly owned by the same bank or credit union; or the Connecticut Higher Education Supplemental Loan Authority. Banks and these credit unions are similarly exempt as creditors, as are consumer collection agencies; private student loan servicers; and local, state, and federal departments and agencies.

Under the act, a "private education loan" is credit (1) extended expressly, in whole or part, for a borrower's postsecondary educational expenses, regardless of whether it is provided by the educational institution a student attends, and (2) not made, insured, or guaranteed under certain federal laws (i.e., not a federally issued education loan). It excludes loans secured by real property.

Submitted Information

The act requires each registrant to annually give the commissioner certain documents and information, starting when it registers, and upon the commissioner's request. The information must be in a form and manner the commissioner sets.

Under the act, both lenders and creditors must provide their name and address and the name and address of each of their officers, directors, partners, and owners of a controlling interest.

The other private education loan information that each lender must provide under the act includes the following:

1. a list of all the schools their borrowers attend and, for each school, the number and dollar amount of all loans made to borrowers attending the school during the prior year and all outstanding loans;
2. the number and dollar amount of (a) all outstanding loans made to borrowers and (b) the loans made during the prior year;
3. the number of loans made with a cosigner during the prior year;
4. the interest rates spread for loans made during the prior year and the percentage of borrowers that received each rate within the spread;
5. the default rate for borrowers, including the rate per school;
6. the number of borrowers the lender brought legal action against in the prior year to collect a loan debt and the amount sought in each action; and
7. a copy of each model promissory note, agreement, contract, or other instrument the lender used the previous year to substantiate debt (i.e., confirm that a loan was extended or that the borrower owes a debt to the lender).

Similarly, the act requires the creditors to provide the following:

1. a list of all schools that have borrowers with outstanding loans the creditor assumed or acquired and, for each school, the number and dollar amount of all loans assumed or acquired during the previous year and all outstanding loans owed to the creditor;
2. the number and dollar amount of all (a) outstanding loans owed by borrowers to the creditor and (b) loans the creditor assumed or acquired during the prior year;
3. the number of loans with a cosigner the creditor assumed or acquired during the prior year;
4. the default rate for borrowers whose loans the creditor assumed or acquired, including the rate per school; and
5. the number of borrowers the creditor brought legal action against in the prior year to collect a loan debt and the amount sought in each action.

Public Online Resource

The act requires the DOB commissioner to create and periodically update a publicly available website that includes the following information:

1. each registered lender's and creditor's name, address, telephone number, and website;
2. a summary of the information creditors and lenders must annually provide to the commissioner (e.g., list of schools borrowers attend; number of loans made or owed to, as applicable; and interest rates spread, as described above); and
3. copies of the model promissory notes, agreements, contracts, and other proof-of-debt documents registered lenders provide to the commissioner.

Enforcement and Penalties

The act authorizes the DOB commissioner to enforce its requirements under his existing authority for banking law violations (CGS § 36a-50). By law, the commissioner may, after an investigation finding that a person committed a violation, (1) conduct an administrative hearing proceeding on the violation, (2) impose a fine of up to $100,000 per violation, and (3) order restitution or disgorgement. He may also take court action if it appears to him that the person committed a violation, is doing so, or is about to do so. He may also seek an injunction or direct compliance, a court order imposing a penalty of up to $100,000 per violation, or an order of restitution.

The act also allows the commissioner to bar someone from acting as a private education lender or a private education loan creditor or as a stockholder, officer, director, partner, or other owner or employee of a lender or creditor for up to 10

years if they violate the act's provisions and cause a consumer financial harm because of it.

§ 167 — OFFICE OF THE STUDENT LOAN OMBUDSMAN

Establishes an Office of the Student Loan Ombudsman and requires the DOB commissioner to appoint a student loan ombudsman to head the office

The act establishes an Office of the Student Loan Ombudsman and requires the DOB commissioner to appoint a student loan ombudsman to head the office. The appointee must have expertise and experience in a student loan-related field. Prior law required the commissioner to appoint such an ombudsman within the department but only within available appropriations. (In practice, he did not make an appointment.) The act puts the office within DOB for administrative purposes only.

The act generally assigns to the office the responsibilities previously assigned to the student loan ombudsman. Prior law required the ombudsman to provide timely assistance to student loan borrowers and meet its responsibilities in consultation with the DOB commissioner. The act assigns these responsibilities solely to the new office, including (1) reviewing and attempting to resolve student loan borrower complaints; (2) helping student loan borrowers understand their rights and responsibilities; (3) compiling and analyzing student loan borrower complaint data; and (4) providing information to the public, agencies, legislators, and others about these borrowers' problems and concerns.

The act requires the office to begin maintaining DOB's existing student loan borrower education course on October 1, 2024. It also requires the ombudsman, beginning January 1, 2024, to annually submit a report to the Banking and Higher Education and Employment Advancement committees on the office's implementation and effectiveness and the added steps DOB must take to gain regulatory control over student loan servicer licensing and enforcement. (DOB had to report to these committees through January 1, 2023, on these same topics but with respect to the ombudsman position.)

EFFECTIVE DATE: October 1, 2023

§§ 168 & 169 — FEDERAL STUDENT LOAN SUBSERVICER REGISTRATION

Extends existing law's registration requirement for federal student loan servicers to also cover subservicers of these loans

The act extends existing law's registration requirement for federal student loan servicers to also cover subservicers of these loans. It does so by eliminating the definitional requirement that a "federal student loan servicer" be the entity awarded a contract by the U.S. Department of Education (USDE). Instead, under the act, these loan servicers include those who service an USDE loan on behalf of another. The act also requires subservicers to notify the DOB commissioner in writing within seven days after a contract awarded by USDE expires or is revoked or terminated, which under prior law was only required of servicers.

EFFECTIVE DATE: October 1, 2023

§ 170 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM FOR PEOPLE WITH IDD

Amends a provision in PA 23-137 that creates a local voluntary public safety registration system for people with IDD, limiting initial registration to children with IDD and setting up a notification and opt-in procedure municipal police departments must follow to allow registrants to remain in the system after they turn 18

PA 23-137, §§ 7 & 8, created a voluntary public safety registration system that municipal police departments may implement for (1) parents and guardians of children and adults with intellectual and developmental disabilities (IDD), including autism spectrum disorder, cognitive impairments, and nonverbal learning disorders, and (2) adults with these disabilities who are not represented by a parent, guardian, or other representative. The system is designed to collect specified information that can help emergency services personnel interact with these children and adults. This act limits initial registration to children with IDD and makes numerous minor and conforming changes.

The act also establishes a notification and opt-in procedure municipal police departments must follow to allow registrants to remain in the system after they turn 18. Under the act, within 30 days after a registrant turns 18, the municipal police department that recorded the person's information in the system must send a written notice to the person's last known address. The notice must inform the person of the following:

1. that information about him or her is included in the database;
2. the nature of this information;

3. the database's purpose;
4. that his or her information will be removed from the database 95 days after his or her 18th birthday unless they return a signed, opt-in authorization to the department within 90 days after this birthday; and
5. that if they return the signed opt-in authorization, they may subsequently ask at any time, in writing, for their information to be removed from the database.

Municipal police departments must create the opt-in authorization form and include a copy of it with the notice they provide to registrants.

Under the act, if a department receives a timely, signed form, it must keep information about the person in the database until he or she asks in writing for it to be removed. If it does not receive a timely, signed form, it must remove the person's information from the database 95 days after he or she turns 18. If it receives a written request from the person to remove his or her information from the database, it must do so within two weeks after receiving the request. The department must ensure that the removed information is not accessible to the municipality's public safety answering point.

EFFECTIVE DATE: Upon passage

§ 171 — COMPENSATION FOR FAMILY CAREGIVERS UNDER PA 23-137

Requires DSS to amend current Medicaid waivers, rather than apply for new ones, to authorize compensation for family caregivers in DDS-administered waiver programs

PA 23-137, § 60, requires the DSS commissioner, in consultation with the Department of Developmental Services (DDS) commissioner, to apply for a Medicaid waiver by November 1, 2023, to authorize compensation for family caregivers who provide care to DDS-administered Medicaid waiver participants. This act instead requires the commissioners to amend the current Medicaid waivers for these programs to authorize the compensation and implement the waiver amendment when the federal Centers for Medicare and Medicaid Services approves it.

EFFECTIVE DATE: Upon passage

§ 172 — COMMUNITY RESIDENCES EXEMPTED FROM A PROXIMITY AND DISPERSION REQUIREMENT

Amends PA 23-137, § 68, to narrow the community residences that are exempted from a public health law's proximity and dispersion limitation, aligning the exemption with the definition of "community residences"

This act narrows the types of community residences that are exempted from a public health law's proximity and dispersion restriction under PA 23-137, § 68. In narrowing this exemption, the act aligns the remaining exemption with the definition of "community residence" that applies to the proximity and dispersion restriction under PA 23-137, §§ 67 & 68. Under that act, a "community residence" is, broadly, a Department of Public Health (DPH)-licensed facility for eight or fewer adults with mental health disorders who were discharged from a state-operated or licensed facility or referred by a psychologist or psychiatrist. The exemption this act retains is for community residences for people receiving Department of Mental Health and Addiction Services (DMHAS) services.

Under existing law and the acts, the proximity and dispersion limitation prohibits (1) a community residence from locating within 1,000 feet of an existing community residence or (2) the cumulative capacity of multiple community residences from exceeding 0.1% of the municipality's population.

EFFECTIVE DATE: Upon passage

§ 173 — SITING WAREHOUSES AND DISTRIBUTION FACILITIES

For certain smaller towns, prohibits allowing a warehouse or distribution facility on a parcel of land that meets specified conditions

The act prohibits any municipality with more than 6,000 but fewer than 8,000 people (based on the last Census), or any of its land use boards or commissions, from approving the siting, construction, permitting, operation, or use of a warehouse or distribution facility on certain parcels. The prohibition applies to warehouses or facilities that exceed 100,000 square feet and (1) are located on a parcel or parcels that are less than 150 acres total, (2) contain more than five acres of wetlands in total, and (3) are located within two miles of a public school.

This prohibition applies regardless of conflicting municipal charters, ordinances, regulations, or resolutions; special acts; or municipal zoning statutes (i.e., Title 8).

EFFECTIVE DATE: Upon passage

§§ 174 & 175 — STUDENT LOAN REIMBURSEMENT PILOT PROGRAM

Requires OHE, within available appropriations, to establish a pilot program to reimburse eligible people for up to $5,000 a year (for a total of up to $20,000) for their student loan payments; makes payments deductible from a person's state adjusted gross income

The act requires the Office of Higher Education (OHE) executive director, by January 1, 2025, to establish a program to annually reimburse eligible people for up to $5,000 of their student loan payments, within available appropriations. Under the act, payments made to an individual through the program are deductible from their Connecticut adjusted gross income (AGI) to the extent the payments are included in their federal gross income for income tax purposes. Eligible individuals may be reimbursed for up to four years (i.e., up to $20,000 total). For each year they participate in the program, the act requires an individual to volunteer for a nonprofit for at least 50 unpaid hours. These volunteer hours may include military service or serving on a nonprofit's board of directors.

EFFECTIVE DATE: July 1, 2024, except the tax deduction provisions are effective January 1, 2024 for applicable tax years starting on or after that date.

Eligibility

OHE may allow anyone to participate in the program who has a student loan and who:

1. (a) attended and graduated with a bachelor's degree from, or left in good standing an in-state college or university (public or private) or (b) holds a Connecticut occupational or professional license or certification issued by the Public Health or Consumer Protection commissioner (i.e., licenses or certifications issued under Title 20 of the General Statutes);
2. is a Connecticut resident for the purposes of the state income tax, and has been for the previous five years; and
3. has a state AGI of $125,000 or less (for taxpayers filing as unmarried or married filing separately) or $175,000 or less (for those who are married filing jointly, head of household, or surviving spouses).

Eligible individuals may apply to OHE in a time and manner the executive director sets. The executive director must award grants to eligible applicants on a first come, first served basis. Participating individuals must annually submit their student loan receipts and proof of volunteer hours to OHE as the executive director determines.

OHE may annually retain up to 2.5% of funds appropriated to the pilot program for program administration, promotion, and recruitment.

Reporting

The act requires the OHE executive director to report to the Higher Education and Appropriations committees each January and July, beginning by July 1, 2026, on the program's operation and effectiveness, including any recommendations on expansion.

§§ 176-183, 420 & 453 — EARLY VOTING IMPLEMENTATION

Delays implementation of early voting from January 1, 2024, to April 1, 2024, and correspondingly modifies several effective dates in PA 23-5; makes the statewide early voting awareness campaign discretionary for the secretary of the state

Early Voting Implementation Date (§§ 176-181)

PA 23-5 establishes in-person, early voting and requires that it be available for elections and primaries held on or after January 1, 2024. This act instead authorizes it for elections and primaries held on or after April 1, 2024. It also makes conforming changes to PA 23-5's provision regarding judicial orders to remove candidates improperly on the ballot by delaying the provision's effective date until January 1, 2024.

Early Voting Provisions Effective Dates (§§ 182 & 183)

The act correspondingly delays the effective dates for many early voting provisions in PA 23-5 to January 1, 2024. Generally under this act, all provisions in PA 23-5 are effective on January 1, 2024, including provisions related to voting hours, emergency contingency plans, and ballot designation and certification, except for provisions on the following:

1. an early voting awareness campaign (which remains effective upon passage, with changes effective July 1, 2023; see sections 420 & 453 below);
2. registrar training and municipalities reporting on budget referenda to the Government Administration and Elections Committee (which remain effective July 1, 2023); and
3. creating the early voting framework and extending the State Elections Enforcement Commission's authority to impose civil penalties for certain violations of the act's provisions (delayed by this act from July 1, 2023, to December 1, 2023).

Early Voting Awareness Campaign (§§ 420 & 453)

PA 23-5, § 19, requires the secretary of the state to develop and conduct a state-wide public awareness campaign on early voting. This act makes the campaign discretionary for the secretary and specifies that, if conducted, it must be within available appropriations. Under PA 23-5, unchanged by this act, she must also develop an early voting procedure manual.
EFFECTIVE DATE: January 1, 2024, except that the (1) conforming change regarding the early voting awareness campaign is effective July 1, 2023; (2) general early voting framework provisions and civil penalties are effective December 1, 2023; (3) provision regarding judicial orders is effective August 1, 2023; and (4) changes to PA 23-5 effective dates are effective upon passage.

§ 184 — USE OF OPIOID SETTLEMENT FUNDS TO EQUIP POLICE WITH OPIOID ANTAGONISTS

Expands the purposes for which the Opioid Settlement Fund may be used to include providing funds to municipal police departments to equip officers with opioid antagonists

The act expands the purposes for which the Opioid Settlement Fund may be used to include providing funds to municipal police departments to equip officers with opioid antagonists. Under the act, priority for these funds must be given to departments without a current supply of them.
EFFECTIVE DATE: July 1, 2023

§ 185 — CLASS I RUN-OF-THE-RIVER HYDROPOWER

Reverses a change in the definition of Class I renewable energy sources made by PA 23-102

PA 23-102, § 36, makes several changes in the definition of Class I run-of-the-river hydropower. This act reverses one of those changes.

Under prior law, a run-of-the-river hydropower facility was considered a Class I renewable energy source if it met certain requirements and (1) began operating after July 1, 2003, with a generating capacity of no more than 30 megawatts (MW) or (2) received a new license after January 1, 2018, under the Federal Energy Regulatory Commission's (FERC) rules for the takeover and relicensing of licensed water power projects (18 C.F.R. § 16).

For this second option, PA 23-102 instead classified a run-of-the-river hydropower facility as Class I if it received a new license under the same FERC rules after PA 23-102's passage, rather than after January 1, 2018.

This act reverts this second option to how it was under prior law: a run-of-the-river hydropower facility may qualify as Class I if it received a new license after January 1, 2018, under FERC's rules for the takeover and relicensing of licensed water power projects.

As under prior law and PA 23-102, these facilities must also (1) not be based on a new dam or a dam identified by the DEEP commissioner as a candidate for removal and (2) meet applicable state and federal requirements, including applicable site-specific standards for water quality and fish passage.
EFFECTIVE DATE: Upon passage

§ 186 — RPS CAP ON CLASS I RUN-OF-THE-RIVER HYDROPOWER

Increases the RPS cap on certain Class I run-of-the-river hydropower from one to 2.5 percentage points of the Class I requirement

The state's renewable portfolio standard (RPS) law generally requires electric distribution companies and retail electric suppliers to obtain specific percentages of their power from Class I energy resources (e.g., wind and solar). They generally

meet their obligations by buying renewable energy credits (RECs) on the regional market, which can be sold separately from the power these resources generate.

Prior law prohibited these companies and suppliers from meeting more than one percentage point of their Class I RPS requirement with energy or RECs generated by run-of-the-river hydropower facilities that received a new license after January 1, 2018, under certain FERC rules (see § 185). The act increases this cap from one to 2.5 percentage points.
EFFECTIVE DATE: October 1, 2023

§ 187 — LICENSING EXEMPTION FOR CHILD CARE SERVICES

Exempts the Police Athletic League of Stamford, Inc., from the OEC licensure requirements for child care service providers

Existing law exempts certain child care service providers from the Office of Early Childhood's (OEC) licensure requirements, including public school systems, municipalities, and a number of organizations or arrangements specified in statute. The act adds the Police Athletic League of Stamford, Inc., a Stamford-based nonprofit youth activities organization, to the list of exempted service providers.

By law, all license-exempt entities and organizations must notify participating children's parents or guardians that they are not licensed by OEC to provide child care services (CGS § 19a-77(c)).
EFFECTIVE DATE: Upon passage

§§ 188-190 — COMMISSION ON RACIAL EQUITY IN PUBLIC HEALTH

Redesignates the Commission on Racial Equity in Public Health's membership as an advisory body to the commission and reduces its membership from 28 to 15

Prior law established, 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.

The act redesignates the commission's membership as an advisory body to the commission and reduces its membership from 28 to 15. It removes as members the Public Health Committee chairpersons and 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.

It also adds four members, one appointed by each of the four top legislative leaders, and modifies the qualifications of certain existing appointees as shown in the table below.

Advisors to Commission on Racial Equity in Public Health, Appointed Members

Appointing Authority	*Appointee Qualifications*	
	Under Prior Law	*Under the Act*
House speaker	• Representative of a nonprofit organization that focuses on racial equity • Health Equity Solutions representative	• Representative of a nonprofit organization that focuses on health policy and racial equity • Representative of a nonprofit that focuses on racial equity and community engagement • Expert in immigration policy and law
Senate president pro tempore	• Representative of a violence intervention program using a health-based approach to examine individuals post-	• Representative of a violence intervention program using a health-based approach to examine individuals post-

Appointing Authority	*Appointee Qualifications*	
	Under Prior Law	*Under the Act*
	incarceration and policies for integration • Connecticut Health Foundation representative	incarceration and policies for integration • Expert in health disparities affiliated with an academic research institution • Representative of a philanthropic entity that focuses on racial equity
House majority leader	• Representative of the Katal Center for Equity, Health, and Justice	• Biostatistician or epidemiologist with knowledge of the effects of social-structural factors on health • Representative of a nonpartisan criminal justice policy and research entity
Senate majority leader	• Representative of the Connecticut Children's Office for Community Child Health	• Representative of a nonprofit that focuses on equitable housing policy • Medical professional with expertise in diversity, equity, and inclusion policy
House minority leader	• 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	• Expert in environmental impacts on human health affiliated with an academic institution • Representative of a nonprofit that focuses on economic research and policy
Senate minority leader	• Medical professional with expertise in mental health • Open Communities Alliance representative	• Public health educator or researcher affiliated with an academic institution • Current or former educator, school counselor, or school nurse with public policy experience
Black and Puerto Rican Caucus chairperson	• Two members of the Black and Puerto Rican Caucus	• An education policy researcher affiliated with an academic research institution
Governor	• Representative of the Connecticut Bar Association's Diversity, Equity, and Inclusion Committee	• No appointee

As under prior law, any legislative appointees may be legislators. Appointed members (1) serve terms that coincide with the terms of their appointing authority and (2) may serve for multiple terms.

Under prior law, the OPM secretary, or his designee, and the Health Equity Solutions representative (appointed by the House speaker) served as the commission's chairpersons. The act instead requires the following members to serve as the advisory body's chairpersons:

1. the representative of a nonprofit organization focusing on health policy and racial equity, appointed by the House

speaker, and

2. the expert in health disparities affiliated with an academic research institution, appointed by the Senate president pro tempore.

They must schedule the advisory body's first meeting, which must be held by August 11, 2023.

Additionally, the act eliminates prior law's requirement that the commission, by majority vote, hire an executive director to serve as its administrative staff. It instead requires the advisory body, by majority vote, to confirm the executive director's hire. It also eliminates the provisions in prior law that the executive director (1) serves at the pleasure of the commission and (2) may hire up to two executive assistants to help carry out the commission's duties.

The act also makes minor, technical, and conforming changes (e.g., delaying certain reporting due dates to January 1, 2024).

EFFECTIVE DATE: Upon passage

§§ 191 & 192 — NEWBORN SCREENING FOR CYTOMEGALOVIRUS

Starting July 1, 2025, requires all newborns to be tested for CMV, instead of only those who fail a newborn hearing screening; requires the public health commissioner to convene a CMV working group and report to the Public Health Committee by January 1, 2025

Prior law required all health care institutions caring for newborn infants to test each newborn who failed a newborn hearing screening for cytomegalovirus (CMV). The act eliminates this requirement and a related reporting requirement. But starting July 1, 2025, the act instead requires CMV testing as part of the existing newborn screening program, requiring all newborns to be tested for the condition.

Under existing law, the newborn screening program generally requires health care institutions, licensed nurse-midwives, and midwives to perform newborn screenings using blood spot specimens between 24 and 48 hours after the infant's birth.

Additionally, the act requires the public health commissioner to convene a CMV working group to study the condition, including (1) screening in other states; (2) treatment for newborns with positive, asymptomatic screening results; (3) best practices for universal screening; (4) planning for implementing universal screening; and (5) education for health care providers and vulnerable populations.

Under the act, the commissioner or her designee must serve as the working group's chairperson. The commissioner must report the working group's findings to the Public Health Committee by January 1, 2025. The act also makes technical changes.

EFFECTIVE DATE: Upon passage

Background — Cytomegalovirus

CMV is a type of herpesvirus, which places it in a group with chickenpox, shingles, and mononucleosis. Although usually harmless in healthy adults and children, CMV in newborns can lead to hearing loss or developmental disabilities. Transmission from mother to fetus occurs during pregnancy.

§ 193 — CWCSEO TWO-GENERATIONAL STRATEGIC PLAN

Requires CWCSEO to (1) review the two-generational initiative's membership; (2) develop an advisory strategic plan and submit it to specified legislative committees by September 1, 2024; and (3) develop a dashboard to track two-generational outcomes of families in the state

Existing law requires the two-generational initiative to collaborate across public and private sectors to support early childhood care and education, health and workforce readiness, and economic self-sufficiency across two generations in the same household. The law established the Two-Generational Advisory Board as part of the initiative to advise the state on these topics (CGS § 17b-112*l*).

The act requires the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO), in collaboration with the advisory board, to review and make recommendations on the initiative's participating and appointed membership, including specific recommendations on family engagement strategies and advisory board composition, by September 1, 2023.

The act also requires CWCSEO, in collaboration with the advisory board, to develop a two-generational advisory strategic plan that outlines the board's role in identifying short-, medium-, and long-term strategies to maximize state investments in family-driven multigenerational success. The act requires the plan to include recommendations on:

1. aligning the initiative with regional and national initiatives that use private sector collaboration, national research, and data from other states;
2. a short-, medium-, and long-term resourcing strategy with recommendations to leverage existing public, private, and philanthropic resources from state and local partners;
3. expanding the initiative's focus to more robustly support family well-being, economic engagement, and mobility through expanded partnerships, targeted investment, and leveraging new and existing resources;
4. increasing public understanding of, and engagement with, the initiative;
5. tracking two-generational outcomes for families in the state, including parents involved with the initiative as advisory board members; and
6. developing a constituency for the initiative across the state's public and private sectors.

The act also requires CWCSEO, within available appropriations, to develop a data-driven, two-generational policy and outcomes dashboard that tracks (1) two-generational outcomes of families in the state, as required by the strategic plan described above and in accordance with the existing interagency data sharing protocol and (2) other data related to the initiative.

The act requires the CWCSEO executive director to present the strategic plan to the advisory board and submit it to the Appropriations, Children, Housing, Human Services, and Labor and Public Employees committees by September 1, 2024.

EFFECTIVE DATE: Upon passage

§§ 194-198 — CONNECTICUT MUNICIPAL REDEVELOPMENT AUTHORITY (MRDA) AND AFFORDABLE HOUSING DEVELOPMENT

Requires municipalities that opt to collaborate with MRDA to adopt a housing growth zone near existing infrastructure; adds three members to MRDA's board; changes requirements for member municipalities

The act increases the number of members on MRDA's board. It also changes requirements for municipalities that work with MRDA by (1) making collaboration with MRDA optional and (2) requiring those that work with MRDA to adopt zoning regulations that facilitate housing development in "development districts," which under existing law are areas encompassing transit stations or downtowns.

In 2019, the legislature created MRDA as a quasi-public agency authorized to stimulate economic development and transit-oriented development in development districts by, among other things, developing property and managing facilities (see *Background*). Under prior law, fiscally distressed municipalities had to collaborate with MRDA as "member municipalities" to create a development district. The act eliminates the provision in prior law creating mandatory member municipalities and limiting membership to larger municipalities. In doing so, the act allows any municipality outside the Capital Region Development Authority's (CRDA) jurisdiction to become a member.

The act requires municipalities that opt to collaborate with MRDA to adopt a "housing growth zone" (HGZ) before moving forward with a development district's creation. An HGZ is the area of a development district (or a larger area) in which local zoning regulations facilitate substantial new housing development. MRDA is responsible for approving proposed HGZ regulations and the act specifies factors that must be considered. Municipalities cannot receive financial assistance from MRDA for a development district project until they enact the approved HGZ regulations. The act also makes a conforming change to specify that one of MRDA's purposes is to provide financial support and technical assistance to municipalities to develop HGZs.

EFFECTIVE DATE: July 1, 2023, for the revised definitions and HGZ provisions and October 1, 2023, for the other changes.

MRDA's Board

Under prior law, MRDA's 13-member board consisted of eight appointed directors and five ex officio, voting directors: the Office of Policy and Management (OPM) secretary and the economic and community development, labor, housing, and transportation commissioners, or their designees. The act adds the energy and environmental protection and public health commissioners, or their designees, to the board in this same capacity. It also changes the required qualifications of legislative appointees, gives each of the six legislative leaders an appointment rather than requiring certain joint appointments, and increases the number of gubernatorial appointments by one, as shown in the below table, which lists the appointed directors

under prior law and the act and their appointing authority. Under the act, all appointments must be made by November 30, 2023.

Appointed MRDA Board Directors

Appointing Authority	*Appointments Under Prior Law*	*Appointments Under the Act*
Governor	Two	Three
House speaker and Senate president pro tempore (jointly)	Two, one of whom is the chief executive officer of a member municipality in New Haven County	None
House and Senate majority leader (jointly)	Two, one of whom is the chief executive officer of a member municipality in Hartford County	None
House and Senate minority leader (jointly)	Two, one of whom is the chief executive officer of a member municipality in Fairfield County	None
House speaker	None	One with expertise in housing development
Senate president pro tempore	None	One with expertise in planning and zoning
House majority leader	None	One who is a certified planner
Senate majority leader	None	One with expertise in transit-oriented development
House minority leader	None	One with expertise in regional planning
Senate minority leader	None	One with expertise in economic development

Member Municipalities

The act eliminates prior law's requirement that certain municipalities be deemed member municipalities and work with MRDA to create a development district. Specifically, the act eliminates the requirement that municipalities classified by OPM as a designated Tier III or IV municipality (i.e., fiscally distressed municipalities subject to the Municipal Accountability Review Board's oversight) automatically be deemed member municipalities.

Under prior law, optional membership was limited to the following municipalities outside CRDA's jurisdiction:

1. municipalities with a population of at least 70,000 (as of the last decennial census), if their legislative bodies opt to become members, and
2. two or more municipalities with a combined population of at least 70,000 (as of the last decennial census), if their legislative bodies opt to jointly become members ("joint members").

The act eliminates the population thresholds for membership.

As under existing law, municipalities in the CRDA "capital region" are not eligible to become member municipalities (i.e., Bloomfield, East Hartford, Hartford, Newington, South Windsor, Wethersfield, West Hartford, and Windsor).

Submission of Proposed HGZ

By law, member municipalities must enter into a memorandum of agreement (MOA) with MRDA to establish and delineate at least one development district near a downtown (generally a central business district) or passenger transit station (railroad or bus rapid transit station). Under existing law, before entering into an MOA to establish a development district, MRDA must review and approve the member's economic development master plan. The act additionally requires the member's chief executive officer (or a joint member's chief executive officers) to make an HGZ proposal, including

proposed zoning regulations, and submit it for MRDA's approval. The member municipality must also enact the approved HGZ regulations before MRDA can give it financial assistance for development projects.

The HGZ must (1) encompass the development district but may extend beyond it and (2) be designed to facilitate substantial development of new dwelling units. The act specifies that HGZs are areas designated in local zoning regulations adopted by municipalities exercising zoning powers under the Zoning Enabling Act (CGS § 8-2).

MRDA's Review of HGZ Proposal

Under the act, MRDA must approve an HGZ proposal if it determines the proposal will likely substantially increase the production of dwelling units that meet regional housing demand. MRDA must consider several factors when reviewing HGZ proposals to determine if they will increase housing stock, including whether proposals:

1. allow new dwelling units to be developed without correspondingly requiring new off-street parking spaces;
2. generally promote residential diversity; and
3. for applications that will create a net increase of at least 10 dwelling units, require 10% of these units to be sold or rented at or below prices preserving them as affordable housing for households whose income is up to 80% of the median income (i.e., units for which these households would pay no more than 30% of their annual income).

If a proposal includes the following components, MRDA must presume it will substantially increase dwelling unit production:

1. permits middle housing (i.e., duplexes, triplexes, quadplexes, cottage clusters, and townhouses) as of right (i.e., subject only to an administrative review) and
2. generally requires only approval by the zoning board of appeals (ZBA), planning commission, zoning commission, or combined planning and zoning commission for applicable permits to engage in an activity creating a net increase in dwelling units other than middle housing units.

The act further requires that for the latter criterion on board or commissions' approval authority, the board or commission must:

1. have the same power to issue a permit or approval as any other municipal body or official that would otherwise act on the application;
2. hold one public hearing within 30 days after receiving an application; and
3. decide whether to approve or deny the application, by majority vote, within 30 days after the hearing.

Additionally, if the board or commission recommends it, the sewer commission, water commission, wetlands commission, conservation commission or board, or historic preservation commission must engage in a joint review of the application and provide concurrent approval within 30 days after receiving the application. The board or commission with overall approval authority must share the application with the board or commission engaging in a concurrent review.

Background — MRDA's Role in Development Districts

By law, member municipalities must enter into an MOA with MRDA to establish at least one development district near existing infrastructure. MRDA can engage in development and redevelopment activities, including designing and constructing transit-oriented development; rehabilitating structures to create housing; and demolishing vacant buildings ("development projects"). To do so, it can acquire, finance, operate, and market facilities, as well as borrow money and issue bonds. MRDA must coordinate all state, municipal, and quasi-public agency planning and financial resources that are allocated for a development district project in which it is involved (CGS §§ 8-169hh to 8-169ss).

Background — Related Acts

PA 23-204, §§ 1, 31 & 194-198, appropriates $600,000 in both FYs 24 and 25 from the General Fund to DECD for MRDA's expenses. Additionally, PA 23-205, § 92, authorizes $60 million in bonding to capitalize MRDA.

§ 199 — MUNICIPAL REPORTS TO DECD ON HOUSING PERMITTING AND DEMOLITION

Requires municipalities to annually report statistics on housing permits issued and dwellings demolished

The act requires every municipality to report to DECD in a manner it specifies on the annual number of (1) new dwelling units permitted, including whether they are in single family, two-to-four family, or larger multifamily properties, and (2) dwelling units demolished. The first report, covering each year from 2018-2022, is due December 31, 2023, with annual reports subsequently due by March 31 each year (covering the prior year), beginning in 2024. DECD must publish

the reports on its website.

The act requires DECD to notify in writing any municipality that misses an annual filing deadline. A municipality that remains noncompliant more than 60 days after DECD issues this notice will be deemed ineligible for department-administered discretionary state funding until the next filing deadline. The DECD commissioner may waive this penalty if she finds good cause for failing to file.

EFFECTIVE DATE: October 1, 2023

§ 200 — STUDY OF STATE PROPERTY THAT COULD BE DEVELOPED AS HOUSING

Requires OPM to study whether any state-owned real property is available and suitable to develop as housing

The act requires the OPM secretary, in consultation with the administrative services and transportation commissioners, to study whether any state-owned real property (excluding conserved lands) is available and suitable for developing as housing. The study must focus on properties surplus to state needs and suited to transit-oriented and affordable housing development. The OPM secretary must report on the study to the governor and Housing and Planning and Development committees by January 1, 2024.

EFFECTIVE DATE: October 1, 2023

§ 201 — ACCESS TO PUBLIC DEFENDER SERVICES

Requires the Public Defender Services Commission to (1) annually establish guidelines for determining a person's eligibility for free representation and (2) publish the guidelines online

The act requires the Public Defender Services Commission to annually establish guidelines that public defenders, assistant public defenders, and deputy assistant public defenders must use when determining whether a person (1) has the financial ability to secure competent legal representation and meet other necessary related expenses or (2) qualifies for representation as an indigent defendant.

Under the act, the guidelines must provide that a person may qualify as an indigent defendant if his or her income, when calculated per the guidelines, is 250% or less of the federal poverty level. The commission must publish the guidelines on the Division of Public Defender Services' public website.

EFFECTIVE DATE: January 1, 2025

§ 202 — ATTORNEY GENERAL QUALIFICATIONS

Modifies the qualifications to serve as attorney general

The act modifies the qualifications to serve as attorney general by requiring that the candidate be in good standing with the state bar and have engaged in the practice of law in the state for at least 10 years, whether consecutively or nonconsecutively.

To be eligible under prior law, a person had to be an attorney with at least 10 years of "active practice at the bar of this state." Under case law, this meant that the person had to have some litigation experience and regularly engage in the practice of law as a primary means of earning a livelihood for at least 10 years (*Bysiewicz* v. *DiNardo*, 298 Conn. 748 (2010)). By law and unchanged by the act, the attorney general must also be an elector of the state.

EFFECTIVE DATE: Upon passage

§§ 203-206 & 421 — HEALTH INSURANCE PROGRAMS FOR PARAEDUCATORS

Establishes a subsidy program in FY 24 and a stipend program in FY 25 for paraeducators' health insurance costs; requires the Office of Health Strategy to help paraeducators enroll in certain health insurance programs; establishes a paraeducator healthcare working group

The act requires the comptroller to establish two programs to assist paraeducators with certain health insurance and health care related costs. The first program provides a subsidy for paraeducators' costs to initially fund a health savings account (HSA), which is a tax advantaged account available to people with high deductible health plans. The second provides a stipend to certain paraeducators that do not have access to health insurance with a minimum actuarial value (AV, which represents the total average costs for benefits that the plan covers). The act also establishes a paraeducator healthcare

working group to study health care access, equity, and affordability for paraeducators working at local or regional boards of education.
EFFECTIVE DATE: July 1, 2023

HSA Subsidies

The act requires the comptroller to establish a program for FY 24 to provide a subsidy to paraeducators who (1) open an HSA, (2) are employed by a local or regional board of education, and (3) apply to the comptroller in a way he prescribes. The subsidy must be (1) within available appropriations and (2) a percentage of the initial investment made to open the account, as the comptroller determines. Under the act, no paraeducator may receive more than one subsidy.

Health Insurance Stipends for Certain Paraeducators

Beginning in FY 25, the act requires the comptroller to give stipends to eligible paraeducators to buy silver-level health insurance plans through Access Health CT. The stipends must be available to paraeducators who:

1. are employed by a local or regional board of education,
2. are ineligible for Medicaid or Covered Connecticut, and
3. do not have access to a health plan with an AV (a) of at least 75% through their spouse's employer or (b) equivalent to that of silver level coverage offered on Access Health CT coverage (generally 70%) through their own employer.

Under the act, stipends must be available to eligible paraeducators employed by a board of education that provides them with a health benefit plan with an AV of less than 60%. However, the comptroller may increase this 60% limit if it results in less than half of otherwise eligible paraeducators qualifying for a stipend. No paraeducator can receive more than the cost of their purchased plan, after applying any federal or state tax credits. The comptroller must set application forms and procedures.

The act also requires the Office of Health Strategy (OHS) to help local and regional boards of educations enroll paraeducators in (1) health insurance plans that are eligible for the stipend program; (2) the Covered Connecticut program, which provides eligible individuals with health insurance for no out-of-pocket cost; or (3) Medicaid.

Paraeducator Health Care Working Group

Under the act, the working group consists of the comptroller (or his designee), at least one representative each from Access Health CT and OHS, and at least one member appointed by the two organizations representing Connecticut paraeducators.

The working group's study must at least:

1. analyze the cost to boards of education to offer health benefit plans with an AV of at least 75%;
2. consider any fees or taxes assessed on the boards for not providing health insurance plans that meet the federal minimum essential benefits coverage requirements;
3. compare the costs to offer health benefit plans (by AV) and the costs of a qualified silver-level plan;
4. examine the feasibility of expanding the Covered Connecticut program, or any other premium subsidy program available through Access Health CT, to provide affordable coverage for paraeducators and other similarly situated occupations; and
5. assess the average out-of-pocket costs for paraeducators under existing cost-sharing subsidy programs.

The act requires Access Health CT's representative to convene the group's first meeting by October 1, 2023. And Access Health CT must report the study's findings, including any legislative recommendations, to the Appropriations, Education, Insurance and Real Estate, and Labor and Public Employees committees by July 1, 2024.

§§ 207-208 & 450 — DELAYED EFFECTIVE DATE FOR CONSUMER HEALTH DATA PRIVACY PROVISIONS

Delays, by three months, the effective date of PA 23-56's provisions on consumer health data privacy and consumer health data controllers; makes corresponding changes to provisions on the attorney general's enforcement authority

PA 23-56 (§§ 1-5) sets standards for accessing and sharing consumer health data by certain private entities that do business in Connecticut. Among other things, it (1) places various specific limitations on "consumer health data controllers," (2) incorporates various provisions on these controllers into the existing law on consumer data privacy and online monitoring, and (3) makes minor changes to the existing data privacy law. This act delays the effective date of these provisions from July 1, 2023, to October 1, 2023.

PA 23-56 (§ 6) also extends the existing data privacy law's enforcement provisions to its new provisions on consumer health data controllers. This act replaces these enforcement provisions to correspond to the new effective date for the other sections described above and makes conforming changes. Under these provisions, among other things, (1) the attorney general has exclusive authority to enforce violations and (2) there is a grace period through December 31, 2024, during which the attorney general must give violators an opportunity to cure any violations if he determines that a cure is possible. This act starts the grace period on October 1, 2023, rather than July 1, 2023, to align with the effective date change noted above.

EFFECTIVE DATE: Upon passage, except for the replacement provisions on the attorney general's enforcement authority, which are effective October 1, 2023.

§§ 209-219 — DELAYING CHANGES TO MOTOR VEHICLE ASSESSMENT LAWS

Delays, by one year, provisions in a 2022 law that made various changes to motor vehicle taxation and assessment procedures

The act delays, by one year, provisions in a 2022 law that made various changes to motor vehicle taxation and assessment procedures (PA 22-118, §§ 497-509). Under prior law, these changes were set to take effect for assessment years beginning on and after October 1, 2023. The act delays the changes' effective date by one year, to assessment years beginning on and after October 1, 2024. The changes primarily do the following:

1. exempt from property tax snowmobiles, all-terrain vehicles, and utility trailers used exclusively for personal purposes;
2. require municipalities to value motor vehicles based on the manufacturer's suggested retail price (MSRP) and a 20-year depreciation schedule, rather than the schedule of values annually recommended by the Office of Policy and Management (OPM);
3. move up (from December 1 to November 1) the deadline for the Department of Motor Vehicles (DMV) to give municipalities annual reports on motor vehicles registered in the municipality and increase the frequency with which DMV must give them supplemental reports updating this information;
4. modify the timeline for supplemental property taxes due on motor vehicles registered after each assessment year starts and extend the supplemental tax bill requirement to vehicles registered in August and September of each assessment year;
5. extend the period during which taxpayers may claim a property tax credit for motor vehicles that were stolen, sold, totaled, or moved out of state;
6. require taxpayers to include on personal property declarations motor vehicles that are included in a schedule of motor vehicle plate classes established by OPM;
7. prohibit DMV from issuing a vehicle registration or renewal to anyone who owes property taxes on any taxable motor vehicle, rather than only registered vehicles; and
8. eliminate a requirement that municipalities issue a validation sticker showing property taxes have been paid on certain commercial motor vehicles used for construction, paving, or other similar purpose.

EFFECTIVE DATE: July 1, 2023, and applicable to assessment years starting on or after October 1, 2024.

§§ 220 & 221 — PROHIBITION ON REVIEWS OF RECURRING PRESCRIPTION DRUGS TO TREAT AUTOIMMUNE DISORDERS, MULTIPLE SCLEROSIS, OR CANCER

Prohibits health carriers (e.g., insurers and HMOs) from requiring a prospective or concurrent review of a recurring prescription drug used to directly treat an autoimmune disorder, multiple sclerosis, or cancer that they already approved through utilization review

The act prohibits certain health carriers (e.g., insurers and HMOs) from requiring a prospective or concurrent review of a recurring prescription drug used to directly treat any autoimmune disorder, multiple sclerosis, or cancer after they have certified it through utilization review. The act extends existing statutory definitions that apply to certain insurance utilization review laws to this prohibition and specifies that it does not require a health carrier to cover the following:

1. a prescription drug to treat these conditions if a policy's coverage terms completely exclude the drug from the policy's covered benefits,
2. a brand name drug if an equivalent generic drug is available, or
3. a prescription drug that was certified through prospective or concurrent review by a covered person's previous health carrier or under a previous employer's fully insured health plan administered by a third-party administrator.

EFFECTIVE DATE: January 1, 2025, except the provision extending definitions is effective October 1, 2023.

Definitions

By law and under the act, "utilization review" is generally the use of a set of formal techniques designed to monitor the use of, or evaluate the medical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. "Prospective review" is utilization review done before an admission or the provision of a health care service or a course of treatment under a health carrier's requirement that the service or treatment be approved, in whole or in part, before being provided. "Concurrent review" is utilization review done during a patient's stay or course of treatment in a facility, the office of a health care professional, or other inpatient or outpatient health care setting, including home care.

Under the act, a "generic drug" is a (1) prescription drug product that is marketed or distributed under an abbreviated new drug application approved under federal law, (2) generic drug defined under federal regulations, or (3) drug that entered the market before 1962 that was not originally marketed under a new prescription drug product application. A "brand name drug" is a drug that is produced or distributed under an original new drug application approved under federal law, excluding generic drugs defined under federal regulations.

§ 222 — UTILIZATION REVIEW REQUEST TIME FRAMES

Shortens the maximum timeframes for health carriers to notify an insured or his or her authorized representative about certain utilization review decisions

Existing law establishes a structure and timeframe for health carriers, and any designee or utilization review company that performs utilization reviews on their behalf, to conduct benefit reviews and notify a covered individual whether a specific medical service is reimbursable by his or her health insurance plan. The act shortens several of the maximum timeframes for these entities, after receiving all the required information, to notify an insured or the insured's authorized representative about decisions.

The act also prohibits health carriers from requiring health care professionals or hospitals to submit additional information with a prospective or concurrent review that is not reasonably available to the provider or hospital at the time the request is submitted.

EFFECTIVE DATE: January 1, 2024

Utilization Review Response Timeframes

The act shortens the maximum response time allowed for decisions about the following requests:

1. a non-urgent prospective or concurrent review request, from 15 to 7 calendar days after the date the health carrier receives the request, but the act allows the health carrier to extend this once for up to 15 days if the insured's provider notifies the carrier that the service will not be performed for at least three months from the date the request was received;
2. a one-time extension of non-urgent prospective or concurrent review request due to circumstances beyond the carrier's control and following proper notice, from 15 to 5 calendar days (for retrospective reviews, the act maintains the law's one-time extension of 15 calendar days); and
3. urgent care requests, from 48 hours (or 72 hours if the request or response time falls on a weekend) to 24 hours after the health carrier receives it (by law, urgent review requests must be done as soon as possible, considering the insured's medical condition).

The act also requires a carrier to acknowledge receipt of non-urgent prospective and concurrent review requests as soon as practicable, but within 24 hours after receiving it, unless federal law requires a faster response.

Prior law allowed health carriers to notify patients orally if they provided written confirmation within five calendar days of the oral notice. The act shortens this period to three calendar days.

§§ 223 & 224 — NEWBORN HEALTH INSURANCE COVERAGE

Extends, from 61 days to 91 days after birth, the time period within which an insured person must (1) notify the health carrier about a newborn's birth and (2) pay any required premium or subscription fee to continue the newborn's coverage beyond that period

By law, certain health insurance policies that cover family members must cover newborns from birth. The coverage

must include injury and sickness benefits, including the care and treatment of congenital defects and birth abnormalities.

The act extends, from 61 days after birth to 91 days after the birth, the time period within which the insured person must (1) notify the health carrier about the birth and (2) pay any required premium or subscription fee to continue the newborn's coverage beyond that period. As under prior law, if notification and payment is not provided within the specified period, claims originating during that period are not prejudiced.

The act also makes a generally technical change. Under prior law, the above provisions apply to individual health insurance policies that cover limited benefits and 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; or (5) hospital or medical services, including those provided under an HMO plan. The act removes individual and group accident only policies from these provisions. (In practice, these policies are unlikely to cover birth-related services.)

EFFECTIVE DATE: January 1, 2024

§§ 225 & 226 — STEP THERAPY PROHIBITIONS

Reduces how long an insurer can require an insured to use step therapy for prescription drugs from 60 to 30 days and prohibits step therapy from January 1, 2024, to January 1, 2027, for drugs used to treat schizophrenia, major depressive disorder, or bipolar disorder

Step therapy is a prescription drug protocol that generally requires patients to try less expensive drugs before higher cost drugs. The act lowers the maximum amount of time an insurer can require an insured to use step therapy from 60 to 30 days. Under existing law, the treating healthcare provider can deem step therapy clinically ineffective after this period. At that point, the insurer must authorize dispensation of and coverage for the drug prescribed by the provider, if it is covered under the insurance policy or contract. If the provider does not consider the step therapy regimen to be ineffective or does not request an override as the law allows, the drug regimen may be continued.

Existing law prohibits using step therapy with drugs used to treat stage IV metastatic cancer, as long as the drugs comply with approved federal Food and Drug Administration indications. A provider can deem these drugs clinically ineffective without waiting the prescribed amount of time. For a three-year period beginning January 1, 2024, the act also prohibits step therapy with drugs used to treat schizophrenia, major depressive disorder, or bipolar disorder, as defined in the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" most recent edition. As with drugs used to treat stage IV metastatic cancer, a provider can deem drugs used to treat these conditions as clinically ineffective without waiting the prescribed time period.

EFFECTIVE DATE: January 1, 2024

§ 227 — STEP THERAPY TASK FORCE

Establishes a 23-member task force to study step therapy data collection

The act creates a 23-member task force to study step therapy data collection, including step therapy edits, rejections, and appeals for behavioral health drugs, and the best ways to collect the data. The task force must report its findings and recommendations to the Insurance and Real Estate and Public Health committees by February 1, 2024. The task force terminates on the earlier of when it submits its report or February 1, 2024.

EFFECTIVE DATE: Upon passage

Membership

Under the act, the task force includes the chairpersons and ranking members of the Insurance and Real Estate and Public Health committees, Office of Health Strategy executive director, and insurance and consumer protection commissioners, or their designees, and the following appointed members:

1. two health care providers with mental health expertise, one each appointed by the House speaker and the Senate president pro tempore;
2. one licensed pharmacist, appointed by the House minority leader;
3. one pharmaceutical manufacturing industry representative, appointed by the Senate minority leader;
4. two insurance industry representatives, one each appointed by the Insurance and Real Estate Committee chairpersons;
5. two pharmaceutical industry representatives, one each appointed by the Insurance and Real Estate Committee's

ranking members;
6. two mental health care providers, one each appointed by the Public Health Committee's chairpersons; and
7. two mental health advocacy group representatives, who must be impacted individuals, one each appointed by the Public Health Committee's ranking members.

Under the act, appointing authorities must make their initial appointments by July 12, 2023, and fill vacancies as they occur. The House speaker and Senate president pro tempore must 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 11, 2023. The Public Health Committee's administrative staff serve as that for the task force.

§§ 228 & 229 — MANAGED CARE ORGANIZATIONS REPORTS AND CONSUMER REPORT CARD

Requires managed care organizations (MCOs) to annually report certain prior authorization and utilization review data, actuarial analyses, and estimated premium savings to the insurance commissioner; requires the commissioner to include some of this information in his annual consumer report card

Annual Quality Assurance Plan

Existing law requires managed care organizations (MCOs) to submit an annual quality assurance plan to the insurance commissioner by May 1 that includes certain statistical information allowing the commissioner to compare plans. The act (1) requires the plan include a list of health care services that required prior authorization in the previous calendar year and the ratio of these services to the total number of services covered that year, and (2) specifies that all the plan's information be provided in a format the commissioner prescribes, and allows him to revise the filing requirements to implement the new requirements. By law, the plan must also include several other comparable criteria, such as the number of utilization review determinations and the percent of employers that renew their MCO contracts.

New Prior Authorization and Utilization Review Report

Annually, also by May 1, the act requires MCOs to submit to the commissioner a report that summarizes (1) the actuarial analysis used in setting standards for any procedures subject to prior authorization in the previous calendar year and (2) any estimated premium savings resulting from prior authorization and other utilization review protocols. The commissioner must prescribe the report's format.

By law, the consumer report card is an annual report issued by the insurance commissioner that contains certain comparative information on health care centers (i.e., HMOs) and the 15 largest health insurers that use provider networks in the state. The report card includes, for MCOs, which include HMOs and insurers, a report on claims denials. Under the act, the report card must also include the new actuarial analysis and estimated premium savings information described above.

EFFECTIVE DATE: October 1, 2023

§ 230 — ELECTRONIC UTILIZATION REVIEW PROCESSING

Requires health care providers participating in a health carrier's network to use the carrier's secure electronic system to process utilization reviews

The act requires participating providers (i.e., health care providers who contract with a health carrier to provide services) to use a carrier's secure electronic program to process utilization review requests. However, a participating provider's failure to use the program cannot contribute to an adverse determination (e.g., a benefit denial).

EFFECTIVE DATE: January 1, 2024

§§ 231-246, 444, 452 & 454 — BOARDS AND COMMISSIONS REPEAL

Repeals more than 20 boards, commissions, working groups, panels, and task forces

Repealed Boards and Commissions

The act repeals more than 20 boards, commissions, working groups, panels, and task forces. Generally, these entities were inactive or obsolete.

The table below lists and briefly describes most of the repealed entities. The remaining entities (generally those for which the act makes other changes besides repealing the entity) are described after the table. Additionally, the act repeals obsolete language, including provisions concerning DOH's establishment in 2013 (CGS § 8-37sss).

Repealed Boards and Commissions

§ in Act & CGS (or PA/SA) Citation	*Entity*	*Purpose*
444 CGS §§ 2-85 to -88	Connecticut Law Revision Commission	Receive and evaluate proposed changes to the General Statutes from specified entities (e.g., the National Conference of Commissioners on Uniform State Laws)
232, 246 & 444 CGS § 2-111	Results First Policy Oversight Committee	Submit an annual report recommending measures to implement the Pew-MacArthur Results First cost-benefit analysis model (Also repeals a related obsolete reporting requirement for the OPM secretary)
444 CGS § 2-123	Connecticut Competitiveness Council	Advise businesses and the executive and legislative branches about Connecticut's economic performance, including how it compares with that of other jurisdictions
444 CGS §§ 2-124 & 32-39p	Commission on Economic Competitiveness	Assess how the state's tax policies affect business and industry and develop policies that promote economic growth (Also repeals the Connecticut 500 Project, which the commission had to administer with a goal of creating 500,000 net new private sector jobs over 25 years and achieving other economic development goals)
444 CGS § 2-124a	Health Data Collaborative Working Group	Make recommendations relating to health data access, privacy, and security, among other things (group was appointed by the chairpersons of the Commission on Economic Competitiveness, see above)
231 CGS § 4-67f	Innovations Review Panel	Review and evaluate requests for funding for projects and awards to reduce state agencies' costs and increase their efficiencies
243-245 & 444 CGS § 4a-62	Minority Business Enterprise Review Committee	Conduct an ongoing study of contract awards, loans, or bonds to determine compliance with state laws on minority business enterprises, including the set-aside program
233 & 444 CGS § 4e-9	Vendor and Citizen Advisory Panel	Make recommendations to the State Contracting Standards Board on best practices in state procurement processes and project management
234, 235 & 444 CGS § 8-37zz	State-Assisted Housing Sustainability Advisory Committee	Advise the DOH commissioner and CHFA on the administration, management, procedures, and objectives of the financial assistance provided from the State-Assisted Housing Sustainability Fund
236 & 444 CGS § 12-217z	Business Tax Credit and Tax Policy Review Committee	Study and evaluate the existing credits against the corporation business tax, evaluate changes to it, and consider further changes in policy on business taxation
444 CGS §§ 25-138 to -142	Bi-State Long Island Sound Committee	Recommend legislation to avoid, minimize, and mitigate the impact of proposed industrialization and private use of the Sound's public trust resources

§ in Act & CGS (or PA/SA) Citation	*Entity*	*Purpose*
444 CGS § 25-154	Long Island Sound advisory councils (Eastern, Central, and Western)	Prepare reports on the use and preservation of the Sound (each council reported on the area within its boundaries)
239 & 444 CGS § 25-155	Long Island Sound Assembly	Review the advisory councils' reports (see above) for compatibility with the other councils' reports and for coordination with federal and state law and the Bi-State Long Island Sound Committee's activities
444 CGS §§ 32-180 to -182	Connecticut-Israel Exchange Commission	Promote and expand economic, scientific, educational, technological, commercial, industrial, and cultural cooperation and exchange between Connecticut and Israel
444 CGS § 33-2001	Commission on Connecticut's Leadership in Corporation and Business Law	Develop and submit to the legislature a 10-year plan to establish Connecticut's leadership in corporation and business organizations law
452 & 454 PA 14-205 (§ 3), as amended by SA 15-19	Task force on municipal animal shelters	Study (1) the humane treatment of animals in municipal and regional shelters and (2) other matters concerning these shelters; report to the Environment and Planning and Development committees by February 1, 2016
452 PA 18-81 (§ 58)	Panel to study Teachers' Retirement System (TRS) reforms	Study TRS reforms proposed by the Commission on Fiscal Stability and Economic Growth; report to the Appropriations Committee by January 1, 2019

State Employee Campaign for Charitable Giving (§ 444)

The act repeals the State Employee Campaign for Charitable Giving (CSEC), which was overseen by the State Employee Campaign Committee and state comptroller. (The act correspondingly repeals the committee.) Under prior law, the CSEC collected contributions through state employee payroll deductions and was administered by a principal combined fundraising organization that the committee selected annually (CGS § 5-262).

Fuel Oil Conservation Board (§§ 237 & 444)

The act repeals the Fuel Oil Conservation Board, which under prior law had to work with the DEEP commissioner to administer the energy efficiency fuel oil furnace and boiler replacement, upgrade, and repair program (CGS § 16a-22n). It instead generally makes the DEEP commissioner solely responsible for administering the program. Relatedly, it requires the Connecticut Energy Conservation Management Board alone, rather than in conjunction with the Fuel Oil Conservation Board, to make certain determinations regarding specified boilers, furnaces, and tanks.

Connecticut Umbilical Cord Blood Collection Board (§§ 238 & 444)

The act repeals the Connecticut Umbilical Cord Blood Collection Board, which under prior law had to establish and administer a state umbilical cord blood collection program to facilitate and promote collecting units of umbilical cord blood from genetically diverse donors for public use (CGS §§ 19a-32o to -32v). The act correspondingly repeals statutes relating to the program's administration.

Regenerative Medicine Research Advisory Committee (§§ 240-242)

The act repeals the Regenerative Medicine Research Advisory Committee and generally transfers its power and duties to Connecticut Innovations, Inc. (CI). Among other things, these include (1) developing a donated funds program to encourage the development of funds other than state appropriations for regenerative medicine research in the state and (2) administering a financial assistance program for regenerative medicine research. (Under existing law, CI administers the Regenerative Medicine Research Fund.)
EFFECTIVE DATE: July 1, 2023

§§ 247-250 — FY 23 BUDGET ADJUSTMENTS

Makes deficiency appropriations and corresponding reductions for FY 23 in the General Fund and Special Transportation Fund

The act (1) appropriates a total of $71,732,000 from the General Fund and $5,100,000 from the Special Transportation Fund to cover deficiencies in various state agencies and programs for FY 23 and (2) reduces appropriations to other agencies and programs for FY 23 by the same amount, as shown in the table below.

FY 23 Additional Appropriations and Reductions

Agency	*Purpose*	*Amount*
GENERAL FUND		
State Comptroller	Personal Services	$2,750,000
DOL	Other Expenses	100,000
DEEP	Emergency Spill Response	750,000
DECD	Other Expenses	247,000
	Capital Region Development Authority	2,250,000
DOH	Congregate Facilities Operation Costs	400,000
Office of the Chief Medical Examiner	Other Expenses	50,000
DSS	Other Expenses	13,000,000
	Temporary Family Assistance - TANF	1,400,000
Technical Education and Career System	Other Expenses	1,000,000
OHE	Other Expenses	225,000
DOC	Personal Services	26,100,000
Judicial Department	Other Expenses	2,000,000
State Comptroller — Fringe Benefits	Higher Education Alternative Retirement System	1,000,000
	Employers Social Security Tax	16,000,000
Workers' Compensation Claims — DAS	Workers Comp Claims – DOC	4,460,000
Judicial Department	Personal Services	(2,000,000)
Debt Service — State Treasurer	Debt Service	(300,000)
	UConn 2000 Debt Service	(2,600,000)
State Comptroller — Fringe Benefits	Retired State Employees Health Service Cost	(66,832,000)

Agency	*Purpose*	*Amount*
SPECIAL TRANSPORTATION FUND		
DAS	State Insurance and Risk Management Operations	5,000,000
State Comptroller — Fringe Benefits	Employers Social Security Tax	100,000
Debt Service — State Treasurer	Debt Service	(5,100,000)

EFFECTIVE DATE: Upon passage

§§ 251-259 — PARTICIPATION BY PHARMACISTS AND INTERNS IN HAVEN'S ASSISTANCE PROGRAM

Makes pharmacists and pharmacy interns eligible for the professional assistance program for health professionals

The act makes pharmacists and pharmacy interns (hereinafter, "pharmacists and interns") eligible for the professional assistance program for health professionals (currently, the Health Assistance InterVention Education Network (HAVEN); see *Background*). By law, the 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.

In doing so, the act makes a number of minor and conforming changes to reflect the fact that the Department of Consumer Protection (DCP) regulates pharmacists and interns; under prior law, the only professionals eligible for the program were regulated by the Department of Public Health (DPH). These corresponding changes include establishing separate but substantially similar provisions specifically for pharmacists and interns and giving DCP oversight of these professionals' participation in the program (see below). But under the act, DPH remains the lead agency responsible for the program (e.g., overseeing the program's annual audit and oversight committee).

The act also correspondingly requires the assistance program to submit certain information on participating pharmacists and interns to the General Law Committee, like it currently submits to the Public Health Committee for other health professionals.

The act also raises the renewal credentialing fees for pharmacist and intern licensees by $5, to $105 and $65, respectively. It requires the DCP commissioner to transfer $5 from each renewal fee to the pharmacy professional assistance program account, which the act creates as a separate, nonlapsing General Fund account. He must do so quarterly (i.e., by the last day of January, April, July, and October). The funds must be used by DCP for the assistance program.

EFFECTIVE DATE: October 1, 2023, except the provisions on renewal fees are effective July 1, 2025.

Access on Similar Terms

As is the case under existing law for DPH-regulated health professionals participating in the assistance program, among other things, the act:

1. requires the program to include a medical review committee that meets the act's requirements, which are substantially similar to existing law's requirements for medical review committees (e.g., the committee must determine whether the professional is an appropriate candidate, set the terms for his or her participation, and refer specified individuals to DCP);
2. makes professionals who have engaged in certain conduct ineligible to participate (e.g., conduct that has been subject to disciplinary action, actions that constitute a felony, or conduct alleged to have harmed a patient);
3. generally requires the program to keep information related to an intervention, rehabilitation, referral, or support service confidential; and
4. specifies that if pharmacists or interns fail to comply with the program, it must notify DCP and transfer related records to the department.

DCP's Authority and Oversight

To reflect DCP's credentialing role for pharmacists and interns, the act, among other things:

1. gives DCP oversight of pharmacists' and interns' participation in the assistance program, including making DCP the agency that hospitals, health care practitioners, and the public notify if they believe a pharmacist or intern is unable to practice with reasonable skill or safety;

2. requires the program to notify DCP if it determines a pharmacist or intern has engaged in conduct that makes him or her ineligible to participate or is engaging in conduct that violates the terms of his or her participation or endangers others;
3. requires the program to annually report to DCP, if there is no other credentialing board or commission, data related to pharmacists' and interns' participation; and
4. requires DPH to notify DCP in writing if it waives the assistance program's annual audit requirement and, regardless of this waiver, allows DCP to require an audit of the program, to be submitted to the department and the General Law Committee, to examine whether it is appropriately serving pharmacists and interns.

Background — Health Professional Assistance Program

By law, before a health professional can enter the program, a medical review committee must (1) determine if he or she is an appropriate candidate for rehabilitation and participation and (2) set 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).

§ 260 — MUNICIPAL APPROVAL OF CAA AIRPORT PURCHASE

Expands a provision in PA 23-135 that subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located to include instances where the airport is leased and where the municipality controls the airport; additionally requires approval by the municipality that owns or controls the airport; specifies that approval may not be unreasonably withheld

The act expands a provision in PA 23-135 (§ 52) that subjects any CAA purchase of a municipally owned airport to approval by the legislative body of the municipality in which the airport is located. This act expands the municipal approval requirement to (1) include CAA leases and (2) apply to municipally controlled airports or airports owned or controlled by a municipality's political subdivision. It also expands the requirements for approval, making these CAA actions subject to approval by the legislative body of the municipality that owns or controls the airport in addition to the legislative body of the municipality in which the airport is located. The act prohibits municipalities from unreasonably withholding approval.

The act specifies that this provision does not displace or supersede an existing airport agreement between (1) a municipality or its political subdivision that owns or controls an airport and (2) the municipality in which the airport is located.

EFFECTIVE DATE: July 1, 2023

§§ 261-263, 278-281 & 443 — AUTISM SPECTRUM DISORDER (ASD) AND OPM

Makes OPM, rather than DSS, the lead agency to coordinate ASD services and transfers many of DSS's ASD-related duties to OPM

Under prior law, the Department of Social Services (DSS) served as the lead agency to coordinate the functions of several state agencies that provide services to people diagnosed with ASD. The act instead makes the Office of Policy and Management (OPM) the lead agency to coordinate these functions. The act requires that OPM, rather than DSS, serve as the lead state agency for (1) the federal Combating Autism Act and (2) applying for and receiving funds, and performing related responsibilities, concerning ASD as state or federal law authorizes. The act correspondingly transfers many of DSS's ASD-related duties to OPM. Under the act, however, DSS remains the state agency for administering services for people with ASD under the Medicaid state plan and the Medicaid ASD waiver program.

Prior law allowed DSS's Division of Autism Spectrum Disorder Services to research, design, and deliver appropriate and necessary services and programs for all state residents with ASD. The act instead allows OPM to examine and make recommendations on these services and programs. Under the act, services and programs may include the following:

1. autism-spectrum early intervention services for any child under age three diagnosed with ASD;
2. education, recreation, habilitation, vocational, and transitional services for people ages three to 22 diagnosed with ASD;
3. services for adults over age 22 diagnosed with ASD;
4. housing assistance for people diagnosed with ASD;
5. services that address the way autism and the criminal justice system intersect;
6. commercial insurance coverage of autism services;

7. ASD-specific workforce training; and
8. related ASD services the OPM secretary deems necessary.

The act requires OPM to research and locate possible funding streams to continually develop and implement services for people diagnosed with ASD.

The act allows OPM, rather than DSS, to make recommendations to the governor and the Human Services Committee on legislation and funding required to provide necessary services to people diagnosed with ASD. It also allows OPM to report this information to the Appropriations and Public Health committees.

DSS's Division of Autism Spectrum Disorder Services

The act retains DSS's Division of Autism Spectrum Disorder Services but narrows its purpose to overseeing Medicaid state plan services and the Medicaid waiver program for ASD services. The act eliminates requirements that the division do the following:

1. research and locate possible funding streams to continually develop and implement services for people diagnosed with ASD but not with an intellectual disability;
2. design and implement a training initiative and develop an ASD-specific curriculum; and
3. annually report to the Human Services Committee on the (a) status of a federal Medicaid waiver or state plan amendment to provide home- and community-based services to people with ASD who do not have an intellectual disability and (b) program's establishment and implementation.

The act retains a separate requirement that DSS report annually on the division's and the ASD Advisory Council's (ASDAC) (see below) activities to the Human Services Committee.

Existing law, unchanged by the act, requires DSS, in consultation with ASDAC, to designate services and interventions that demonstrate empirical effectiveness in treating ASD and to update the designations periodically.

ASD Advisory Council (ASDAC)

The act puts ASDAC within OPM for administrative purposes only. It requires the council to advise OPM, rather than DSS, and eliminates requirements that it advise on (1) services provided by DSS's Division of Autism Spectrum Services and (2) implementing recommendations from an autism feasibility study. The act requires the council to advise on recommendations to improve coordination and address gaps in autism services.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except provisions eliminating (1) DSS's designation as the lead agency for ASD and (2) the current Autism Spectrum Disorder Advisory Council are effective upon passage.

Background — Related Act

PA 23-101, § 22, authorizes ASDAC to (1) identify strategies and methods to improve outreach and service coordination for racial minority groups and (2) identify and recommend updates to existing state guidelines for early screening and intervention.

§§ 264-270 — TEMPORARY FAMILY ASSISTANCE (TFA) ELIGIBILITY AND BENEFITS

Modifies TFA requirements, including (1) extending the program's time limit from 21 to 36 months, (2) modifying the criteria for time limit extensions, (3) statutorily raising the asset limit, and (4) disregarding income for certain households

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) extends the program's time limit from 21 to 36 months; (2) modifies the criteria for time limit extensions; (3) statutorily raises the program's asset limit, from $3,000 to $6,000; and (4) disregards income for certain households when determining program eligibility. The act also makes related technical and conforming changes.

EFFECTIVE DATE: April 1, 2024, except the asset limit and income disregard provisions are effective upon passage.

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. Under prior law, Connecticut generally applied a 21-month limit on receiving TFA benefits; however, families are exempt from these time limits under specified circumstances (e.g., a minor parent finishing high school). Families that are not exempt may apply for up to two six-month time-limit extensions if they meet certain criteria. The act:

1. extends the program time limit from 21 months to 36 months;
2. changes one criterion for receiving an extension under prior law by requiring families to have an income below 100% of the federal poverty level (FPL), instead of below the TFA payment standard; and
3. eliminates one criterion for receiving a second extension under prior law: that the adult is working at least 35 hours per week, is earning at least the minimum wage, and continues to earn less than the family's TFA payment.

Asset Limit

The act increases the TFA asset limit from $3,000 to $6,000 beginning October 1, 2023. In practice, DSS sets the asset limit in the federally approved TANF state plan. The act sets the $6,000 limit in statute.

Income Disregard

By law, when calculating the TFA benefit amount for eligible families, DSS must disregard earned income up to 100% of FPL. Under the act, DSS must also disregard up to 230% of FPL in gross earnings when determining TFA eligibility.

Under the act, beginning January 1, 2024, this disregard applies in the first month that a family's total gross earnings exceed FPL and continues for up to six consecutive months (generally allowing certain households to remain eligible for TFA longer than they would under prior law when their earnings increased above FPL).

For families with total gross earnings between 171% and 230% of FPL, the act requires DSS to reduce the household's benefit amount by 20% in months when the household's income is in that range. The current TFA payment standard (i.e., maximum benefit amount) is $833 per month for a family of three. The benefit amount is typically calculated by deducting certain income from the payment standard.

§ 271 — STATE ADMINISTERED GENERAL ASSISTANCE (SAGA) ASSET LIMIT INCREASE

Expands SAGA eligibility by raising asset limits from $250 to $500 for individuals and $500 to $1,000 for married couples

The act expands eligibility for SAGA by raising the program's asset limits from $250 to $500 for individuals and $500 to $1,000 for married couples. SAGA generally provides cash assistance to single or married childless individuals who have very low incomes, do not qualify for other cash assistance programs, and are considered "transitional" or "unemployable."
EFFECTIVE DATE: October 1, 2023

§ 272 — STATE SUPPLEMENT PROGRAM (SSP) BENEFIT START DATE

Aligns the start date for SSP eligibility for a residential care home or rated housing facility resident with the date the person begins residing in the home or facility, subject to a 90-day limit based on when DSS received the application

By law, SSP gives cash assistance to people who (1) are ages 65 and older, living with a permanent disability, or blind and (2) receive federal Supplemental Security Income (SSI) benefits or would be eligible for SSI, but for excess income. For people living in residential care homes or rated housing facilities, DSS must pay SSP benefits to the home or facility at a per diem or monthly rate, minus any applied resident income.

The act aligns the start date for SSP benefit eligibility with the date the applicant became a resident in the home or facility and met all SSP eligibility criteria. It also limits the start date to no earlier than 90 days before DSS received the application.

By law, rated housing facilities are a (1) boarding facility or home, excluding community companion homes, licensed by the developmental services, mental health and addiction services, or children and families departments or (2) facility established by New Horizons, Inc. and approved by DSS to receive SSP payments (CGS § 17b-82).
EFFECTIVE DATE: October 1, 2023

§ 273 — DSS PAYMENTS TO NON-ICF-ID BOARDING HOMES

Generally caps FY 24 rates at FY 23 levels for room and board at private residential facilities; allows DSS to provide fair rent increases at its discretion beginning for FY 24

The act limits rates for room and board at private residential facilities and similar facilities operated by regional educational services centers that are licensed to provide residential care for people with certain disabilities but not certified as intermediate care facilities for people with intellectual disabilities (ICF-ID). It generally caps FY 24 rates at FY 23 levels but allows for higher rates, within available appropriations, for facilities that make a capital improvement for resident health or safety approved by DDS, in consultation with DSS, during FY 24.

Beginning for FY 24, the act allows the DSS commissioner to provide pro rata fair rent increases to facilities with documented fair rent additions placed in service during the corresponding cost report year that are not otherwise included in the issued rates. She may do so at her discretion and within available appropriations.

Existing law and the act require that the DSS and DDS commissioners adopt regulations to implement these provisions.
EFFECTIVE DATE: July 1, 2023

§ 274 — DSS PAYMENTS TO ICF-IDS

For ICF-IDs, establishes a methodology for inflationary adjustments, but prohibits inflationary increases for FYs 24 to 26; generally requires rates for FYs 24 to 26 to be based on corresponding cost reports; maintains per diem, per bed rates at $501 for FYs 24 and 25, but eliminates the minimum rate for FY 26, allows DSS to provide discretionary fair rent increases, and requires DSS to determine when an ownership change requires the department to rebase rates

Inflationary Adjustments

For ICF-IDs, the act prohibits DSS from increasing rates based on inflation or any inflationary factors for FYs 22 and 23, conforming to existing law that generally caps rates for those years with certain exceptions.

The act sets a methodology to calculate inflationary increases after FY 23. Specifically, it requires any increase to allowable operating costs, excluding fair rent, to be inflated by the gross domestic product (GDP) deflator when funding is specifically appropriated in the enacted budget for this purpose. Under the act, DSS must compute the inflation rate by comparing the most recent rate year to the average GDP deflator for the previous four fiscal quarters ending April 30. DSS must apply any inflation-based rate increase before applying any other budget adjustment factors that may impact rates.

Rate Methodology for FYs 24 to 26

For FY 24, the act requires DSS to determine rates based on 2022 cost report filings, adjusted to reflect any rate increase provided after the 2022 cost report year, plus a two percent adjustment factor. The act prohibits any facility's payment rate from begin lower than the FY 23 rate.

For FY 25, the act requires DSS to determine rates based on 2023 cost report filings, adjusted to reflect any rate increase provided after the 2023 cost report year. The act allows facilities to receive a rate less than the FY 24 rate, but not less than the minimum per diem, per bed rate (see below).

For FYs 24 and 25, the act allows facilities to receive a rate increase for capital improvements DDS approves, in consultation with DSS, for resident health or safety, within available appropriations. For these years, the act extends a provision allowing DSS to provide fair rent increases to facilities with a DSS-approved certificate of need that have undergone a material change in circumstances related to fair rent.

For FY 26, the act requires DSS to determine facility rates based on 2024 cost report filings, adjusted to reflect any rate increases provided after the 2024 cost report year.

For all three fiscal years (24 to 26), the act prohibits rate increases based on any inflationary factor.

Per Diem, Per Bed Rates

The act keeps the minimum per diem, per bed rate at $501 for FYs 24 and 25 and eliminates the minimum per diem, per bed rate starting for FY 26.

Discretionary Fair Rent Increases

Beginning for FY 24, the act allows the DSS commissioner to provide pro rata fair rent increases to facilities with documented fair rent additions placed in service during the corresponding cost report years that are not otherwise included in issued rates. She may do so at her discretion and within available appropriations.

Rebasing Rates for Ownership Changes

The act requires the DSS commissioner to determine whether and to what extent a facility's change in ownership requires DSS to rebase the facility's costs for calculating rates. The act prohibits inflation adjustments to rates for a facility during a year when DSS rebases its rates.
EFFECTIVE DATE: July 1, 2023

§§ 275 & 291 — NURSING HOME MEDICAID RATES

Requires DSS to issue individualized quality metrics reports to nursing homes; requires DSS to report on rate withholds; makes conforming changes to transition to an acuity-based reimbursement methodology; sets a methodology for determining inflationary adjustments and prohibits these adjustments for FYs 24 and 25 with certain exceptions

Existing law requires DSS to implement an acuity-based Medicaid reimbursement rate for nursing homes effective July 1, 2022. Acuity-based rates generally reimburse nursing homes based on the level of care needed for patients. In practice, DSS is currently transitioning from a cost-based system to the acuity-based system over a period of years.

Individualized Quality Metrics Report and Related Payments

As part of this acuity-based system, existing law requires DSS to phase in rate adjustments based on each facility's performance on quality metrics, beginning July 1, 2022, with a period of only reporting. Starting July 1, 2023, the act requires DSS to issue individualized reports annually to each nursing home to show the quality metrics program's impact on the home's Medicaid rate. Nursing homes may use the report to evaluate this rate impact.

Rate Withholds

The act requires DSS to report to the Appropriations and Human Services committees by June 30, 2025, on the quality metrics program, including information on the individualized quality metrics reports and the anticipated impact on nursing homes if the state were to implement a rate withhold on nursing homes that fail to meet certain quality metrics. (Presumably, "rate withholds" refers to some portion of a nursing home's Medicaid payment that DSS keeps or otherwise declines to pay a nursing home based on its performance under the quality metrics program.)

Conforming Changes

The act specifies that several provisions applicable under the cost-based methodology are also applicable under the acuity-based methodology, generally conforming to current practice. These include provisions:

1. allowing certain costs to exceed maximum amounts for beds restricted to patients with AIDS or traumatic brain injury or needing other specialized services;
2. requiring DSS to reimburse a facility as though its allowable fair rent equaled the 25th percentile of the statewide allowable fair rent if the facility's actual allowable fair rent is below that level;
3. requiring DSS to revise to 11% the allowance for a facility's rate of return on property other than land if the facility's rate of return exceeds 11%;
4. requiring facilities to receive cost efficiency adjustments for indirect costs and administrative and general costs if the facility's costs are below the statewide median costs;
5. authorizing the commissioner to allow minimum fair rent as the basis upon which reimbursement associated with improvements to real property is added;
6. requiring the commissioner to determine whether and to what extent a facility's change in ownership requires DSS to rebase the facility's costs;
7. requiring facilities or their related realty affiliates that finance or refinance debt through bonds issued by the Connecticut Health and Education Facilities Authority (CHEFA) to report to DSS;

8. allowing the DSS commissioner to revise a facility's fair rent to reflect any financial benefit the facility or its related realty affiliates received due to CHEFA financing; and
9. requiring the state and the facility to share the financial benefit from CHEFA bonds to an extent determined by the DSS commissioner on a case-by-case basis, reflected as an adjustment to the facility's allowable fair rent.

Existing law requires DSS to determine rates for new facilities using the cost-based methodology until June 30, 2022. The act requires the commissioner to determine rates for new facilities using the acuity-based methodology.

The act also makes other technical and conforming changes.

Inflationary Adjustments

For FYs 24 and 25, regardless of department regulations on nursing home reimbursement, the act prohibits any inflationary increases to the rates beyond those already factored into the model DSS is using to transition to the acuity-based methodology.

For subsequent years, the act establishes a methodology to calculate inflationary increases. Specifically, it requires any increase to allowable operating costs, excluding fair rent, to be inflated by the GDP deflator when funding is specifically appropriated in the enacted budget for this purpose. Under the act, DSS must compute the inflation rate by comparing the most recent rate year to the average GDP deflator for the previous four fiscal quarters ending April 30. DSS must apply any inflation-based rate increase before applying any other budget adjustment factors that may impact rates. The act supersedes any other state laws on long-term care to implement these provisions.

Schedule to Rebase Rates

Beginning July 1, 2025, the act requires DSS to rebase facility costs every two to four years (as existing law requires under the cost-based methodology). The act prohibits inflation adjustments in any year in which a facility's rates are rebased.

Discretionary Fair Rent Increases

For FY 22, existing law allows the DSS commissioner to give pro rata fair rent increases, in her discretion and within available appropriations, to facilities with documented fair rent additions in the 2020 cost year that are not otherwise included in the issued rates. The act extends this provision to future fiscal years based on documented fair rent additions in the most recently filed cost report.

The act also allows the DSS commissioner to provide pro rata fair rent increases, within available appropriations, which may include, at her discretion, increases for facilities that have undergone a material change in circumstances related to fair rent additions in the most recently filed cost report.

Interim Rates

The act allows the DSS commissioner to authorize an interim rate for a facility demonstrating circumstances particular to that facility that impact costs or finances not reflected in its underlying rates.

EFFECTIVE DATE: Upon passage

§ 276 — FLAT RATE FOR RESIDENTIAL SERVICES

Freezes FY 24 rates at FY 16 levels for residential care homes, community living arrangements, and community companion homes that receive a flat rate rather than a cost-based rate

The act requires that state payment rates for residential care homes, community living arrangements, and community companion homes that receive the flat rate for residential services remain at FY 16 levels through FY 24, regardless of contrary rate-setting and long-term care laws or regulations. State regulations allow these facilities to be paid a flat rate rather than a rate based on their submitted cost reports (Conn. Agencies Regs., § 17-311-54).

EFFECTIVE DATE: July 1, 2023

§ 277 — RESIDENTIAL CARE HOME RATES

Requires DSS to determine FY 24 rates for residential care homes based on 2022 cost report filings; allows rate increases, within available appropriations, for FYs 24 and 25 for certain costs, but prohibits rate increases based on any inflation factor for FY 24; establishes a method to calculate inflationary rate increases in subsequent years; and requires DSS to determine when a change in ownership requires the department to rebase rates

FYs 24 and 25 Rates

For FY 24, the act requires DSS to determine rates for residential care homes based on their 2022 cost report filings, adjusted to reflect any rate increases provided after the 2022 cost report year.

For FYs 24 and 25, the act allows DSS to give a facility a rate increase for a DSS-approved capital improvement for its residents' health or safety to the extent these rate increases are within available appropriations. The act also allows the DSS commissioner, in her discretion and within available appropriations, to give pro rata fair rent increases to facilities for (1) FY 24, for documented fair rent additions placed in service in the 2022 cost report year and (2) FY 25, for these additions placed in service in the 2023 cost report year. For both years, these rate increases are for fair rent additions not otherwise included in issued rates.

Inflationary Adjustments and Changes in Ownership

For FY 24, the act prohibits rate increases based on any inflationary factor. For subsequent years, and regardless of any other long-term care law, the act establishes a methodology to calculate inflationary increases. Specifically, it requires any subsequent increase to allowable operating costs, excluding fair rent, to be inflated by the GDP deflator when funding is specifically appropriated for this purpose. Under the act, DSS must compute the inflation rate by comparing the most recent rate year to the average GDP deflator for the previous four fiscal quarters ending April 30. DSS must apply any inflation-based rate increase before applying any other budget adjustment factors that may impact rates.

The act requires the commissioner to determine whether and to what extent a change in a facility's ownership requires DSS to rebase the facility's costs. It also prohibits inflation adjustments for any year when DSS rebases rates.

EFFECTIVE DATE: July 1, 2023

§ 282 — RATES FOR COMPLEX CARE NURSING SERVICES

Requires DSS to raise adult rates for at-home complex care nursing services to equal the pediatric rate and prohibits age-based differentials for these services

Starting January 1, 2024, the act requires the DSS commissioner to increase the rates for certain "complex care nursing services" provided by home health care agencies or home health aide agencies. In practice, pediatric complex care nursing services currently receive a higher rate than adult complex care nursing services. The act (1) requires DSS to raise the adult rate to equal the pediatric rate and (2) prohibits age-based rate differentials for these services.

Under the act, complex care nursing services are intensive, specialized nursing services given to a patient with complex care needs who requires skilled nursing services at home.

The act also conforms to current practice by requiring DSS to post required notices of its intent to adopt regulations on the eRegulations system rather than in the Connecticut Law Journal.

EFFECTIVE DATE: January 1, 2024

§§ 283-285 — EXPANSION OF HUSKY HEALTH BENEFITS TO CHILDREN INELIGIBLE DUE TO IMMIGRATION STATUS

Extends HUSKY health benefits to children ages 15 and under, rather than ages 12 and under, who meet program income limits but are ineligible due to immigration status; requires DSS to study extending coverage to anyone ages 25 and younger under similar conditions; applies third party state subrogation rights to medical assistance provided under these provisions

Existing law requires the DSS commissioner to provide state-funded medical assistance, within available appropriations, to certain children regardless of their immigration status. DSS must give the assistance to children who are ineligible for HUSKY A (Medicaid), HUSKY B (the Children's Health Insurance Program (CHIP)), or affordable

employer-sponsored insurance, and have household incomes of (1) up to 201% of FPL without an asset limit (aligning with HUSKY A limits) or (2) over 201% and up to 323% FPL (generally aligning with HUSKY B limits).

This act expands who may qualify for this assistance by increasing, from 12 years old to 15 years old, the maximum age of eligibility, beginning July 1, 2024. The act also applies third party state subrogation rights to medical assistance provided under these provisions. This generally authorizes the state 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.

As under prior law, children eligible for assistance must continue to receive it until they are 19 years old, so long as they continue to meet the income requirements and remain ineligible for HUSKY A, HUSKY B, or affordable employer-sponsored insurance.

The act also requires the commissioner to study the costs and benefits of extending coverage to anyone ages 25 and younger who (1) would qualify for HUSKY A, C, or D if not for their immigration status and (2) does not otherwise qualify for HUSKY B or affordable employer sponsored insurance. By January 1, 2025, she must report to the Appropriations and Human Services committees on the study and a plan to implement the extended coverage.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

§§ 286 & 287 — FUNERAL ASSISTANCE FOR PEOPLE WITH LIMITED INCOME

Increases, from $1,350 to $1,800, the maximum amount DSS must pay towards funeral and burial or cremation costs for people with limited income

By law, when an individual dies in Connecticut and does not leave a sufficient estate or have a legally liable relative able to cover funeral and burial or cremation costs, DSS must make a payment toward them. DSS must also make this payment for recipients of certain state benefit programs (i.e., SAGA, SSP, and TFA). The act increases the maximum amount of this payment from $1,350 to $1,800.

Under existing law, the payment must be reduced dollar-for-dollar by the following funds from other sources:

1. the amount in a revocable or irrevocable funeral fund or a prepaid funeral contract;
2. the face value of the decedent's life insurance policy, if any, if the policy names a funeral home, cemetery, or crematory as a beneficiary;
3. the net value of all liquid assets in the decedent's estate; and
4. contributions over $3,400 towards the funeral and burial costs from all other sources, including friends, relatives, other persons, organizations, agencies, veteran's programs, and other benefit programs.

EFFECTIVE DATE: July 1, 2024

§ 288 — STATE-CONTRACTED PROVIDERS FOR IDD SERVICES

Authorizes state-contracted providers who received rate increases in FYs 22-23 for wage and benefit increases for employees providing services to people with intellectual disability to use these funds in FY 23 for wage increases for certain intermediate care facility employees

Existing law requires OPM, for the FY 22-23 biennium, to allocate available funds to increase rates to state-contracted providers. These providers must in turn use the rate increase to increase wages and benefits for employees serving people with intellectual disability who receive supports and services through DDS. Under existing law, providers that received a rate increase but did not increase employee wages by July 31, 2021, and July 31, 2022, might be subject to a rate decrease equal to the adjustment by the DDS commissioner.

The act allows providers who received these funds to use them for FY 23 to increase wages and benefits for employees working in intermediate care facilities serving people with intellectual disability who receive supports and services through DSS. Under the act, providers who do so are not subject to the rate decrease described above. Also for FY 23, the act requires DSS to use up to $5.6 million from funds appropriated for Medicaid in the 2022 budget act for these wage enhancements and related benefits.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 23-198 contains identical provisions allowing providers to use these funds in FY 23 to increase wages for employees working in intermediate care facilities serving people with intellectual disability. However, it does not require DSS to use funds appropriated for Medicaid in the 2022 budget act for this purpose.

§ 289 — DMHAS GRANT PROGRAM FOR MENTAL HEALTH SERVICES

Allows DMHAS grant funds awarded to hospitals, municipalities, and nonprofit organizations for psychiatric and mental health services to be used for building construction or renovation

By law, the Department of Mental Health and Addiction Services (DMHAS), in collaboration with regional behavioral health action organizations, administers a grant program for hospitals, municipalities, and nonprofit organizations to expand or maintain their psychiatric or mental health services. The act allows grant funds to be used for building construction or renovation, which prior law prohibited.
EFFECTIVE DATE: Upon passage

§ 290 — CONNECTICUT PARTNERSHIP FOR LONG-TERM CARE ADMINISTRATION

Moves the Connecticut Partnership for Long-Term Care from ADS to OPM

Under prior law, the Department of Aging and Disability Services (ADS) administered the Connecticut Partnership for Long-Term Care, an outreach program to educate consumers about long-term care. It also provided public information to help people choose long-term care insurance coverage. The act moves the program and the associated responsibility for informing the public about long-term care insurance from ADS to OPM.
EFFECTIVE DATE: October 1, 2023

§§ 292 & 293 — THIRD-PARTY LIABILITY FOR MEDICAID PAYMENTS

Codifies two new federal requirements for parties with third-party liability under the state's Medicaid program

Under federal law, Medicaid is generally the "payer of last resort," which means that health insurers and other third parties legally liable for health care services received by Medicaid beneficiaries must pay for them. Federal law also requires states to have laws enhancing the states' ability to identify and get payment for Medicaid claims from legally liable third-party sources.

Under existing Connecticut law, claims for recovery or indemnification submitted by DSS, or its designee, cannot be denied solely on the lack of prior authorization, among other reasons, if (1) the claim is submitted within three years and (2) any action by the state to enforce its rights to the claim begins within six years after the claim's submission.

The act codifies two new requirements under Section 202 of the federal Consolidated Appropriations Act of 2022 (Public Law 117-103). First, when claims are submitted to a party with third-party liability (TPL) for recovery or indemnification for a service provided under the state's Medicaid plan or a Medicaid waiver, and the party requires prior authorization for that service, it must accept DSS's prior authorization as its own. This requirement does not apply to Medicare, Medicare Advantage, or Medicare Part D plans.

Second, the act shortens the required response time from parties with TPL, including health insurers. Under prior law, an insurer or other party with TPL, upon receipt of a claim submitted by DSS or the department's designee had to respond within 90 days after (1) receiving the claim or (2) the effective date of the law, whichever was later. The act instead requires that a party with TPL respond within 60 days after receiving the claim.

Under existing law, failure to pay the claim, issue a written reason for denying it, or request information needed to determine its legal obligation to pay it within 120 days after receiving the claim creates an uncontestable obligation to pay it.

The act also makes technical and conforming changes.
EFFECTIVE DATE: October 1, 2023

§§ 294, 297 & 443 — REPEALED HUMAN SERVICES PROVISIONS

Repeals a limitation on state funds for emergency housing for TFA and SAGA recipients, conforming to practice; repeals an effectively obsolete program (ConnMAP) and a requirement that DSS establish a child health quality improvement program

The act expands the situations in which DSS may use state funds to pay for certain emergency housing, conforming with current practice. Prior law limited the use of state funds to pay for emergency housing for TFA and SAGA recipients in hotels or motels to only during natural or man-made disasters or other catastrophic events (CGS § 17b-807). The act repeals this limitation.

The act eliminates the Connecticut Medicare Assignment Program (ConnMAP), a state program that limits participating providers to billing Medicare Part B enrollees only up to the 20% copayment for the services (Medicare pays the remaining 80%) (CGS §§ 17b-550 to 17b-554). This program is effectively obsolete, as federal law requires Medicare-participating providers to accept the Medicare-determined reasonable charge as payment in full for services rendered to Medicare beneficiaries.

The act eliminates the requirement that DSS, in collaboration with DCF and DPH, (1) establish a child health quality improvement program to promote evidenced-based strategies implemented by providers participating in HUSKY to improve delivery and access to children's services and (2) annually report on the program's efficiency (CGS § 17b-306a).

The act also makes conforming changes to eliminate references to these provisions elsewhere in statute.

EFFECTIVE DATE: Upon passage

§ 295 — ENERGY ASSISTANCE VENDOR PAYMENT STANDARDS

Requires DSS to ensure an adequate supply of fuel vendors for LIHEAP by (1) setting pricing standards, (2) reimbursing providers based on the price of fuel on the delivery dates, and (3) allowing vendors to electronically submit their invoices and receive payments; requires payment to a fuel vendor within 10 business days, rather than 30 days as under prior law, after receiving an authorized fuel slip or invoice

The act requires the DSS commissioner to ensure an adequate supply of fuel vendors for the Low-Income Home Energy Assistance Program (LIHEAP) by:

1. setting county and regional pricing standards for deliverable fuel,
2. reimbursing fuel providers based on the price of the fuel on the delivery date, and
3. allowing a vendor to electronically submit an authorized fuel slip or invoice for payment.

By November 1, 2023, the commissioner must require each community action agency (CAA) administering a fuel assistance program to make payment to a fuel vendor within 10 business days, rather than 30 days as under prior law, after receiving an authorized fuel slip or invoice for payment from the vendor. She must also require these CAAs to offer vendors the options of electronic (1) payments and (2) submission of their authorized fuel slips or invoices for payment.

By law, the commissioner must submit the LIHEAP annual plan by August 1 of each year to the Appropriations, Energy and Technology, and Human Services committees. Under prior law, the plan had to include a payment plan for fuel deliveries that ensured fuel vendors who completed CAA-authorized deliveries were paid by the CAA within 30 days after receiving the vendor's fuel slip or invoice. Under the act, these payment plans must now ensure vendors are paid by the CAA within 10 business days after fuel slip or invoice receipt and are given the option to be paid electronically.

EFFECTIVE DATE: July 1, 2023

§ 296 — MEDICAID PAYMENTS FOR MATERNITY SERVICES

Authorizes the DSS commissioner to implement a bundled payment for maternity services and associated alternative payment methods; requires her to do this to the extent federal law allows, within available appropriations, and in consultation with specified stakeholders

The act authorizes the DSS commissioner, within available appropriations and to the extent federal law allows, to implement a bundled payment for maternity services and associated alternative payment methods she determines will improve health quality, equity, member experience, cost containment, and care coordination.

Under the act, the bundled payment may include payment to physicians and other qualified licensed practitioners for services provided by doulas and other non-licensed practitioners. The bundled payments must be designed to reduce

unnecessary utilization and avoidable costs, ensure access to necessary services, and improve outcomes and care coordination.

The act requires the commissioner, when designing the bundled payments and before implementing them, to consult with health care providers, consumer health care advocates, and other stakeholders. She must solicit input and advice from these parties on at least the following topics: (1) quality measures used to assess participating practices' performance, (2) reimbursement and financing methods and amounts, and (3) safeguards designed to ensure access and network adequacy. The consultation must also include at least two live, online meetings that allow for public input. The department must post a notice about the meetings on its website at least 10 days beforehand.

Additionally, the act requires the commissioner to adopt implementing regulations and allows her to adopt policies and procedures while in the process of doing so. She must publish notice of her intent to adopt the regulations on the eRegulations System within 20 days after implementing the policies and procedures, which are valid until the final regulations are adopted.

EFFECTIVE DATE: July 1, 2023

§ 298 — WORKING GROUP ON SKILLED NURSING FACILITY EXCESS LICENSED BED CAPACITY

Requires DSS to (1) appoint and convene a 10-member working group to review and evaluate excess licensed bed capacity at skilled nursing facilities; (2) report to each individual nursing home the implications of the working group's recommendations on the nursing home's Medicaid rate; and (3) recommend Medicaid rate adjustments to address excess licensed bed capacity

The act requires DSS to appoint and convene a working group to review and evaluate excess licensed bed capacity at skilled nursing facilities and any space they are presently not using.

Under the act, the working group's review and evaluation must include the following:

1. a survey that identifies (a) licensed bed capacity, occupancy percentages, and the location of beds not currently in use (including in closed facility wings); (b) beds voluntarily taken out of service; (c) spaces formerly used for nursing facility care and services that are not currently in use; and (d) beds made unavailable due to staffing shortages;
2. an evaluation of the effectiveness of Medicaid payment policies that support right-sizing and rebalancing efforts, including (a) minimum occupancy rate-setting requirements and (b) a price-based component for administrative and general reimbursement based on peer group median spending in this area;
3. an evaluation of staffing shortages as an impediment to facility admission and occupancy; and
4. considerations of the physical conditions of existing skilled nursing facilities.

EFFECTIVE DATE: Upon passage

Membership and Appointment

Under the act, the working group consists of 10 members appointed by the DSS commissioner, including the following representatives:

1. three from DSS, with at least one from the certificate of need and rate setting division;
2. two from DPH, including one from the facilities licensing division and one from the life safety division;
3. two from organizations representing long-term care facilities, including assisted living facilities; and
4. three from organizations representing nonprofit long-term care facilities, with at least one member representing a nursing collective bargaining unit.

The working group's chairpersons must be (1) one of the DSS representatives and (2) another member the group chooses. The chairpersons may invite other people with subject matter knowledge to participate in the group's work as needed. DSS must schedule the working group's first meeting within 60 days after the act passes.

Reporting Requirements

The act requires the working group to submit an interim report by December 31, 2023, and a final report by June 30, 2024, to the Human Services Committee detailing the group's findings and recommendations.

Starting July 1, 2024, DSS must report to each nursing home the impact of implementing the working group's recommendations on their Medicaid rate. A nursing home may use this report to evaluate its Medicaid reimbursement and make changes as necessary.

By December 1, 2024, the DSS commissioner must give the Human Services Committee (1) copies of the individualized reports issued to each nursing home, or a link to these reports if they are on the agency's website, and (2) recommendations for rate adjustments related to excess licensed bed capacity at individual nursing homes.

§§ 299-301 — SHARING TAX RETURN INFORMATION FOR ACCESS HEALTH OUTREACH

Requires Access Health CT and DRS to enter into a memorandum of understanding to share information so that Access Health CT may do targeted outreach to state residents about enrollment through the exchange

The act requires Access Health CT (i.e., the Connecticut Health Insurance Exchange) and the Department of Revenue Services (DRS) to share tax return information so that Access Health CT may, beginning January 1, 2024, do targeted outreach to state residents. By law, a "return" is any tax or information return, estimated tax declaration, or refund claims, among other things. "Return information" includes a taxpayer's identity; the nature, source, or amount of a taxpayer's income, payments, receipts, deductions, exceptions, credits, assets, liabilities, or net worth; and any other data the DRS commissioner receives on a return (CGS § 12-15(h)).

Under the act, the DRS commissioner, in consultation with the DSS commissioner, must enter into a memorandum of understanding (MOU) with the exchange stating the specific information to be disclosed and the terms and conditions for disclosure. Under the act, disclosed information may only be used by the exchange as described in the MOU. The act prohibits anyone who receives disclosed information from DRS from redisclosing it to a third party without the commissioner's permission.

The act further requires the DRS commissioner to revise the state's income tax return form to include a space for residents to authorize Access Health CT to contact them about health insurance enrollment through the exchange. It also requires the DRS commissioner, in consultation with the exchange, to write language for the tax return form (presumably related to the authorization space) and include, in the form's instructions, a description of how the authorization will be relayed to the exchange.

The act also makes a related conforming change to the DRS commissioner's duties.

EFFECTIVE DATE: January 1, 2024, except the provision directing Access Health CT to conduct targeted outreach beginning January 1, 2024, is effective upon passage.

§ 302 — HUSKY C INCOME LIMIT

Expands eligibility for HUSKY C by raising the income limit to 105% of FPL

The act expands eligibility for HUSKY C by increasing the program's income limit from 143% of the TFA cash benefit to 105% of FPL, after any authorized income disregards. Currently, 143% of the TFA monthly cash benefit amount is $700 for an individual and $946 for a two-person family. For 2023, 105% of FPL is $1,276 per month for an individual and $1,725 for a two-person family. HUSKY C provides Medicaid coverage to people who are age 65 or older, blind, or living with a disability (CGS § 17b-290(15)).

EFFECTIVE DATE: October 1, 2024

§ 303 —BIRTH CERTIFICATE AMENDMENTS

Allows people who submit certain documentation to change birth certificates to reflect changes to a parent's legal name

The act allows people who submit certain documentation to change a person's birth certificate to reflect changes to a parent's legal name. For a minor, the DPH commissioner must issue a new birth certificate when she receives a (1) written request from the parent, signed under penalty of law, for a replacement birth certificate with the parent's new legal name and (2) certified copy of a court order changing the parent's name. If the birth certificate is that of an adult, the commissioner must issue a new birth certificate if the adult submits a certified copy of a court order that legally changes his or her parent's name.

The act generally extends to these amended birth 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").

EFFECTIVE DATE: July 1, 2023

§ 304 — PRISONER OR INMATE NAME CHANGES

Requires the DOC commissioner, chief court administrator, and Board of Pardons and Paroles chairperson to determine a method for inmate name changes and requires the DOC commissioner to report on it to the Judiciary Committee by July 1, 2024

The act requires the DOC commissioner, chief court administrator, and Board of Pardons and Paroles chairperson to collaborate to determine a method for inmates or prisoners to change their names within DOC after their names have been legally changed. By law, the superior and probate courts generally have concurrent jurisdiction to grant name changes (CGS §§ 45a-99 & 52-11).

The act also requires the DOC commissioner to report to the Judiciary Committee on the determined method by July 1, 2024.

EFFECTIVE DATE: Upon passage

§ 305 — INMATES WITH GENDER INCONGRUENCE

Gives certain rights to inmates with a gender incongruence diagnosis, such as having DOC staff address them based on their gender identity

By law, DOC must adhere to certain requirements on the treatment and placement of inmates with a diagnosis of gender dysphoria and a gender identity that differs from their assigned sex at birth. The act extends the following rights to inmates with a gender incongruence diagnosis: having (1) correctional staff address them according to their gender identity; (2) access to commissary items, clothing, personal items, programming, and educational materials consistent with their gender identity; and (3) DOC staff of the same gender identity perform searches, unless under exigent circumstances.

Under the act, a gender incongruence diagnosis is characterized by a marked and persistent incongruence between someone's experienced gender and the assigned sex, as long as gender variant behavior and preferences alone are not a basis for diagnosis. (This is how the term is defined in the most recent revision of the "International Statistical Classification of Diseases and Related Health Problems.")

EFFECTIVE DATE: January 1, 2024

§§ 306 & 307 — REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES AND GENDER INCONGRUENCE

Expands "reproductive and gender-affirming health care services" to include gender incongruence for various purposes, such as a cause of action for recovery for persons against whom a judgment was entered in another state for their participation in providing or receiving these services that are legal in Connecticut; specifies that the term "gender dysphoria" is based on the most recent American Psychiatric Association's manual

The act expands the definitions of "reproductive health care services" and "gender-affirming health care services" for various purposes to include services for the treatment of gender incongruence (the law already applies to gender dysphoria). This generally includes the following in relation to services that are legal in Connecticut:

1. providing a cause of action for persons against whom there is an out-of-state judgment, under certain conditions, based on these services;
2. limiting the compelling of witness participation in certain related out-of-state actions;
3. prohibiting Connecticut judges from issuing a summons when the other state's prosecution or investigation is for a violation on its law on providing, receiving, or assisting with these services;
4. prohibiting Connecticut public agencies, or people acting on their behalf, from providing information or using state resources to help another state's investigation or proceeding to impose civil or criminal liability on a person or entity for providing, seeking, receiving, or inquiring about these services; and
5. generally prohibiting the disclosure of certain communications or information about a patient regarding these services without the patient's consent.

Under existing law, these services include all medical care relating to gender dysphoria treatment. The act specifies that for this purpose, gender dysphoria refers to that term as set out in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders."

EFFECTIVE DATE: July 1, 2023

§ 308 — NAME CHANGE FEE ELIMINATION

Eliminates the $250 probate court filing fee to change a person's name

The act eliminates the $250 probate court filing fee for changing a person's name. By law, the superior and probate courts generally have concurrent jurisdiction to grant name changes (CGS § 45a-99). With exceptions, the Superior Court fee for a name change is $360, which remains unchanged by the act (CGS § 52-259).
EFFECTIVE DATE: July 1, 2023

§ 309 — GENDER-AFFIRMING CARE IN HUSKY HEALTH

Requires DSS to (1) consult with those with expertise in gender-affirming care in developing and updating coverage policies for gender-affirming care in the HUSKY Health program and (2) report at least annually on this coverage to the Council on Medical Assistance Program Oversight

The act requires DSS or its agent to consult with health care providers with expertise in gender-affirming care in developing and updating coverage policies for gender-affirming care in the HUSKY Health program. The DSS commissioner must submit a report at least annually on coverage for this care to the Council on Medical Assistance Program Oversight for review and comment.

Under the act, "gender-affirming care" is a medical procedure or treatment to alter the physical characteristics of a person diagnosed with gender dysphoria or gender incongruence in a manner consistent with the person's gender identity.
EFFECTIVE DATE: Upon passage

§ 310 — PRIVATE SCHOOL CURRICULUM ACCREDITATION

Narrows a requirement that SBE allow a private school's supervisory agent to accept accreditation from a specified accreditation agency by applying the requirement only to Waterbury rather than statewide; also requires the early childhood commissioner to recognize the agency for the same Waterbury school

Prior law required the State Board of Education (SBE) to allow a private school's supervisory agent to accept curriculum accreditation from Cognia, a nonprofit accreditation and certification agency, starting July 1, 2023. The act instead limits this to a private school located in Waterbury, rather than anywhere in the state. It also specifies that the early childhood commissioner, in addition to SBE, must allow the private school's supervisory agency to accept Cognia's curriculum accreditation.
EFFECTIVE DATE: Upon passage

§§ 311 & 312 — SCHOOL MEAL PROGRAMS

Extends free school meal eligibility to students with a family income below 200% of the federal poverty level who are otherwise ineligible; makes state payment of federal reimbursement grants to school operators in the federal feeding programs required rather than optional (PA 23-208, § 13, repeals these sections)

Existing law allows any local or regional board of education to establish and operate school lunch and breakfast programs for public school children under federal laws that govern the programs. (The Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA) administers the National School Lunch Program and the School Breakfast Program at the federal level.) The act generally expands eligibility for free lunch, breakfast, and other child feedings and requires that the state pay federal reimbursement grants to school operators. (PA 23-208, § 13, repeals these sections.)
EFFECTIVE DATE: July 1, 2023

State Payment of Federal Reimbursement Grants

Prior law authorized SBE to pay federal reimbursement grants for school lunch programs each fiscal year to boards of education, technical high schools, state charter schools, interdistrict magnet schools, and endowed academies ("school operators") that participate in the federal school lunch program. These grants consist of (1) a matching reimbursement grant under federal law's requirements for school lunch programs and (2) 10 cents per lunch served in the prior school year consistent with federal law. The act explicitly requires, rather than authorizes, SBE to provide these annual grants and

expands the matching reimbursement grant's applicability to include school breakfast and other child feeding programs, in addition to school lunch programs under existing law.

By law and unchanged by the act, SBE must (1) provide these grants within available appropriations and (2) direct how boards and operators apply for these grants, determine applicants' eligibility, adopt implementing regulations, and set a procedure for monitoring grant recipients' expenditures.

Payment of Grants for Students in Non-CEP Eligible Schools

The Community Eligibility Provision (CEP), a provision in federal law governing school feeding programs, allows certain schools to serve free breakfast and lunch to all students in the entire school without collecting household applications (P.L. 111-296, § 104). Eligible schools that choose to participate are reimbursed by the state using federal funds. Reimbursement amounts are determined using a formula that is tied to the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families. (Broadly speaking, the formula allows schools or districts to use CEP if these categorically eligible students comprise at least 40% of enrollment.)

Under the act, for FY 24 the State Department of Education (SDE) must give state-funded grants to school operators that allow certain students from low-income households to have free school lunches, school breakfasts, or other child feedings even if their (1) schools do not provide free meals under CEP or (2) economic needs do not require free school feedings under federal standards. To be eligible for free meals under this grant, a student's family must have an income that is at or below 200% of the federal poverty level.

Existing law and the act authorize SBE to adopt regulations to implement school feeding program laws.

Pricing and Grants for Feeding Programs

Prior law allowed boards of education to (1) set the charges for lunches, breakfasts, and other feeding programs it provides and (2) accept gifts, donations, or public or private grants to provide these programs. The act limits this price-setting and grant acceptance authority to school lunches, school breakfasts, and any other child feeding program boards may offer, excluding any lunch services for employees that boards also may choose to offer.

Technical and Conforming Changes

The act also makes various technical and conforming changes in the school feeding program laws.

§ 313 — OPEN CHOICE FUNDS GRANT FOR LEGACY FOUNDATION

Requires, for FYs 24 and 25, the education commissioner to expend $500,000 of remaining Open Choice funds for a grant to The Legacy Foundation for student wrap-around services

For FYs 24 and 25, the act requires the education commissioner to expend $500,000 of any remaining Open Choice funds for a grant to The Legacy Foundation of Hartford, Inc. The funds must be used to provide wrap-around services for students participating in Open Choice, a voluntary interdistrict public school attendance program that allows students from urban school districts to attend suburban school districts, and vice versa, on a space-available basis.

By law, if not all the appropriated Open Choice funds are used for per student grants to hosting school districts, then the remaining funds must be used in certain ways, rather than lapsing back to the General Fund at the end of the year. This includes wrap-around student services (e.g., academic tutoring, family support, and experiential learning opportunities).
EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-167, § 19, caps the Open Choice remaining funds for wrap-around services at $2 million a year.

§§ 314-317 — REQUIREMENT TO PROPORTIONATELY REDUCE SPECIFIED EDUCATION GRANTS

Extends the requirement that certain education grants be proportionately reduced if the amount appropriated for them does not fully fund them according to their statutory formulas

The act extends through FY 25 the requirement that four state education grants to local and regional boards of education or regional education service centers (RESCs), as applicable, be proportionately reduced if the amount appropriated for the grants does not fully fund them according to their statutory formulas.

The requirement applies to grants for (1) health services for private school students (CGS § 10-217a), (2) RESC operations (CGS § 10-66j), (3) school transportation (CGS § 10-266m), and (4) bilingual education (CGS § 10-17g). Under prior law, the same requirement applied to the health services, RESC, and bilingual education grants through FY 23, and the school transportation grant program through FY 19.

EFFECTIVE DATE: July 1, 2023

§ 318 — TRS MEMBERSHIP CRITERIA FOR STATE BOARD OF EDUCATION STAFF

Changes the eligibility criteria for membership in the Teachers' Retirement System for certain SBE professional staff

The act changes the eligibility criteria for membership in the Teachers' Retirement System (TRS) for certain State Board of Education (SBE) professional staff. Under existing law, the TRS definition of a "teacher" eligible for membership includes professional staff employed by SBE, the Office of Early Childhood, the Board of Regents for Higher Education or any of the constituent units of higher education, and the Connecticut Technical Education and Career System (CTECS).

Under prior law, each of these professional staff had to be employed in an educational role. For SBE only, the act removes this requirement and instead defines "teacher" as a member of the professional staff who is currently a TRS member and maintains certification (presumably, certification as a teacher).

EFFECTIVE DATE: July 1, 2023

§§ 319-322 — FAFSA COMPLETION REQUIREMENT FOR HIGH SCHOOL STUDENTS

Beginning with the graduating class of 2025, institutes a FAFSA completion high school graduation requirement; allows a waiver of the requirement; and requires SDE to create the forms to implement the waiver

Beginning with the graduating class of 2025, the act prohibits local or regional boards of education from allowing any student to graduate high school, or granting a diploma to any student, who has not completed a (1) Free Application for Federal Student Aid (FAFSA) or an application for institutional financial aid for students without legal immigration status, or (2) signed waiver declining to file an application. SDE must create the waiver form, which may be signed by a minor student's parent or guardian, a student aged 18 years old or older, or a legally emancipated minor. The act prohibits the form from requiring its signatory to state any reasons for declining to complete the FAFSA or the application for institutional financial aid for students without legal immigration status.

Anytime on or after March 15 each school year, a principal, school counselor, teacher, or other certified educator may complete the waiver on a student's behalf if they affirm that they have made a good faith effort to contact the student or their parent or legal guardian.

The act also makes related technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

§§ 323-325 — PRIORITY SCHOOL DISTRICT FUNDING

Ties eligibility for certain population-based supplemental PSD grants to FY 22 population; adds a fourth fiscal year of PSD phase-out grants in FY 24 for former PSDs that received their third year of phase-out grants in FY 23

By law, priority school districts (PSDs) are districts (1) in the eight towns with the largest population in the state or (2) whose students receive low standardized test scores and have high poverty levels. The State Board of Education (SBE) must administer a grant program to help these districts improve their educational programs or early reading intervention programs. PSDs receive base grants in the amount of either $1 million (for population-based PSDs) or $500,000 (for achievement and poverty-based PSDs) per fiscal year (CGS § 10-266p(a)). They also receive various supplemental grants. The act modifies some of these supplemental grants as described below.

Select PSD Supplemental Grants (§§ 323 & 324)

Under prior law, towns that are PSDs also received the following amounts in certain supplemental grants, among others:

1. $750,000 for towns with the three highest populations in the state,

2. $334,000 for towns that rank fourth to eighth in population statewide, or
3. $180,000 for all other towns with PSD status based on academic achievement and poverty.

Beginning in FY 24, the act calculates eligibility for these population-based supplemental grants using each town's population in FY 22, thereby requiring that the towns with population-based PSD status in FY 22 continue to receive these supplemental grants, in the same amounts, in perpetuity. By tying these grants to FY 22 grantee-status, the act establishes a fixed set of future grant recipients.

Additionally, prior law required SBE to allocate another supplemental grant in the amount of $2,610,798 to the towns with the three highest populations in the state. Beginning in FY 24, the act requires that the towns with the three highest populations in FY 22 receive this grant in perpetuity, thereby establishing a fixed set of future grant recipients.

PSD Phase-Out Grants (§ 325)

By law, when a district no longer qualifies as a PSD, it receives a progressively reduced PSD grant over the following three years.

Under the act, any former PSD that received its final, third-year PSD phase-out grant during FY 23 is eligible to receive a fourth grant in FY 24 in the same amount as its third-year phase-out grant (PA 23-208, § 7, repeals this provision). By law and unchanged by the act, the third-year phase-out grant is calculated as follows: the grant amount from the district's final year of PSD status, minus 75% of the difference between that final grant amount and $250,000.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-208, § 7, requires that any school district in its first year as a former PSD in FY 24 receive the same grant amount that it did in FY 23 during its last year as a PSD, rather than a reduced "phase-out grant."

§§ 326 & 327 — STATE POLICE STING OPERATIONS UNIT REGARDING ONLINE SEXUAL ABUSE OF MINORS

For FYs 25 and 26, requires DESPP to establish an investigative unit within the Internet Crimes Against Children Task Force to conduct sting operations relating to the online sexual abuse of minors; makes related changes to the task force's staffing and duties

PA 23-56, § 17, statutorily establishes the Connecticut Internet Crimes Against Children task force and requires it to use its appropriated state and federal funding in a way that is consistent with its duties under federal law. This act additionally requires the DESPP commissioner, for FYs 25 and 26, to establish an investigative unit within the task force to conduct sting operations relating to the online sexual abuse of minors ("the investigative unit"). The act also requires the commissioner to assign staff as needed to fulfill the task force's duties, including its investigative unit. The head of the task force must be ranked sergeant or higher. Among other things, the task force, using the investigative unit, must (1) perform undercover and investigative operations to prevent and detect these criminal, or suspected criminal, activities and (2) compile, monitor, analyze, and share related data.

By November 1, 2024, the act requires POST, in consultation with the DESPP commissioner, to develop certain standardized forms and best practices, among others.

Lastly, the act requires DESPP to report annually on the task force's activity and results, including those of the investigative unit's sting operations, and recommend whether the investigative unit should be extended. The reports must be submitted to the Children's, Judiciary, and Public Safety and Security committees, by January 1, 2026, and January 1, 2027.

Under the act, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime.

EFFECTIVE DATE: July 1, 2023, except the provisions on the investigative unit's responsibilities, best practices, information sharing, and reporting are effective July 1, 2024.

Task Force Responsibilities

The task force must use the investigative unit to:

1. perform undercover operations and investigate any criminal activity, or suspected criminal activity, that involves using the Internet to sexually abuse, exploit, or assault a minor;

2. compile, monitor, and analyze related data; and
3. share data and information with any law enforcement unit to help in the undercover operations and investigation of these types of criminal activity.

The act also allows the investigative unit to provide additional assistance to law enforcement units.

POST's Standardized Form, Best Practices, Policy, and Reporting

By November 1, 2024, the act requires POST, in consultation with the DESPP commissioner, to develop the following:

1. a standardized form or other reporting system, which must be distributed to all law enforcement units to use when making an initial notification or report to the investigative unit as the act requires (see below);
2. best practices (a) for investigating online sexual abuse of minors and (b) to facilitate the continued sharing of information among, and between, the investigative unit and law enforcement units; and
3. a model policy for investigating online sexual abuse of minors.

In the same manner, POST must also take any actions needed to inform the public (1) about its right to report criminal activity or suspected criminal activity that uses the Internet to sexually abuse minors and (2) how to make these reports, such as considering whether to establish state and municipal telephone hotlines and Internet websites for reporting.

Law Enforcement Units' Information Sharing

Under the act, within 14 days after receiving notification, information, or a complaint about this criminal activity or suspected criminal activity, a law enforcement unit must notify the task force using the standardized form or other reporting system POST develops.

The act also requires the law enforcement unit to continue to share investigation information with the investigative unit following the best practices POST develops.

§§ 328 & 329 — HVAC AND OUTDOOR ATHLETIC FACILITY MINIMUM REIMBURSEMENT RATES FOR CERTAIN TOWNS

Creates minimum HVAC and outdoor athletic facility school construction reimbursement rates for certain towns

The act creates minimum reimbursement rates for heating, ventilation, and air conditioning (HVAC) systems and outdoor athletic facility school construction projects for towns with a population of 80,000 or more (Bridgeport, Danbury, Hartford, New Haven, Norwalk, Stamford, and Waterbury, according to 2021 Department of Public Health estimates) and the town of Cheshire. The minimum rates the act sets for these towns are the same as the guaranteed minimum grant rates they receive for standard school construction projects with applications submitted from June 1, 2022, to July 1, 2047 (PA 22-118, § 492, as amended by PA 22-146, §§ 13 & 32). However, the act's minimum reimbursement rates for HVAC and athletic facility projects apply regardless of application date.

EFFECTIVE DATE: July 1, 2023

HVAC Reimbursement Rates (§ 328)

By law, DAS must administer a reimbursement grant program for costs associated with projects to install, replace, or upgrade HVAC systems or other school building improvements. The DAS commissioner ranks each town based on its property wealth (using the adjusted equalized net grant list per capita) and uses the rankings to determine the reimbursement grant for each town. A local board of education may receive a standard HVAC reimbursement grant for 20-80% of its eligible expenses, based on its town ranking. Towns with less property wealth receive a larger reimbursement percentage, and towns with greater property wealth receive a smaller one.

The act establishes minimum HVAC school building project reimbursement grant rates of (1) 60% for towns with a population of 80,000 or more and (2) 50% for the town of Cheshire. Under the act, if any of these towns have a standard HVAC reimbursement rate that exceeds the 50% or 60% minimum described, then it receives the standard HVAC rate calculated by the DAS commissioner as explained above.

Outdoor Athletic Facility Reimbursement Rates (§ 329)

By law, the state reimbursement rate for outdoor athletic facility construction, extension, or major alteration is 50% of the school district's standard school construction project reimbursement rate. To calculate the standard rate, the

administrative services commissioner follows the same ranking process described above. For renovation projects towns receive percentages between 20% and 80%, and for new construction they receive between 10% and 80% (see *Related Act* below).

The act establishes minimum outdoor athletic facility reimbursement grant rates of (1) 60% for towns with a population of 80,000 or more and (2) 50% for the town of Cheshire. Under the act, if any of these towns' standard school construction rate exceeds the minimum, then it receives the full standard rate calculated by the DAS commissioner as explained above.

Background — Related Act

PA 23-205, § 116, raised the ceiling on the new construction reimbursement rate from 70% to 80% for approved project applications made on or after July 1, 2024.

§ 330 — SCHOOL READINESS PROGRAM PER CHILD COST

Extends the FY 21 cap on the school readiness program's per child cost rate through FY 24 and increases it beginning in FY 25

The act extends the FY 21 cap on the per child cost (i.e., $9,027) of the Office of Early Childhood (OEC) school readiness program through FY 24. For FY 25 and subsequent fiscal years, the act increases the cap to $10,500.

By law, the school readiness program provides a developmentally appropriate learning experience for at least 450 hours and 180 days for three-, four-, and five-year-old children not eligible to enroll in school (CGS § 10-16p).

EFFECTIVE DATE: July 1, 2023

Background — Related Acts

PA 23-150, § 1, makes an identical change to the program's per child cost cap.

PA 23-160, §§ 35 & 37, makes school readiness eligibility begin at birth effective July 1, 2023.

§ 331 — CARE 4 KIDS PROGRAM

Allows the Office of Early Childhood (OEC) to establish a protective service class making certain foster care children, newly adopted children, and homeless children categorically eligible for Care 4 Kids

The Care 4 Kids program offers child care subsidies to income-eligible families with parents or caretakers working or participating in certain education or job training programs.

The act allows the OEC commissioner to institute a protective service class in which the commissioner may waive existing law's Care 4 Kids eligibility requirements for certain at-risk populations, instead applying guidelines she prescribes and that the Office of Policy and Management reviews. Specifically, the commissioner can institute this class for (1) children placed in a foster home by the Department of Children and Families and for whom the parent or legal guardian receives foster care payments; (2) adopted children for one year after the adoption; and (3) homeless children and youths, as defined under federal law. By instituting the protective class, as allowed under federal law, these at-risk populations become categorically eligible for Care 4 Kids.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-150, § 2, makes identical changes to the Care 4 Kids program.

§ 332 — SMART START COMPETITIVE GRANT PROGRAM

Removes the FY 24 sunset date (i.e., June 30, 2024) for the smart start competitive grant, making the program permanent

The act removes the FY 24 sunset date (i.e., June 30, 2024) for the smart start competitive grant to provide funds for capital and operating expenses for school districts to expand or establish preschool programs. In doing so, it makes the program permanent with no end date. (PA 23-160, § 39, makes the same change.)

The act also eliminates an option for the OEC commissioner to give funding priority to these grants for school boards

that reserve spaces for children who are eligible for free and reduced price lunches. The commissioner must still prioritize school boards (1) that demonstrate the greatest need to establish or expand a preschool program and (2) whose plan allocates at least 60% of the spaces in the preschool program to children from families at or below 75% of the state median income.
EFFECTIVE DATE: July 1, 2023

§ 333 — MAGNET SCHOOL ENROLLMENT REQUIREMENTS AND REVISING REDUCED ISOLATION STANDARDS

Allows the education commissioner to revise the magnet school reduced isolation standards

The law sets minimum criteria for the education commissioner to use in setting the reduced isolation (i.e., desegregation) standards for magnet school enrollment. These include (1) at least 20% of a school's enrollment must be reduced isolation students and (2) a school's enrollment may have up to 1% below the minimum percentage if she approves a plan for the school to reach the 20% minimum or the percent she established in the standards. It also requires the commissioner to define "reduced isolation student."

The act requires the commissioner to revise the standards as needed and adds the requirement that they comply with the *Sheff* v. *O'Neill* court decision and any related stipulations or orders (see *Background*). (It also allows the commissioner to revise, as needed, the alternative reduced-isolation enrollment percentages for the 2018-2019 school year. Those percentages expired in 2019, so it is unclear whether this has any legal effect.)
EFFECTIVE DATE: July 1, 2023

Background — Sheff v. O'Neill State Supreme Court Decision

In this 1996 decision, the state's Supreme Court ruled that the state had a constitutional obligation to remedy the educational inequities in the Hartford schools caused by racial and ethnic isolation (238 Conn. 1 (1996)). The court ordered the state legislature and the governor to craft a solution, and legislation was passed to create voluntary desegregation in Hartford by creating magnet schools and using programs such as Open Choice.

Background — Related Act

PA 23-160, § 32, includes the same language requiring the commissioner to revise the reduced isolation standards as needed and requiring that they comply with the *Sheff* decision.

§ 334 — GRANTS TO ASSIST SHEFF PROGRAMS

Allows the education commissioner to award grants from existing Sheff settlement funds for four specific purposes

The act allows the education commissioner, in helping the state meet its *Sheff* desegregation obligations, to award grants from funds appropriated for the *Sheff* settlement for academic and social student support programs for the following: (1) magnet schools, (2) the Open Choice program, (3) the interdistrict cooperative program, and (4) the state technical education and career high schools (see *Background* for § 333).

By law, unchanged by the act, the commissioner can transfer *Sheff* money for grants for unspecified purposes to the same programs, as well as to state charter schools.
EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-160, § 33, makes the same change.

§§ 335 & 336 — GRANTS FOR THE HIRING OF VARIOUS SCHOOL MENTAL HEALTH PERSONNEL

Postpones by one year the dates by which SDE must begin administering the school mental health specialist grant program; removes the requirement that grant recipients in this program and a second related program refund unexpended grant amounts to SDE; adjusts education commissioner reporting dates

Prior law required SDE, for FYs 23 to 25, to administer grant programs for local and regional boards of education to

(1) hire and retain more school social workers, school psychologists, school counselors, nurses, and licensed marriage and family therapists (MFTs) and (2) hire school mental health specialists (PA 22-80, §§ 4 & 5, as amended by PA 22-116, § 7, & PA 22-47, § 13, as amended by PA 22-116, § 10).

Grant to Hire School Social Workers, School Psychologists, School Counselors, Nurses, and MFTs (§ 335)

For the grant program to hire school social workers, school psychologists, school counselors, nurses, and MFTs, the act removes the requirement that grant recipients refund the unexpended amounts to SDE. However, by law and unchanged by the act, recipients must refund amounts not spent according to the plan in the board's approved grant application.

The act leaves unchanged the requirement to implement this grant program for FYs 23 to 25.

Grant to Hire School Mental Health Specialists (§ 336)

For the grant program to hire additional school mental health specialists, the act pushes out by one year the dates for which SDE must administer the program from FYs 23-25 to FYs 24-26. It correspondingly pushes out by one year the requirements in each of these fiscal years that the commissioner must follow when determining grant award amounts.

The act also makes corresponding changes to reporting deadlines for the education commissioner. Under the act, the commissioner must report to the Children's and Education committees on each grant recipient's utilization rate and the grant program's return on investment beginning by January 1, 2025, rather than 2024, and then annually through January 1, 2027, rather than 2026. Additionally, the commissioner must develop recommendations by January 1, 2027, rather than 2026, on (1) whether the grant program should be extended further and (2) the grant award amount under the program.

Additionally, the act removes the requirement that grant recipients refund the unexpended amounts. By law and unchanged by the act, recipients must refund amounts not spent according to the plan in the approved grant application.
EFFECTIVE DATE: Upon passage

§ 337 — GRANT FOR DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Postpones by one year the requirement for SDE to administer a grant program to provide student mental health services to boards of education and youth camp and summer program operators; removes the requirement that grant recipients refund unexpended grant amounts to SDE

Prior law required SDE to administer a program to provide grants in FYs 23-25 to local and regional boards of education, youth camp operators, and other summer program operators for delivery of student mental health services. It also required grant recipients to refund to the department any unspent grant amounts at the end of the fiscal year when it was awarded (PA 22-47, § 14).

The act (1) pushes out by one year the dates by which SDE must administer the grant program from FYs 23-25 to FYs 24-26 and (2) removes the requirement that grant recipients refund the unexpended amounts. It correspondingly pushes out by one year the requirements in each of these fiscal years that the commissioner must follow when determining grant award amounts.

The act also makes corresponding changes to the dates by which the education commissioner must report to the Children's and Education committees on each grant recipient's utilization rate (beginning by January 1, 2025, rather than 2024, and annually through January 1, 2027, rather than 2026). Additionally, the commissioner must develop recommendations by January 1, 2027, rather than 2026, on (1) whether the grant program should be extended further and (2) the grant award amount under the program.
EFFECTIVE DATE: Upon passage

§§ 338 & 339 — EARLY CHILDHOOD EDUCATION FUND

Requires the comptroller to establish the fund and charges the OEC commissioner with reporting expenditure recommendations to legislative committees; requires the commissioner to report recommendations from the Blue Ribbon Panel on Child Care

The act requires the comptroller to establish the Early Childhood Education Fund. It allows the fund to contain any (1) money required or allowed by law to be deposited into it and (2) funds received from public or private contributions, gifts, grants, donations, bequests, or devises.

The act also requires the Office of Early Childhood (OEC) commissioner to report annually, beginning by February 1, 2024, to the Appropriations and Education committees on recommendations (1) for appropriating the fund's resources and (2) from the Blue Ribbon Panel on Child Care. (The governor's executive order (EO 23-1, March 17, 2023) established this panel, chaired by the OEC commissioner, to serve as his principal advisor on child care and early childhood issues and coordinate state agencies' efforts to promote an effective child care and early childhood education system.)
EFFECTIVE DATE: Upon passage, except the OEC commissioner's reporting requirement takes effect July 1, 2023.

§ 340 — ECS GRANT SCHEDULE

Changes the statutory schedule for ECS grant increases so that currently underfunded towns are fully funded by FY 26 rather than by FY 28; changes the scheduled reductions for overfunded towns by holding the towns harmless for certain years and making the reduction smaller in other years

By law, the Education Cost Sharing (ECS) grant has a multi-year schedule of (1) incremental increases for towns that are underfunded and (2) incremental decreases, or years with no change in funding, for overfunded towns.

The act changes the statutory schedule for ECS grant increases. Under the act, towns that the formula currently underfunds are fully funded sooner than under prior law, by FY 26 rather than by FY 28. It also changes the scheduled ECS reductions for overfunded towns by holding them harmless (i.e., maintaining the same funding level) for certain years and making the reduction smaller in other years.

When determining ECS grant increases or decreases, the formula uses a town's "grant adjustment," which is the absolute value of the difference between a town's ECS grant amount for the previous fiscal year and its fully funded grant amount. So, for underfunded towns, the grant adjustment is the amount needed to reach the fully funded level; for overfunded towns, it is the amount the town is funded in excess of its fully funded grant.

The table below shows the act's changes for FYs 24-26.

ECS Funding Schedule Changes, FYs 24-26

Town Type	*FY 24*		*FY 25*		*FY 26*	
	Prior Law	*Act*	*Prior Law*	*Act*	*Prior Law*	*Act*
Under-funded towns	Previous FY amount plus 20% of grant adjustment	No change	Previous FY amount plus 25% of grant adjustment	Previous FY amount plus 56.5% of grant adjustment	Previous FY amount plus 33.33% of grant adjustment	Fully funded
Over-funded towns	Previous FY amount minus 14.29% of grant adjustment	Same amount as FY 23	Previous FY amount minus 16.67% of grant adjustment	Same amount as FY 24	Previous FY amount minus 20% of grant adjustment	Previous FY amount minus 14.29% of grant adjustment

Under the act, for FYs 27-32, any town that is underfunded for ECS in the previous fiscal year receives full funding. For overfunded towns in FYs 27-30, the act continues to reduce the town's ECS aid by a percentage of its grant adjustment, but at a slower pace than under prior law, as follows:

1. FY 27: by 16.67% of the adjustment, rather than 25%;
2. FY 28: by 20%, rather than 33.33%;
3. FY 29: by 25%, rather than 50%; and
4. FY 30: by 33.33%, rather than fully funded.

The act also adds two years to the above schedule for overfunded towns. For FY 31, an overfunded town's aid is decreased by 50% of the adjustment, and these towns are fully funded for FY 32.

Under the act, as under prior law, towns that are alliance districts, if overfunded, continue to be funded at the same level as the previous year.
EFFECTIVE DATE: July 1, 2023

§§ 341 & 342 — MAGNET SCHOOL GRANT PROGRAMS AND TUITION

Beginning in FY 25, sets a floor for magnet school grant amounts, thus allowing SDE to increase the grant amounts within available appropriations; beginning in FY 25, generally limits the tuition magnet schools can charge sending districts to 58% of the amount charged in the previous year; extends through FY 25 the ban on SDE awarding magnet school grants to schools that do not meet residency and reduced isolation enrollment requirements; makes permanent the requirement that magnet school operators meet these enrollment requirements; renews for FY 24 reduced magnet school tuition payments for certain towns; sunsets a targeted magnet school grant

The law requires the State Department of Education (SDE) to establish a grant program to help interdistrict magnet school programs. By law, an "interdistrict magnet school program" is a program which (1) supports racial, ethnic, and economic diversity; (2) offers a special and high-quality curriculum; and (3) requires enrolled students to attend at least half-time (CGS § 10-264*l*(a)).

The act makes various changes to the magnet school grant program, including (1) setting a floor for grant amounts, thus allowing SDE to increase the grant amounts within available appropriations; (2) beginning in FY 25, generally limiting the tuition magnet schools can charge sending districts to 58% of the amount charged in the previous year; (3) extending through FY 25 the ban on SDE awarding magnet school grants to schools that do not meet residency and reduced isolation enrollment requirements; and (4) renewing for FY 24 the reduced magnet school tuition payments for certain towns.

EFFECTIVE DATE: July 1, 2023

Minimum Per-Student Grant Amounts (§ 341(c))

Prior law set the per-student grant amounts for each type of magnet school (e.g., for non-*Sheff* magnet schools, $3,060 per student for those residing in the school's host town and $7,227 per student for nonresident students). Beginning in FY 25, the act instead sets these amounts as the minimum per-student grant amounts (except as described below), thus allowing SDE to increase the grants within available appropriations. (The act designates $53.4 million to supplement appropriated magnet school funds for FY 25 to increase the per-student grant amounts to magnet school operators (see § 362).)

The act creates an exception for magnet schools operating less than full-time but at least half-time by requiring that they receive grants equal to 65% of the statutory minimum grant amount.

By law, the total grant SDE pays to a magnet school operator must not exceed the aggregate of the operator's reasonable operating budget, less revenue from other sources. The act additionally requires that for FY 23 and each year afterward, SDE must make these grants within available appropriations.

Tuition Cap for Magnet Schools (§§ 341(j),(k),(m),(o) & 342)

Starting in FY 25, the act caps the tuition that magnet schools can charge towns that send students to the magnets at 58% of the amount charged for FY 24. This applies to all the magnet operators: (1) local or regional boards of education; (2) RESCs; (3) independent higher education institutions; and (4) any third-party, nonprofit corporation the education commissioner approves.

For the 2023-24 school year, the act generally bars local or regional boards of education that operate a *Sheff* magnet school from charging tuition for preschool or kindergarten through grade 12 schooling. This prohibition does not apply to the Hartford school district, which may charge tuition for students attending Great Path Academy. (*Sheff* magnet schools are part of the programmatic response to the *Sheff* v. *O'Neill* state Supreme Court decision (see *Background — Sheff v. O'Neill State Supreme Court Decision* for § 333).)

Magnet Preschool Tuition Charged to Parents (§ 341(k))

By law, non-*Sheff* RESC magnets may charge tuition of up to $4,053 to parents or guardians of children attending preschool but are prohibited from charging tuition to any parent or guardian with a family income that is at or below 75% of the state median income. Beginning in FY 25, the act limits the tuition amount to no more than 58% of the tuition charged during FY 24.

The act leaves unchanged the law authorizing *Sheff* RESC preschools to charge parents or guardians of enrolled students up to $4,053, with the same exception as mentioned above for families with incomes at or below 75% of the state median.

Magnet School Grants and Enrollment Standards (§ 341(a) & (b))

Prior law (1) required magnet school operators to meet specified residency and reduced isolation enrollment requirements through the end of the 2023-24 school year and (2) through FY 23, generally prohibited SDE from awarding magnet school grants to operators that failed to meet these requirements. The act makes these requirements permanent and extends the grant prohibition through FY 25.

As under prior law, a magnet school's total enrollment must (1) have no more than 75% of students from one school district and (2) meet the reduced isolation setting standards (i.e., desegregation) developed by the education commissioner. Additionally, the SDE commissioner may award a grant to a magnet school that fails to meet these requirements if she finds it appropriate to do so and approves a plan to bring the school into compliance.

Reduced Magnet School Tuition Payments for Certain Towns and Proportionate Reduction of Payments for Tuition Loss

By law for FY 23, if more than 4% of certain school districts' student population attended magnet schools, then the district was not responsible for the first $4,400 of tuition for each student exceeding the 4% threshold. This applied to (1) *Sheff* region towns (except East Hartford and Manchester, which are covered in a separate provision), (2) New Britain, and (3) New London. Under the law, SDE was financially responsible, within available appropriations, for the lost tuition.

The act extends this provision to cover FY 24 but applies it only to Windsor, New Britain, New London, and Bloomfield.

The act also requires that these SDE payments for tuition losses be proportionately reduced if they exceed the amount appropriated for this purpose. A similar requirement applied under prior law for FY 23.

Targeted Magnet School Grant Sunset

The act retroactively sunsets a targeted magnet school grant at the end of FY 22. Under prior law, the grant applied to a magnet school operated by a RESC that (1) began operations in the 2001-02 school year and (2) for the 2008-09 school year enrolled between 55% and 80% of the school's students from a single town. (The school, Edison Magnet School in Meriden, no longer exists in that form; it was moved to Waterbury and reconstituted as ACES at Chase and is eligible for other magnet grants.)

§ 343 — CHARTER SCHOOL GRANT INCREASES

Increases the per-student state charter school grant for FYs 24-25; makes the FY 25 amount ongoing for future years

The act increases the per-student state charter school grant for FYs 24 and 25, with the FY 25 amount ongoing for future years. By law, the grants go to the charter school's governing authority.

Charter Grant Factors

By law, the state charter grant has the same student need weighting percentages with the same factors (e.g., free and reduced priced meals and English learner status) that are used in existing ECS law.

By law, the increase in the state grant is a percentage of a school's charter grant adjustment, which is the absolute value of the difference between the (1) foundation ($11,525) and (2) "charter full weighted funding per student" for the state charter schools under a governing authority's control for the school year.

The "charter full weighted funding per student" is a value calculated as the product of the total charter need students and the foundation, divided by the number of enrolled students under the charter school governing authority's control for the school year.

Grant Increases

The FY 23 per-student grant for charter school governing authorities was the foundation amount plus 25.42% of its charter grant adjustment. Under the act, the per-student grant is:

1. for FY 24, the foundation plus 36.08% of its charter grant adjustment and
2. for FY 25 and each following year, the foundation plus 56.7% of its charter grant adjustment.

EFFECTIVE DATE: July 1, 2023

§ 344 — VO-AG CENTER GRANTS AND TUITION

Requires, in FY 25 and subsequent years, each vo-ag center grant to be at least the amount indicated in law ($5,200); beginning in FY 25, limits vo-ag center tuition paid by sending towns to 58% of the amount charged in the previous year

Beginning with FY 25, the act requires the $5,200 per-student state grant for regional agricultural science and technology centers (i.e., "vo-ag centers") to be at least $5,200, thus allowing SDE to increase the grants within available appropriations. It similarly applies this language to the additional $500 per student grant for centers with over 150 students enrolled from outside of the host district. (For FY 24, the act keeps the above two grant amounts unchanged from prior law.)

Vo-ag centers are regional high schools that offer agricultural science and technology programing to students from a multi-town region. They are usually embedded in the host district's comprehensive high school.

By law, a vo-ag center can charge the sending towns tuition for the students they send to the program, but it caps tuition at 59.2% of the foundation ($11,525) used for ECS, resulting in a maximum tuition of $6,823. Beginning with FY 25, the act prohibits a vo-ag center from charging more than 58% of the amount a vo-ag center charged in FY 24.

The act also repeals obsolete language and makes technical changes.

EFFECTIVE DATE: July 1, 2023

§ 345 — OPEN CHOICE GRANT SCHEDULE

Requires that beginning in FY 25 each Open Choice grant be at least the amount indicated in law

Open Choice is a voluntary inter-district attendance program that allows students generally from the Bridgeport, Hartford, and New Haven districts to attend suburban school districts, and vice versa, on a space-available basis. SDE provides a per-student grant for school districts that receive Open Choice students.

Under prior law, the grants ranged from a maximum of $3,000 to $8,000 per student, with larger per-student grants for districts with a higher percentage of total enrollment of Open Choice students. The act maintains this level of funding through FY 24.

Beginning in FY 25 and each following year, the act increases the amount of these grants to be at least the maximum amount in law, thus allowing SDE to increase the grants within available appropriations (see table below).

Open Choice Grant Thresholds and Amounts Beginning in FY 25

Minimum Threshold of Total Enrollment	*Maximum Threshold of Total Enrollment*	*Per-Student Grant at Least*
0	< 2%	$3,000
2%	< 3%	4,000
3%	< 4%	6,000
Total enrollment is greater than 4,000 students and 50% increase in Open Choice enrollment from previous fiscal year		6,000
> 4%	N/A	8,000

EFFECTIVE DATE: July 1, 2023

§ 346 — SUPPLEMENTAL FUNDING AMOUNTS FOR ECS, CHARTER SCHOOL, MAGNET SCHOOL, OPEN CHOICE, AND VO-AG CENTER GRANTS

Requires SDE to apportion the $150 million appropriated for "Education Finance Reform" in specific amounts for supplemental funds for the following grants: ECS, charter schools, interdistrict magnet schools, Open Choice Program, and agriscience and technology centers

The act requires SDE to apportion the $150 million appropriated for "Education Finance Reform" for FY 25 to certain major education grants through each grant's existing statutory process. The amounts for each grant type supplement the line-item amounts designated for each of these grants in the biennial state budget part of this act (see § 1).

The supplemental amount for each program is shown below:

1. $68,499,497 to the Education Equalization (i.e., ECS) Grants account in SDE to provide ECS grants (see § 340);
2. $9,378,313 to SDE's Charter Schools account to provide charter school operating grants (see § 343);
3. $40,188,429 to SDE's Magnet Schools account to increase per student grant amounts to magnet school operators that are not local or regional boards of education (including magnets operated by RESCs, independent institutions of higher education, or other approved operators) (see § 341);
4. $13,254,358 to SDE's Magnet Schools account to increase per student grant amounts to local and regional boards of education that operate magnet schools (see § 341);
5. $11,430,343 to SDE's Open Choice Program account to increase per student grant amounts to local and regional boards of education that are receiving districts under the Open Choice program (see § 345); and
6. $7,249,060 to local or regional boards of education that operate an SBE-approved agriculture science and technology education center (see § 344).

EFFECTIVE DATE: July 1, 2023

§§ 347-349 — CORPORATION BUSINESS TAX SURCHARGE EXTENSION

Extends the 10% corporation business tax surcharge for three additional years to the 2023, 2024, and 2025 income years

The act extends the 10% corporation business tax surcharge for three additional years to the 2023, 2024, and 2025 income years. As under existing law, the surcharge applies to companies that have more than $250 in corporation tax liability and 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 the surcharge based on their tax liability, excluding any credits.

The act exempts taxpayers from interest on underpayments of estimated tax for the 2023 income year resulting from the surcharge extension. The exemption applies to any additional tax due for the period before these provisions take effect.

EFFECTIVE DATE: Upon passage, with the surcharge extension applicable to income years starting on or after January 1, 2023.

§§ 350 & 351 — HUMAN CAPITAL INVESTMENT TAX CREDIT

Increases the human capital investment tax credit from 5% to 10% (for most eligible investments) and 25% (for eligible child care-related expenditures); expands eligibility to additional child care-related expenses; allows corporations to use the 25% human capital investment credits to reduce up to 70% of their corporation business tax liability, rather than 50.01%

Starting with the 2024 income year, the act increases the human capital investment tax credit from 5% of the amount paid or incurred for eligible investments to (1) 10% for most eligible investments and (2) 25% for child care-related investments. It also makes additional child care-related investments eligible for the credit. By law, the credit may be claimed against the corporation business tax, and unused credits may be carried forward for five years.

The act also allows corporations to use the 25% human capital investment tax credits (i.e., credits for the child care-related investments) to reduce up to 70% of their corporation business tax liability each year, rather than 50.01% as prior law allowed. By law, the 50.01% credit cap applies to all other corporation tax credits (except research and development credits).

EFFECTIVE DATE: January 1, 2024

10% Credit

The investments eligible for a 10% credit under the act, which previously were eligible for a 5% credit, are the following:

1. in-state job training for in-state employees;
2. work education programs, including programs in public high schools and work education-diversified occupations programs in the state;
3. worker training and education for in-state employees provided by in-state higher education institutions;
4. donations or capital contributions to higher education institutions for improvements or technology advancements, including physical plant improvements; and
5. contributions made to the Individual Development Account Reserve Fund.

25% Credit

Under prior law, only the following child care-related expenses were eligible for a 5% credit: (1) expenses paid for site preparation and planning, constructing, renovating, or acquiring facilities to establish a child care center for use primarily by in-state employees' children and (2) subsidies to in-state employees for in-state child care. The act expands eligibility to include donations or capital contributions to 501(c)(3) nonprofit organizations for site preparation and planning, constructing, renovating, or acquiring facilities to establish a child care center for use by children living in the community, including in-state employees' children.

Under the act, expenses in all three categories are eligible for a 25% credit.

§§ 352 & 353 — FILM AND DIGITAL MEDIA TAX CREDIT

Temporarily increases, for the 2024 and 2025 income years, the redemption rate for film and digital media tax credits claimed against the sales tax from 78% to 92% of the credits' face value; requires production companies and DECD to report certain information on the companies' job creation

Existing law allows eligible production companies and certain taxpayers to whom they transfer credits (i.e., transferees) to apply film and digital media production tax credits against the sales and use tax at a reduced amount of their face value. For the 2024 and 2025 income years, the act temporarily increases this amount from 78% to 92% of the credits' value.

As under existing law, transferees may claim these credits against the sales and use tax only if there is at least 50% common ownership between the transferee and the eligible production company that sold, assigned, or otherwise transferred the credits. The credits may also be claimed against the corporation business and insurance premiums taxes at full face value and the community antenna television systems tax at a reduced value.

Separately, the act also requires that certain information on eligible production companies' job creation be included in tax credit voucher applications and in the Department of Economic and Community Development's (DECD) annual report to the legislature. Under existing law, within 90 days after the end of an annual period or the last production expenses are incurred, the production company must apply to DECD for a credit voucher and include with its application any information and independent certification the department requires. The act additionally requires the company to include a report with the number of full- and part-time jobs the company created, a description of each job, and an explanation of what the company considers to be job creation for the report's purposes. DECD must then include this job creation information in the overview of the film tax industry credit program in its annual report.

EFFECTIVE DATE: January 1, 2024

§ 354 — FIXED CAPITAL INVESTMENT TAX CREDIT

Allows certain Connecticut-headquartered corporations that own at least 80% of an LLC to claim the fixed capital investment tax credit for amounts the LLC invested in qualifying fixed capital

For income years starting on or after July 1, 2025, the act allows certain corporations to earn fixed capital investment tax credits for investments made by qualifying limited liability companies (LLCs) they own. Specifically, it allows corporations to do so if they:

1. are headquartered in Connecticut;
2. own, directly or indirectly, at least 80% of an LLC that, for federal tax purposes, is treated as a partnership or disregarded as an entity separate from its owner (i.e., a disregarded entity) (see *Background*); and
3. provide telecommunications services.

As under existing law for investments in fixed capital held by the corporation, the tax credit (1) equals 5% of the amount the LLC pays or incurs for the fixed capital and (2) applies to fixed capital the LLC will hold and use in Connecticut in the ordinary course of its trade or business for at least five years. The credit may be claimed against the corporation business tax in the income year in which the fixed capital was purchased, or it may be carried forward for the next five income years. As under existing law for corporations claiming the credit, an LLC for which a corporation is claiming a credit may not claim another credit for the same investment.

By law, fixed capital is (1) tangible personal property with a class life of more than four years, (2) purchased from someone other than a related person, and (3) not leased or acquired to be leased for the first 12 months after its purchase. It does not include inventory, land, buildings, structures, or mobile transportation property.

EFFECTIVE DATE: July 1, 2025

Background — Related Case

In *Marmon Wire & Gable, Inc.* v. *Commissioner of Revenue Services*, the plaintiff appealed a Department of Revenue Services (DRS) decision to deny fixed capital investment tax credits for investments made by the corporation's wholly owned LLCs, arguing that it was entitled to all tax attributes of the subsidiaries because they are disregarded entities under federal tax law. The Superior Court denied the plaintiff's motion for summary judgment, ruling that under existing law, the fixed capital investment tax credit statute (CGS § 12-217w) allows a corporation to take a tax credit only for fixed capital investments held and used by the corporation itself; a corporation is not eligible for a credit solely based on a subsidiary LLC's investments even if the LLC is a disregarded entity under federal law (2022 WL 2302654 (June 27, 2022)).

§§ 355 & 356 — ANGEL INVESTOR TAX CREDITS FOR CANNABIS BUSINESSES

Eliminates the 40% angel investor tax credit for eligible investments in approved cannabis businesses beginning July 1, 2023

The act eliminates the 40% angel investor tax credit for eligible investments in approved cannabis businesses beginning July 1, 2023.

By law, 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. Under prior law, angel investors who invested at least $25,000 in approved cannabis businesses were eligible for a personal income tax credit equal to 40% of their investment, up to $500,000. Prior law capped the amount of tax credits that could be reserved for these investments at $15 million per fiscal year. Under the act, no new credits may be reserved for these investments in cannabis businesses after June 30, 2023.

The act also eliminates a related provision requiring the Social Equity Council to recommend appropriate funding for the tax credits each fiscal year, beginning with FY 23.

EFFECTIVE DATE: July 1, 2023

§ 357 — HISTORIC HOMES REHABILITATION TAX CREDIT

Changes the taxes against which historic homes rehabilitation tax credits may be claimed

The act changes the taxes against which historic homes rehabilitation tax credits may be claimed. By law, DECD issues these credits, subject to certain requirements, to (1) people and nonprofits who own, rehabilitate, and occupy historic homes or (2) taxpayers that contribute funds for rehabilitating historic homes that are or will be occupied by their owners.

Under prior law, property owners and taxpayers could apply the credits against specified state business taxes (i.e., the insurance premiums, corporation business, air carriers, railroad companies, cable and satellite TV companies, and utility companies taxes). In practice, property owners generally allocated the credits to businesses with enough business tax liability to claim them, in exchange for the businesses making a cash contribution to the property's qualifying rehabilitation expenditures. For credits issued on or after January 1, 2024, the act instead allows (1) nonprofit corporations to claim the credits against the unrelated business income tax and (2) all other taxpayers to claim them against the personal income tax. In doing so, it allows people and nonprofits receiving these credits to apply them against their own state tax liability.

Under the act, credits applied against the income tax are refundable for any amount of the credit that exceeds the taxpayer's liability. Nonprofits applying them against the unrelated business income tax may carry forward any unused credits for up to four income years, just as prior law allowed for business taxpayers claiming the credits.

The act also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2024, and applicable to tax years starting on or after that date.

§ 358 — CT-N FUNDING

Increases, by $600,000, the amount of specified tax revenue reserved for CT-N each fiscal year

Beginning with FY 24, the act increases the amount of funding reserved for the Connecticut Television Network (CT-N) each fiscal year from $2.6 million to $3.2 million. The funding comes from the gross receipts tax on cable, satellite, and competitive video service companies and is used to defray the costs of providing the state with CT-N coverage of state government deliberations and public policy events.

EFFECTIVE DATE: July 1, 2023

§ 359 — WORKING GROUP ON THE TAXATION OF REAL AND PERSONAL PROPERTY ON TRIBAL LAND

Establishes a working group to study the taxation of reservation land held in trust for federally recognized Indian tribes and personal property located there

The act creates a working group to examine the taxation of reservation land held in trust for federally recognized Indian tribes in Connecticut and tangible personal property located there. The working group must report its findings and recommendations to the General Assembly by January 1, 2024. It ends when it submits its report or January 1, 2024, whichever is later.

The working group consists of the following members:

1. the Office of Policy and Management (OPM) secretary;
2. chairpersons and ranking members of the Appropriations, Planning and Development, and Finance, Revenue and Bonding committees; and
3. at least one representative of each federally recognized tribe and municipality impacted by any change to the property's taxation.

The OPM secretary must serve as the group's chairperson and schedule and hold its first meeting by August 11, 2023. The Appropriations Committee's administrative staff must serve in this capacity for the working group.

EFFECTIVE DATE: Upon passage

§§ 360-365 & 448 — PASS-THROUGH ENTITY TAX

Starting in 2024, (1) makes the PE tax optional, (2) changes the method for calculating the tax base, (3) eliminates the corporation tax credit for PE taxes paid, and (4) eliminates the option for PEs to file a combined return with one or more commonly-owned PEs; reimposes a requirement that PEs file an income tax return and pay the tax on behalf of any nonresident member for whom the business is the only source of Connecticut income

Tax Election

Starting with the 2024 tax year, the act makes the pass-through entity (PE) tax optional and makes numerous conforming changes to implement the optional tax.

Prior law imposed the PE tax on all "affected business entities" (generally partnerships and S corporations; referred to as PEs) that do business in Connecticut or have income derived from or connected with Connecticut sources. The act instead allows these entities to elect to pay the tax starting with the 2024 tax year. Those doing so must give the DRS commissioner written notice (1) for each tax year they make the election and (2) no later than the due date for filing the return (or the extended due date if they requested, and were granted, an extension).

As under prior law for the mandatory tax, each PE that elects to pay the optional tax must remit its payment by the 15th day of the third month following the close of the entity's taxable year for federal income tax purposes (i.e., tax year).

Tax Calculation

Under prior law, a PE's tax liability was calculated using either the standard base method or an alternative base method, multiplied by 6.99%. Under the standard base method, the PE is taxed on all of its Connecticut source income (minus any source income from subsidiary PEs). Under the alternative base method, the PE is subject to tax on:

1. the portion of its Connecticut source income (minus any Connecticut source income from subsidiary PEs) that directly or indirectly flows through to members who are resident or nonresident individuals, trusts, or estates (i.e., "modified Connecticut source income") plus
2. the portion of its total income that is not sourced to any state with which the PE has nexus (i.e., "unsourced income") and that directly flows through to members who are resident individuals (i.e., "resident portion of unsourced income").

The act eliminates the standard base method and instead requires all electing PEs to use the alternative base method to calculate their tax liability. (It retains the existing 6.99% tax rate.) It correspondingly eliminates a provision allowing PEs filing under the standard base method to carry forward net losses to succeeding tax years until they are fully used.

Composite Returns for Nonresident Members

Under prior law, a PE's nonresident members were generally not required to file a Connecticut personal income tax

return for taxable years in which the (1) PE was the only source of Connecticut income for the member or the member's spouse and (2) PE tax credit allowed fully satisfied his or her Connecticut income tax liability.

The act eliminates these provisions and instead reimposes the requirement that PEs file an income tax return and pay the tax on behalf of any nonresident member for whom the business is the only source of Connecticut income. Similar requirements applied prior to 2018, before the PE tax was established. Under the act, beginning with the 2024 tax year, the tax the PE pays on the nonresident member's behalf must be reduced by the member's direct and indirect PE tax credit that was properly reported by the PE. The payment may not be less than zero.

As under the pre-2018 law, the act requires PEs to make income tax payments on behalf of nonresident members where the member's share of the PE's income derived from or connected with Connecticut sources is at least $1,000. They must make these payments at the highest marginal tax rate for the year. Those payments generally constitute the members' tax payment for the year. Special rules apply to subsidiary PEs making income tax payments on behalf of a parent PE.

The entities must make annual income tax payments on the members' behalf by the regular income tax due date. They must give each member on whose behalf they made tax payments a DRS-prescribed form recording those payments. The act requires they do so by the 15th day of the third month following the close of the entity's tax year. Under the law that applied pre-2018, they had to do so a month later, by the 15th day of the fourth month following the close of the entity's tax year.

Offsetting Tax Credit

Prior law authorized offsetting personal income and corporation business tax credits for individuals and companies that are members of PEs that pay the tax or a substantially similar tax in another state. The act eliminates the corporation business tax credit for PE taxes paid but retains the personal income tax credit. Under prior law, if a PE's member was a company subject to the corporation tax, the company could claim a credit equal to its direct and indirect pro rata share of the tax paid by the PE, multiplied by 87.5%.

As under existing law, if a PE's member is an individual subject to the personal income tax, the person may claim a credit equal to his or her direct and indirect pro rata share of the tax paid by the PE, multiplied by 87.5%.

Combined Return Election

The act eliminates the option for PEs to file a combined return with one or more commonly-owned PEs. (A PE is "commonly-owned" if more than 80% of its voting control is directly or indirectly owned, as determined under federal tax law, by a common owner or owners.) Under prior law, any business that chose to file this way had to notify the DRS commissioner in writing each tax year, along with the written consent of the other commonly-owned businesses, by the tax's due date or extended due date (if applicable).

EFFECTIVE DATE: January 1, 2024, and applicable to taxable years starting on and after that date.

§ 366 — HIGHWAY USE TAX REPORTING FREQUENCY

Requires carriers subject to the highway use tax to file returns and submit payments quarterly, rather than monthly, starting with the fourth quarter of 2023

The act requires carriers subject to the highway use tax (i.e., highway use fee or HUF) to file returns and submit payments quarterly, rather than monthly as prior law required, starting with the fourth quarter of 2023. Under the act, the quarterly returns and payments are due by the last day of the month following a calendar quarter (i.e., January 31, April 30, July 31, and October 31).

The act also makes technical and conforming changes. These include requiring DRS to order a permit cancellation hearing if a carrier files a return for two successive calendar quarters (rather than four successive months as under prior law) indicating that none of the carrier's motor vehicles used roads in the state.

EFFECTIVE DATE: Upon passage

Background — Highway Use Fee

The HUF took effect on January 1, 2023. By law, it applies to carriers operating, or causing to be operated, certain heavy, multi-unit motor vehicles on public roads in the state. It is calculated based on a vehicle's gross weight (i.e., the vehicle's light weight plus its load) and the number of miles driven in the state. The applicable rates range from (1) 2.5 cents per mile for vehicles weighing 26,000 to 28,000 pounds to (2) 17.5 cents per mile for vehicles weighing more than

80,000 pounds. Vehicles transporting milk or dairy products to or from a dairy farm that holds a license to ship milk are exempt.

§ 367 — DIESEL FUEL TAX RATE FREEZE

Sets the FY 24 diesel fuel tax rate at 49.2 cents per gallon, which is the same as the FY 23 rate

By law, the motor vehicle fuels tax rate for diesel fuel is the sum of two components: the (1) flat rate (29 cents) and (2) variable rate that DRS calculates annually every fiscal year. The variable rate equals the product of the average wholesale per-gallon price of diesel for the prior year, multiplied by the petroleum products gross earnings tax (PGET).

For FY 24, the act instead sets the diesel fuel rate at 49.2 cents per gallon. This is equal to the FY 23 rate, determined by DRS according to the statutory calculation (DRS AN 2022-2).

The act also specifies that any diesel fuel tax paid that is eligible for a refund must be refunded at the 49.2 cent rate.

EFFECTIVE DATE: Upon passage

§§ 368 & 370 — TAXATION OF AVIATION FUEL

Exempts sales of aviation fuel from the petroleum products gross earnings tax (PGET) starting July 1, 2023, and subjects it to a new aviation fuel tax of 15 cents per gallon starting July 1, 2025

Petroleum Products Gross Earnings Tax Exemption (PGET)

Starting July 1, 2023, the act exempts sales of aviation fuel from PGET. By law and unchanged by the act, 75.3% of PGET revenue from aviation fuel sources is deposited into the Connecticut airport and aviation account (see below), and the remainder is deposited into the Special Transportation Fund (STF). The act leaves in place the provision to make this deposit, but the tax exemption means there is no PGET revenue to deposit.

By law, companies distributing products made from petroleum or a petroleum derivative in Connecticut are subject to PGET. The tax is 8.1% of the gross revenue from the first sale of a taxable petroleum product in the state, which generally occurs at the wholesale level.

The act also makes technical and conforming changes.

New Aviation Fuel Tax

Starting July 1, 2025, the act imposes a new excise tax on aviation fuel at a rate of 15 cents per gallon. The tax must be paid quarterly and applies to the (1) first sale in the state by companies distributing aviation fuel in the state and (2) in-state use or consumption of fuel by companies that import aviation fuel into the state or cause it to be imported. Fuel may be taxed only one time.

Starting July 1, 2029, and every four years after that, the act requires the aviation fuel tax rate to be adjusted according to any change in the consumer price index for all urban consumers for the preceding four calendar years, as published by the Bureau of Labor Statistics. In tax adjustment years, the DRS commissioner must calculate the new tax rate by June 15; notify the Finance, Revenue and Bonding Committee chairpersons and ranking members and the OPM secretary of the rate; and post the rate on the DRS website.

Under the act, companies must file returns by the last day of January, April, July, and October for the immediately preceding quarter. The returns must be on forms the commissioner provides and signed by the person performing the duties of treasurer or an authorized agent or officer of the company. The return must include the number of gallons of aviation fuel sold and imported, or caused to be imported, in the state, as applicable, and any other information the DRS commissioner requires to make calculations required by the act.

The act imposes on anyone who fails to pay the tax a penalty of 10% of the amount due or $50, whichever is greater. Interest accrues at the rate of 1% per month or partial month from the tax's due date until the date it is paid.

The act applies to the aviation fuel tax certain tax collection and enforcement provisions that apply to the admissions and dues tax under existing law, unless these provisions are inconsistent with the act. Among other things, these provisions cover (1) refunds for tax overpayments, (2) hearing and appeals processes, (3) penalties for certain willful violations or fraud, (4) taxpayers' record retention requirements, and (5) the state's authority to issue tax warrants.

At the close of each fiscal year, beginning with FY 26, the act allows the state comptroller to record as revenue for the fiscal year the amount DRS received from aviation tax revenue within five business days from the last day of July immediately following the end of the fiscal year.

EFFECTIVE DATE: July 1, 2023, and the PGET exemption is applicable to first sales occurring on or after that date.

§§ 369 & 371 — CONNECTICUT AIRPORT AND AVIATION ACCOUNT AND CONNECTICUT AIRPORT AUTHORITY FUNDING

Transfers $8 million from the STF to the Connecticut airport and aviation account in each of FYs 24 and 25, contingent on CAA entering into a management agreement for Sikorsky Airport; starting in FY 26, deposits aviation fuel tax revenue into the airport and aviation account

By law, the Connecticut airport and aviation account is a nonlapsing account within the Grants and Restricted Accounts Fund. The Connecticut Airport Authority (CAA), with the OPM secretary's approval, spends account funds for airport and aviation purposes. Under prior law, the account was funded with 75.3% of PGET revenue from aviation fuel sources. In practice, the account is used for CAA-owned and municipal general aviation airports.

The act potentially transfers, from the STF to the Connecticut airport and aviation account, $8 million in each of FYs 24 and 25 (i.e., the fiscal years during which, under the act, aviation fuel is not taxed). But the transfer is contingent on CAA's executive director (1) entering into a management agreement with Bridgeport for the day-to-day operation and maintenance of Sikorsky Airport and (2) giving written notice that the agreement was executed to the comptroller and Stratford's chief elected official. (Sikorsky Airport is owned and operated by the city of Bridgeport but located in Stratford.)

Starting July 1, 2025, the DRS commissioner must deposit into the account all revenue received from the new aviation fuel tax (see § 370 above).

EFFECTIVE DATE: July 1, 2023

§ 372 — TAX CREDIT FOR PRE- AND POST-BROADWAY PRODUCTIONS AND LIVE THEATRICAL TOURS

Establishes a new tax credit for production companies of eligible theater productions performed at qualified facilities in Connecticut; caps the total credits allowed at $2.5 million per fiscal year

The act establishes a new tax credit for production companies of eligible pre- and post-Broadway productions and live theatrical tours performed at qualified facilities in Connecticut. The credit equals 30% of the production's eligible expenditures. Taxpayers may apply it against the personal income tax or specified business taxes. The act caps at $2.5 million the total amount of these tax credits allowed per fiscal year.

EFFECTIVE DATE: January 1, 2024, and applicable to income and tax years starting on or after that date.

Qualified Productions and Facilities

Under the act, to qualify for a credit, the production must be (1) performed at a qualified production facility and (2) a for-profit live stage presentation of a pre- or post-Broadway production or live theatrical tour (in its original or adapted version) (i.e., an "accredited theater production"). A "pre-Broadway production" is one scheduled to be presented in New York City's Broadway theater district within 12 months after its performance in Connecticut, while a "post-Broadway production" is one that opens its national tour in Connecticut after a Broadway run. A "live theatrical tour" is one that opens its national tour in Connecticut without performing on Broadway.

A "qualified production facility" is a facility located in Connecticut where live stage presentations are, or are intended to be, exclusively performed. It must have at least one stage; a seating capacity of at least 1,000 seats; and dressing rooms, storage areas, and other related amenities needed for an accredited theater production.

Eligible Expenditures

Production and Performance Expenditures. Under the act, only eligible "production and performance expenditures" count towards the credit's calculation. The act defines these expenditures as the exchange of cash or its equivalent for goods or services related to developing, producing, or performing an accredited theater production or for its operating expenditures incurred in Connecticut. This includes expenditures for the following:

1. design, construction, and operation (e.g., sets, special and visual effects, costumes, wardrobe, make-up, and accessories);
2. sound, lighting, staging, facility expenses, rentals, per diems, and accommodations;
3. salaries, wages, fees, and other compensation and benefits for services performed in Connecticut ("payroll");
4. goods or services related to the production's national marketing, public relations, and advertising (i.e., print,

electronic, television, billboard, and other advertising types) ("advertising and public relations expenditures"); and
5. transportation, as described below.

Transportation Expenditures. The act defines "transportation expenditures" as those for (1) packing, crating, and transporting, to and from Connecticut, sets, costumes, and other property and equipment for an accredited theater production and (2) transporting the production's cast and crew to and from here. However, it excludes costs for any of the following:

1. transporting tangible property and equipment used only for filming and not in an accredited theater production and
2. indirect costs, expenditures reimbursed by a third party, or any amount paid to an individual or entity for its participation in the profits from the production's exploitation.

Credit Application and Approval Process

Initial Certification. Under the act, an accredited theater production's production company (i.e., person, firm, partnership, trust, estate, or other entity) may apply to the DECD commissioner, as she prescribes, for a production's initial certification. (In the case of a partnership, its sole proprietor, owner, or member may apply.) The application must include information about the following:

1. the accredited theater production and production company presenting it,
2. the applicant's relationship to the production or production company,
3. the qualified production facility where the production will be performed, and
4. any other information and data the commissioner deems needed to evaluate the application.

If the DECD commissioner approves the application, she must issue an initial certification notice to the production company and DRS commissioner.

Final Certification. Once the accredited theater production's performance has been completed, the production company must apply to the DECD commissioner for a final certification. The application must include a cost report and a certified public accountant's certification that this report, in the accountant's opinion, is accurate.

The commissioner must, within 30 days after a production company submits a complete application, determine (1) whether to approve a final accredited theater production certificate and (2) the credit amount allowed. Once approved, she must (1) issue the certificate to the production company and specify the credit amount allowed and (2) notify the DRS commissioner about this information.

Credit Claims and Transfers

Applicable Taxes and Eligible Claimants. Production companies that get a final accredited theater production certificate from DECD may claim the credit against the personal income, corporation business, insurance premiums, or utility companies tax, but not the withholding tax. (Withholding tax is income tax paid on a taxpayer's behalf by qualifying Connecticut employers.) If the company is an S corporation or entity treated as a partnership for federal income tax purposes, its shareholders or partners may claim the credit. If it is a single member LLC disregarded as an entity separate from its owner, the LLC's owners may claim it, so long as the owner is subject to the personal income or corporation business tax.

The credit must be claimed for the income or tax year in which it was earned. Unused credits may be carried forward for up to three years and may be sold, assigned, or transferred in whole or part.

Financial Penalty. The act imposes a financial penalty equal to the credit amount on any production company that submits information to the DECD commissioner that it knows is fraudulent or false. This penalty is in addition to other penalties provided by law.

Limits on Post-Certification Remedies. The act (1) exempts any credits sold, assigned, or transferred under its provisions to a post-certification remedy and (2) limits the DECD and DRS commissioners' power to further audit or examine the production and performance expenditures for which the credit was allowed unless there is the possibility of material misrepresentation or fraud. The act gives the commissioners the sole remedy of recovering the credits from the production company that committed the fraud or misrepresentation.

Examinations. The act authorizes the DECD and DRS commissioners to determine whether a credit claim is correct by examining the books, papers, and records related to the information or data an accredited theater production provided with its final certification application.

Reporting Requirement

Annually, starting by March 1, 2025, the DECD commissioner must report specified information to the Commerce and Finance, Revenue and Bonding committees about each production company that applied in the previous calendar year for

an accredited theater production initial or final certification. Specifically, the report must (1) describe the production companies and their accredited theater productions and production facilities and (2) provide the status of their applications and the amount of any credits allowed.

§ 373 — UNCLAIMED BOTTLE BILL DEPOSITS REMITTED TO GENERAL FUND

Shifts the timing of the required remittance of unclaimed bottle bill deposits to the General Fund for FY 24; for FY 25, reduces the required quarterly remittance from 55% to 50%; beginning in FY 26, ties the required remittance to the average statewide redemption rate for the preceding fiscal year

The act shifts the timing of the required remittance of unclaimed deposits to the General Fund under the state's beverage container redemption law (i.e., "bottle bill") for FY 24. Specifically, it requires that deposit initiators (i.e., the first distributor to collect the deposit) keep all unclaimed deposits for the first two quarters of FY 24 (i.e., from July 1, 2023, to the end of the calendar year), to reimburse them for the 10-cent deposit on redeemed beverage containers scheduled to take effect on January 1, 2024. For the third quarter, it requires them to remit 65% of the outstanding account balance attributable to the quarter, plus any remaining balance they retained for the first and second quarters. For the fourth quarter, it requires them to remit 65% of the outstanding account balance, as existing law requires.

For FY 25, the act reduces the amount of unclaimed deposits that deposit initiators must quarterly remit to the General Fund from 55% to 50%.

Starting in FY 26, prior law required deposit initiators to quarterly remit 45% of unclaimed deposits to the General Fund. The act instead ties this percentage to the average statewide redemption rate for the preceding fiscal year, as shown in the table below. It requires the Department of Energy and Environmental Protection commissioner, beginning by August 1, 2024, to annually calculate and publish this rate by dividing the number of beverage containers redeemed by the number sold.

Required Remittance of Unclaimed Deposits for FY 26 and After

FY	*Statewide Redemption Rate for Preceding Fiscal Year*	*Required Remittance*
26	60% or more	25%
	Less than 60%	45%
27	65% or more	5%
	Greater than 60%, but less than 65%	25%
	60% or less	45%
28 and after	75% or more	5%
	Greater than 65%, but less than 75%	10%
	Greater than 60% to 65%	25%
	60% or less	45%

EFFECTIVE DATE: Upon passage

§ 374 — TAX GAP ANALYSIS AND STRATEGY AND DRS PLAN

Requires DRS to (1) estimate the state's tax gap, develop a strategy to reduce the gap, and evaluate related staffing needs; (2) report information on this estimate and strategy to the legislature; and (3) publish a plan for the agency for closing the tax gap

The act requires DRS to estimate the state's "tax gap," conduct related analyses, develop a strategy to address it, and report certain information to the legislature. Under the act, the "tax gap" is the difference between (1) state taxes and fees owed under full compliance with all state tax laws and (2) the state taxes and fees voluntarily paid, which may be caused by failing to file taxes, underreporting tax liability, or not paying all taxes and fees owed.

It also requires the DRS commissioner, by July 1, 2025, to publish a plan that includes the department's measurable goals for closing the tax gap, specific strategies for achieving the goals, and a timetable to measure progress toward closing

the gap. DRS must post the plan on its website and update it annually.
EFFECTIVE DATE: July 1, 2023

Tax Gap Reporting

The act requires the DRS commissioner to annually take the following actions related to the state tax gap:

1. estimate the gap and develop an overall strategy to promote compliance and discourage avoidance;
2. (a) evaluate DRS's specific staffing needs to implement the overall strategy and reduce the state tax gap and (b) determine any progress in meeting those needs;
3. conduct a cost-benefit analysis of each major tax compliance initiative the department undertook in the preceding fiscal year, including tax amnesty programs; and
4. analyze the rate of audits, by income level, that the department conducted the previous fiscal year.

The tax gap estimate must include an analysis of income and population distribution, expressed for (1) every 10 percentage points (i.e., by income decile); (2) the top 5% of all income taxpayers; (3) the top 1% of all income taxpayers; and (4) the top 0.5% of all income taxpayers.

Starting by December 15, 2024, the DRS commissioner must annually report to the Appropriations and Finance, Revenue and Bonding committees on (1) the tax gap estimate, analyses, and any supporting information; (2) its compliance strategy; (3) a summary of its staffing needs determination; and (4) the findings of its tax compliance initiative and audit analyses. DRS must post this report on its website.

§ 375 — TAX INCIDENCE REPORT

Expands the scope of DRS's biennial tax incidence report by requiring that the report include (1) the PE tax and other taxes generating at least $100 million and (2) additional information on tax burden distribution, effective tax rates, and tax credit and modification distribution

The act expands the scope of the tax incidence report that DRS must biennially submit to the legislature and post on its website. Specifically, it expands the taxes covered in the report and requires additional information on tax burden distribution, effective tax rates, and tax credit and modification distribution.

The act also requires the DRS commissioner, if he contracts out for the report's preparation, to include in the report the resources he deems necessary for the department to prepare the report in-house.

By law, DRS must submit this report to the Finance, Revenue and Bonding Committee by December 15 in odd-numbered years.
EFFECTIVE DATE: July 1, 2023

Included Taxes

Existing law requires that the report provide, for the 10 most recent years for which complete data are available, the overall incidence of the income tax, sales and excise taxes, corporation business tax, and property tax. The act additionally requires that it cover the pass-through entity (PE) tax and any other tax that generated at least $100 million in the fiscal year before the report's submission.

Incidence Projections and Tax Burden Distribution

By law, the report must include incidence projections for each included tax and present information on the tax burden distribution.

Under prior law, the tax burden distribution for individual taxpayers had to be reported by income classes, including income distribution by income deciles and for the top 1% and 5% of all income taxpayers. The act additionally requires that the report include (1) the distribution for the top 0.5% of all income taxpayers and (2) for each income class, the population distribution and percentage of taxpayers who are homeowners, single, married, or seniors or who have children.

The act also requires that the report include effective tax rates by population distribution expressed as (1) state taxes compared to local taxes and (2) taxes imposed on businesses compared to those imposed on individuals. For property tax, it also requires that the report include, to the extent available, information on the distribution between residential and commercial property and, for residential property, the distribution between renters and owners.

Credits and Modifications

The act also requires that the report include information on the distribution of the following tax credits and modifications (e.g., deductions), shown for the income classes described above:

1. the property tax credit against the income tax, earned income tax credit, PE tax credit, and any other modification against the personal income tax that resulted in $25 million or more in lost revenue in the most recent fiscal year before the report's submission and
2. modifications against any tax included in the report (other than personal income or property tax) that resulted in $25 million or more in lost revenue in the most recent fiscal year prior to the report's submission.

§ 376 — PERSONAL INCOME TAX RATES

Starting with the 2024 tax year, decreases the bottom two marginal income tax rates from (1) 3% to 2% and (2) 5% to 4.5%; gradually eliminates the benefit of the act's decreased marginal rates for taxpayers with taxable incomes exceeding $105,000 (single filers and married filing separately), $168,000 (heads of household), or $210,000 (joint filers)

Rates

Starting with the 2024 tax year, the act reduces the bottom two marginal income tax rates for all filers from (1) 3% to 2% and (2) 5% to 4.50%. Generally, this lowers taxes on the first (1) $50,000 in taxable income for single filers and married people filing separately; (2) $100,000 for joint filers; and (3) $80,000 for heads of household. The table below shows the marginal tax rates under prior law and the act.

Tax Brackets and Rates Under Prior Law and the Act

Connecticut Taxable Income ($)				Tax Rates (%)	
Single		Head of Household			
Over	Not Over	Over	Not Over	Prior Law	Act
0	10,000	0	16,000	3.00	2.00
10,000	50,000	16,000	80,000	5.00	4.50
50,000	100,000	80,000	160,000	5.50	5.50
100,000	200,000	160,000	320,000	6.00	6.00
200,000	250,000	320,000	400,000	6.50	6.50
250,000	500,000	400,000	800,000	6.90	6.90
500,000	--	800,000	--	6.99	6.99
Over	Not Over	Over	Not Over	Prior Law	Act
0	20,000	0	10,000	3.00	2.00
20,000	100,000	10,000	50,000	5.00	4.50
100,000	200,000	50,000	100,000	5.50	5.50
200,000	400,000	100,000	200,000	6.00	6.00
400,000	500,000	200,000	250,000	6.50	6.50
500,000	1,000,000	250,000	500,000	6.90	6.90
1,000,000	--	500,000	--	6.99	6.99

Phase-Out of Lowest Tax Rate

As under prior law for the 3% rate, the 2% rate phases out for filers with incomes exceeding $56,500 (single filers), $100,500 (joint filers), $78,500 (heads of household), and $50,250 (married filing separately). Generally, this means that for each filer type, the amount of income subject to the lowest tax rate (2% under the act) is gradually reduced, subjecting more income to tax at the next rate (4.50% under the act).

Recapture

By law, taxpayers whose income exceeds specified thresholds are subject to "benefit recapture," a requirement that eliminates the benefit certain higher income taxpayers get from having part of their income taxed at lower rates. It applies to taxpayers with taxable income greater than $200,000 (single or married filing separately), $400,000 (married filing

jointly), or $320,000 (head of household) and gradually increases taxpayer liability until their entire taxable income is effectively taxed at the top 6.99% rate.

The act retains these provisions but adds a new benefit recapture provision to gradually eliminate the benefit of the act's tax rate reduction for taxpayers with taxable incomes exceeding $105,000 (single or married filing separately), $210,000 (married filing jointly), or $168,000 (head of household). As the following table shows, the additional benefit recapture applies beginning when taxable income exceeds these thresholds and gradually increases until these taxpayers pay an additional $250, $500, or $400, respectively (i.e., when their incomes exceed $150,000, $300,000, or $240,000, respectively).

Additional Benefit Recapture Provision Under the Act

Filing Status	*Income Threshold at Which Benefit Recapture Begins*	*Recapture Amount*	*Maximum Recapture Amount*
Single and Married Filing Separately	$105,000	$25 for each $5,000 of income by which CT adjusted gross income (AGI) exceeds threshold	$250
Head of Household	168,000	$40 for each $8,000 of income by which CT AGI exceeds threshold	400
Married Filing Jointly	210,000	$50 for each $10,000 of income by which CT AGI exceeds threshold	500

EFFECTIVE DATE: Upon passage, and applicable to tax years starting on or after January 1, 2024.

§ 377 — RETIREMENT INCOME EXEMPTIONS

Starting in 2024, extends eligibility for the pension and annuity and IRA income tax exemptions to taxpayers with federal AGIs of at least (1) $100,000 but less than $150,000 for joint filers and (2) $75,000 but less than $100,000 for other filing statuses; gradually reduces the exemption for these taxpayers until it fully phases out at $100,000 or $150,000, as applicable

Existing law provides income tax exemptions for pension, annuity, and individual retirement account (IRA) income (other than Roth IRAs), but restricts eligibility for these exemptions to taxpayers with federal adjusted gross incomes (AGI) of less than (1) $75,000 for single filers, married people filing separately, and heads of household and (2) $100,000 for married people filing jointly.

Beginning with the 2024 tax year, the act extends eligibility for these exemptions to taxpayers with federal AGIs of (1) at least $75,000 but less than $100,000 for single filers, married people filing separately, and heads of household and (2) at least $100,000 but less than $150,000 for joint filers. However, it gradually reduces the amount of pension, annuity, and IRA income these taxpayers may deduct until the exemption fully phases out at $100,000 or $150,000 as applicable. The table below shows the phase-out schedule.

General Pension and Annuity Deduction and IRA Deduction Phase-Out Schedule, Beginning With 2024 Tax Year

Federal AGI ($)		*Deduction (%)*
Single, Married Filing Separately, or Head of Household	*Married Filing Jointly*	
< 75,000	< 100,000	100.0
75,000 to 77,499	100,000 to 104,999	85.0
77,500 to 79,999	105,000 to 109,999	70.0
80,000 to 82,499	110,000 to 114,999	55.0
82,500 to 84,999	115,000 to 119,999	40.0

Federal AGI ($)		Deduction (%)
Single, Married Filing Separately, or Head of Household	Married Filing Jointly	
85,000 to 87,499	120,000 to 124,999	25.0
87,500 to 89,999	125,000 to 129,999	10.0
90,000 to 94,999	130,000 to 139,999	5.0
95,000 to 99,999	140,000 to 149,999	2.5
≥ 100,000	≥ 150,000	0.0

IRA Exemption for the 2024 and 2025 Tax Years

By law, the IRA exemption phases in over four years, allowing taxpayers to deduct 25% of IRA income for the 2023 tax year, 50% for 2024, 75% for 2025, and 100% for 2026 and beyond.

Under the act, in the case of the IRA exemption for the 2024 and 2025 tax years, the deduction percentage listed in the table above applies to the portion of income the law allows as a deduction, not to all IRA income. For example, a single filer with $80,000 in federal AGI and $50,000 in IRA income would be able to deduct $13,750 of that income in the 2024 tax year (i.e., 50% of IRA income, multiplied by 55%).

EFFECTIVE DATE: Upon passage

§§ 377 & 379 — CANNABIS BUSINESS EXPENSES DEDUCTION

Allows cannabis licensees to deduct, for state personal income or corporation business tax purposes, ordinary and necessary business expenses that would otherwise be eligible for a federal tax deduction but are disallowed because marijuana is a banned controlled substance

Starting with the 2023 tax year, the act allows personal income and corporation business taxpayers holding medical marijuana or adult-use cannabis licenses to deduct, for state tax purposes, the amount of ordinary and necessary business expenses that would be eligible for a federal tax deduction under federal law (26 U.S.C. § 162(a)) but are disallowed because marijuana is a banned controlled substance under the federal Controlled Substance Act.

Federal tax law specifically prohibits taxpayers from claiming a deduction or credit for expenses paid or incurred in operating a business consisting of trafficking controlled substances that are prohibited by federal or state law (126 U.S.C. § 280E). IRS guidance indicates that marijuana business owners may deduct their costs of goods sold (their inventory) but may not deduct "ordinary and necessary" business expenses, such as wages, salaries, and travel expenses.

EFFECTIVE DATE: Upon passage

§ 378 — EARNED INCOME TAX CREDIT INCREASE

Increases the state EITC from 30.5% to 40% of the federal credit

Starting with the 2023 tax year, the act increases the state earned income tax credit (EITC) from 30.5% to 40% of the federal credit. The EITC is a refundable tax credit available to people who work and earn incomes less than certain amounts.

EFFECTIVE DATE: Upon passage

§ 380 — SALES AND USE TAX EXEMPTION FOR NONPRESCRIPTION OPIOID ANTAGONISTS

Exempts nonprescription opioid antagonists from the state sales and use tax

The act adds nonprescription opioid antagonists to the list of nonprescription drugs that are exempt from the state sales and use tax. By law and under the act, an "opioid antagonist" is naloxone hydrochloride (e.g., Narcan) or any similarly acting and equally safe drug that the Food and Drug Administration (FDA) has approved for treating a drug overdose. In March 2023, the FDA approved a four-milligram naloxone hydrochloride nasal spray for over-the-counter, nonprescription use.

EFFECTIVE DATE: July 1, 2023, and applicable to sales made on or after that date.

§ 381 — GAAP DEFICIT

Deems that $1 is appropriated in FYs 24-25 to pay off the state's GAAP deficit

The act deems that $1 is appropriated in both FYs 24 and 25 to pay off the General Fund's unassigned negative balances (i.e., Generally Accepted Accounting Principles (GAAP) deficits), 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.

Related provisions (§§ 29 & 30) appropriate funds in FY 23 to pay off the remainder of outstanding GAAP bonds.

EFFECTIVE DATE: Upon passage

§ 382 — TRANSFER OF FY 24 GENERAL FUND REVENUE TO FY 25

Requires the state comptroller to transfer $95 million of FY 24 General Fund resources for use in FY 25

The act requires the state comptroller, by June 30, 2024, to transfer $95 million of FY 24 General Fund resources to be counted as FY 25 General Fund revenue.

EFFECTIVE DATE: July 1, 2023

§§ 383-385 — TRANSFERS FROM GENERAL FUND

Transfers specified amounts from the General Fund to other appropriated funds in FYs 24 and 25

The act transfers specified amounts from the General Fund to other appropriated funds in FYs 24 and 25, as shown in the following table.

Transfers From the General Fund

§	Receiving Fund	Amount (millions)	
		FY 24	FY 25
383	Municipal Revenue Sharing Fund	$115.8	$104.9
384	Cannabis Regulatory Fund	10.1	10.3
385	Tourism Fund	2.9	1.3

EFFECTIVE DATE: July 1, 2023

§ 386 — TASK FORCE TO REVIEW BOARDS OF ASSESSMENT APPEALS PROCEEDINGS

Establishes a seven-member task force to review boards of assessment appeals proceedings and report to the legislature by January 1, 2024

The act establishes a seven-member task force to review boards of assessment appeals proceedings. At a minimum, its review must:

1. examine the current proceedings to identify problems or inefficiencies for people, companies, and municipalities;
2. recommend statutory changes to improve or lessen these problems or inefficiencies; and
3. examine the feasibility of implementing a professional, independent appeals system for these proceedings.

Under the act, the task force consists of the OPM secretary, or his designee, and six members appointed by the top six legislative leaders. The legislative leaders must make their initial appointments by July 12, 2023, and fill any vacancies. Appointees may be legislators.

The act requires the House speaker and Senate president pro tempore to choose the task force's chairpersons from its members. The chairpersons must schedule the first meeting, to be held by August 11, 2023. The Finance, Revenue and Bonding Committee's administrative staff serve in this capacity for the task force.

By January 1, 2024, the task force must report its findings and recommendations to the Finance, Revenue and Bonding, and Planning and Development committees. It terminates when it submits its report or January 1, 2024, whichever is later.

EFFECTIVE DATE: Upon passage

§ 387 — TASK FORCE ON BUILDING INSPECTION TIMELINESS

Establishes a seven-member task force to study the timeliness of building inspections required for building permits and report to the legislature by January 1, 2024

The act establishes a seven-member task force to study the timeliness of building inspections required for work performed under building permits. At a minimum, the study must:

1. review the average time it takes to complete inspections once the work is ready for them;
2. examine the frequency with which scheduled inspections are cancelled or rescheduled and, if possible, which party did so;
3. determine whether inspectors are municipal employees or independent contractors and whether there are any regional arrangements;
4. recommend initiatives to (a) incentivize or attract additional inspectors to Connecticut and (b) increase inspection timeliness; and
5. recommend statutory changes to implement these initiatives.

Under the act, the task force consists of the OPM secretary, or his designee, and six members appointed by the top six legislative leaders. The legislative leaders must make their initial appointments by July 12, 2023, and fill any vacancies. Appointees may be legislators.

The act requires the House speaker and Senate president pro tempore to choose the task force's chairpersons from its members. The chairpersons must schedule the first meeting, to be held by August 11, 2023. The Finance, Revenue and Bonding Committee's administrative staff serve in this capacity for the task force.

By January 1, 2024, the task force must report its findings and recommendations to the Finance, Revenue and Bonding, and Planning and Development committees. It terminates when it submits its report or January 1, 2024, whichever is later.
EFFECTIVE DATE: Upon passage

§§ 388 & 389 — STATE TREASURER AND INVESTMENT ADVISORY COUNCIL

Expands the investment-related job titles for which the state treasurer may set compensation; eliminates a prohibition on IAC members contracting with or providing investment services for state trust funds but requires that they recuse themselves from related discussions or votes

Investment Officer and Personnel Salaries (§ 388)

Existing law authorizes the state treasurer to set the salary ranges for the chief, deputy, and principal investment officers in consultation with the Investment Advisory Council (IAC). The act additionally authorizes him to do so for investment officers and other personnel who assist the chief investment officer. In doing so, it exempts these officers and personnel from the requirement that executive branch employee salaries not set by law must be set by the administrative services commissioner and approved by the OPM secretary.

IAC Public Members (§ 389)

The act eliminates a prohibition against the IAC's public members and their business organizations or affiliates contracting with or providing investment services for state trust funds (directly or indirectly). Under prior law, the prohibition applied while the members served on the council and for one year afterwards. The act instead requires that they recuse themselves from discussions or votes related to these contracts.
EFFECTIVE DATE: Upon passage

§§ 390-392 — CORPORATION STOCK SHARE PLAN

Creates tax incentives for eligible corporations offering an employee stock-sharing arrangement that distributes their common stock to participating employees (i.e., offering a "share plan"); exempts from state personal income tax any share plan stock taxpayers receive; requires DRS to study the share plan program and report its findings to the legislature by December 15, 2023

Starting with the 2027 income year, the act allows eligible companies to claim certain tax exemptions or credits for offering an employee stock-sharing arrangement that periodically distributes their common stock to participating employees

(i.e., offering a "share plan"). To qualify, a company must be subject to the Connecticut corporation business tax and have at least 100 full-time employees in the state. The act sets the criteria the employee stock-sharing plans must meet to qualify as a share plan, including participation, holding period, and vesting requirements.

Under the act, if the DRS commissioner finds that a company's share plan meets the act's requirements, then the corporation is exempt from the corporation business tax surcharge beginning with the 2027 income year. If the surcharge expires or is eliminated after the company begins claiming the exemption, the company is eligible for a credit against the corporation business tax equal to the surcharge amount it would have owed had it still been in effect. The act allows eligible companies to claim the exemption or credit, as applicable, for up to 10 successive income years.

Beginning with the 2025 tax year, the act also exempts from state personal income tax any share plan stock taxpayers receive that is included in their gross income for federal income tax purposes (§ 391).

Lastly, the act requires the DRS commissioner, in consultation with the OPM secretary, to study the act's share plan program and report his findings to the Finance, Revenue and Bonding Committee by December 15, 2023. The study must at least include the program's benefits and fiscal impact and any other information the commissioner finds advisable (§ 392).

EFFECTIVE DATE: January 1, 2025, except the personal income tax provision is effective January 1, 2024, and the DRS study provision is effective upon passage.

Share Plan Requirements

Under the act, an employee stock-sharing arrangement is considered a share plan if at least 80% of the company's "eligible employees" participate and the plan's distributions meet certain criteria (see below). "Eligible employees" are full-time employees who are based in Connecticut and earn less than $200,000 in annual cash contribution from the company.

Distribution Criteria. Under the act, the plan's distributions must be at least 300 shares per participating employee (adjusted for any stock split or reverse split the company makes on or after January 1, 2025). They must be made (1) in equal amounts to each participating employee, determined in the aggregate for any calendar year and adjusted for any employee partially employed during the year, and (2) without compensation other than the employee's service. Employees must also be able to sell or transfer the distributions (1) without restriction after a holding period of up to one year or (2) during the holding period for any hardship, subject to the same conditions that federal law provides for hardship withdrawals from 401(k) plans.

The act requires that distributions vest within five years after the distribution date, except as described below, as long as the employee is still employed by the company on that date. A distribution must vest as follows if any of these events happen before the regular vesting date:

1. if the employee retires from the company and receives or will receive retirement benefits under its retirement plan or is laid off or terminated without cause by the company, his or her interest in any share plan distribution must vest by the date the retirement, layoff, or termination without cause takes effect, and
2. if there is a change in the distributing company's control after the share plan distribution, the participating employees' interests in the distribution must vest by the date the change in control takes effect.

Information Sharing with DRS. The act requires any company claiming the act's exemption or credit to give DRS information the department requests for any applicable income year to (1) verify that the company's share plan meets the act's requirements and (2) substantiate its eligibility for the tax benefit.

Period for Claiming the Corporation Business Surcharge Exemption or Credit

The act allows eligible companies to claim the exemption or credit for a 10-year period based on when they start offering a share plan. Those that begin offering a plan in 2025 or 2026 may claim the exemption or credit earned for that income year beginning with the 2027 income year. Those that do so beginning in 2027 or later may claim it starting in the income year it was earned.

The act allows the company to claim the exemption or credit for each subsequent year in the same manner until it has claimed it for 10 successive income years, so long as it offers a share plan that meets the act's requirements for each of these income years. During the 10-year period, if the plan fails to meet these requirements or the company stops offering the plan, the company cannot claim the exemption or credit for the remainder of the period.

Under the act, companies are ineligible to receive a credit if the corporation business surcharge expires or is eliminated and they did not offer a share plan before the surcharge's expiration or elimination.

§§ 393-395 — XL CENTER

Allows CRDA to enter into two separate agreements concerning the XL Center's (1) management and operation and (2) reconstruction and renovation; eliminates a requirement that the OPM secretary, on the state's behalf, enter into an agreement with CRDA on the proceeds from operating retail sports wagering at the XL Center

The act allows the Capital Region Development Authority (CRDA) to enter into two separate agreements concerning the XL Center's (1) management and operation and (2) reconstruction and renovation. Specifically, it allows CRDA to enter into an agreement with the contractor that is managing and operating the XL Center as of July 1, 2023, to continue managing and operating the center. The agreement must require that the contractor (1) manage, operate, and invest in the renovation of the center and (2) bear any losses and share in any profits from the center's operation.

For the reconstruction and renovation, the act allows CRDA to enter into one or more agreements for a project to renovate and reconstruct the XL Center. The agreement must provide that CRDA, the state, or both together, must contribute no more than $80 million, and the contractor must contribute at least $20 million toward the cost of any renovation or reconstruction occurring after January 1, 2023 (§ 394).

In both cases, any agreement must be entered into by December 31, 2025, but may be amended after that date. The agreements and any amendments are subject to the OPM secretary's approval.

The act also eliminates a requirement that the OPM secretary, on the state's behalf, enter into an agreement with CRDA on the proceeds of operating retail sports wagering at the XL Center.

EFFECTIVE DATE: July 1, 2023, except that the provision on sports wagering proceeds (§ 395) is effective upon passage.

Management and Operating Agreement (§ 393)

The act allows CRDA, by December 31, 2025, to enter into an agreement with the contractor that is managing and operating the XL Center on July 1, 2023, to continue managing and operating the center. It allows CRDA to do this regardless of any other provisions in the general statutes.

Under the act, the agreement must require the contractor to manage, operate, and invest in the center's renovation and bear any losses and share in any profits from the center's operation. The agreement must be consistent with provisions in existing law requiring CRDA's board of directors to ensure that contracts or agreements comply with any existing covenants for tax-exempt bonds or other obligations. The act exempts the XL Center and any personal property located on it from property tax by deeming it to be state-owned property while owned, leased, or operated by CRDA or the contractor. The act prohibits the state from making a PILOT grant for the XL Center.

Before entering into the agreement, CRDA must enter into one or more agreements with Hartford to extend the XL Center's lease. The act limits the expiration of CRDA's agreement with the contractor to the earliest expiration date of any lease agreement with the city.

Required Terms. The operating and managing agreement must include at least the following:

1. the length of the agreement, subject to the limitation on its expiration (see above);
2. the amounts CRDA and the contractor must contribute toward renovating and reconstructing the XL Center (see above);
3. a complete description of the management, operations, and functions to be performed and CRDA's and the contractor's responsibilities;
4. minimum quality standards that the contractor must maintain in managing and operating the center;
5. the (a) methodology for calculating the net profit or loss from the center's operations and (b) division of net profit or loss between the contractor and CRDA (see below);
6. any amounts the contractor and CRDA will contribute to a capital expense fund to pay for future capital improvements;
7. a requirement that the contractor furnish an annual independent audit to CRDA and the OPM secretary covering all parts of the agreement;
8. performance and payment bonds or other security CRDA deems suitable;
9. one or more public liability insurance policies, in amounts CRDA determines, to ensure tort liability coverage for the contractor's employees and the public and provide for the center's continued operation;
10. rights and remedies available to CRDA if the contractor materially breaches the agreement; and
11. any other provision CRDA determines is appropriate.

Under the act, the agreement's provisions on net profit and loss must provide the following:

1. operating expenses do not include depreciation on any assets paid for with funds from the contractor or CRDA for renovating or reconstructing the center;

2. operating expenses may include fees paid to the contractor or its affiliates for certain services, including venue management fees, food and beverage fees, and sponsorship and premium concessions;
3. the contractor is responsible for any net loss from the center's operations but retains the first $4 million of any net profit; and
4. any net profit from its operations exceeding $4 million must be split equally between the contractor and CRDA.

CRDA Use of Sports Wagering Proceeds (§ 395)

The act eliminates a requirement that the OPM secretary, on the state's behalf, enter into an agreement with CRDA on the proceeds from retail sports wagering at the XL Center. Under prior law, the agreement had to require the state to distribute to CRDA a sum equal to these proceeds, as certified by the Connecticut Lottery Corporation each month. The act instead directly requires the secretary to distribute this sum and specifies that it must be from the General Fund.

The act expands CRDA's permitted uses of these funds to include establishing a capital reserve account for the XL Center. As under prior law, it may also use the funds for the center's operation.

§ 396 — CONNECTICUT AIRPORT AUTHORITY REPORT

Requires CAA to annually report to the legislature on airport finances and acquisition, closure, and expansion plans

Starting by October 1, 2023, the act requires the Connecticut Airport Authority's (CAA's) executive director to annually report to the Transportation and Finance, Revenue and Bonding committees on each airport it oversees. The report must (1) summarize each airport's operating and capital revenue and expenditures for the prior fiscal year and (2) give an overview of any acquisition, closure, or expansion plans in the coming year.

EFFECTIVE DATE: July 1, 2023

§§ 397-409 — REVENUE ESTIMATES

Adopts revenue estimates for FYs 24 and 25 for appropriated state funds

The act adopts revenue estimates for FYs 24 and 25 for appropriated state funds, as shown in the table below.

Revenue Estimates for FYs 24 and 25

Fund	*FY 24*	*FY 25*
General Fund	$22,505,300,000	$23,103,700,000
Special Transportation Fund	2,352,600,000	2,354,500,000
Mashantucket Pequot and Mohegan Fund	52,600,000	52,600,000
Banking Fund	34,800,000	35,900,000
Insurance Fund	104,600,000	135,400,000
Consumer Counsel and Public Utility Control Fund	37,200,000	38,200,000
Workers' Compensation Fund	28,900,000	29,200,000
Criminal Injuries Compensation Fund	3,000,000	3,000,000
Tourism Fund	17,500,000	16,200,000
Cannabis Social Equity and Innovation Fund	5,800,000	10,200,000
Cannabis Prevention and Recovery Services Fund	2,500,000	3,500,000
Cannabis Regulatory Fund	10,100,000	10,300,000
Municipal Revenue Sharing Fund	574,300,000	574,400,000

EFFECTIVE DATE: July 1, 2023

§§ 410-418 — STATE VOTING RIGHTS ACT

Prohibits election methods that impair a protected class member's right to vote or dilute their vote; authorizes the secretary of the state and others to file a court action and authorizes the court to impose tailored remedies for violations; creates a statewide election database; establishes requirements for municipal language assistance; establishes a preclearance process requiring certain jurisdictions to get approval for certain election-related policies; prohibits intimidation, deception, or obstruction related to voting; allows aggrieved parties to seek remedies in court

The act generally codifies into state law several aspects of the federal Voting Rights Act of 1965 ("VRA"), which bans discrimination in voting and elections and establishes a mechanism to require certain jurisdictions with a history of discrimination against racial and language minorities to seek preapproval before changing their election laws.

Broadly, the act prohibits municipalities from (1) employing election methods in municipal elections that dilute the vote of protected class members or (2) imposing certain practices or policies in a way that impairs protected class members' right to vote. Under the act, a "protected class" is a class of citizens who are members of a race, color, or language minority group as referenced in the federal VRA. The act correspondingly authorizes the secretary of the state and certain aggrieved parties to file a civil action in Superior Court after following a procedure the act establishes (§ 411).

The act also generally prohibits engaging in intimidating, deceptive, or obstructive acts that affect the right to vote, and allows the secretary and certain aggrieved parties to file actions in Superior Court alleging violations (§ 415).

The act additionally requires:

1. the secretary to establish a statewide election information database (§ 412);
2. certain municipalities to provide language-related assistance in voting and elections (§ 413); and
3. certain jurisdictions to get preclearance from the secretary or Superior Court before enacting or implementing certain elections policies or requirements, and authorizes court action to prevent enacting or implementing these policies without preclearance (§ 414).

For violations of the act, the secretary and certain aggrieved parties may file an action in Superior Court to enforce the act's provisions. The act authorizes the court to award reasonable attorney's fees and litigation costs to a prevailing party, except the state or a municipality, that filed an action to enforce the act's provisions. The filing party is considered to have prevailed if, because of the litigation, the other party yielded much or all the relief sought in the action. A prevailing party that did not file the action cannot receive any costs unless the court finds the action is frivolous, unreasonable, or without foundation (§ 418).

Lastly, the act specifies that any voting statute, regulation, special act, home rule ordinance, or other state or municipal enactment must be construed liberally in favor of (1) protecting the right to vote and having the vote be valid and counted, (2) ensuring qualified individuals may register to vote, (3) providing voting access to qualified individuals, and (4) ensuring equal access for protected class members (§ 416). And nothing in the act may be construed to limit the (1) Commission on Human Rights and Opportunities' powers or (2) State Elections Enforcement Commission's (SEEC) attempts to secure voluntary compliance in remedying election-related violations (§ 417).

EFFECTIVE DATE: July 1, 2023, except that provisions on the statewide elections database, language-related assistance, and preclearance are effective January 1, 2024.

Prohibition on Impairing Protected Class Members' Voting Rights or Diluting Their Votes (§ 411)

Broadly, the act prohibits municipalities from (1) imposing certain practices or policies in a way that impairs protected class members' right to vote and (2) employing election methods in municipal elections that dilute the vote of protected class members. It establishes a process for certain parties to file actions with the Superior Court alleging municipalities violated these prohibitions, as well as remedies the court may issue. It also allows municipalities to adopt resolutions and remedies for potential violations and enter agreements with aggrieved parties.

Under the act, "voting" is any action needed to cast a ballot and make the ballot effective in an election or primary (e.g., absentee ballot applications and admission as an elector).

Impairing Protected Class Members' Right to Vote (§ 411(a)). The act prohibits municipalities from doing any of the following in a way that impairs a protected class member's right to vote:

1. imposing voting prerequisites or qualifications to be an elector;
2. enacting ordinances, regulations, or other laws on election administration; or
3. applying standards, practices, procedures, or policies.

More specifically, the act makes it a violation of this prohibition if the municipality does any of the above and it (1) results, or will result, in a disparity between protected class members' and the general electorates' electoral or political

participation or voting access or (2) impairs members' ability to participate in the political process, elect their chosen candidates, or otherwise influence an election's outcome, based on the totality of the circumstances.

The act also establishes factors the court may consider when determining whether a violation of this provision has occurred (see *Court Determination Class Members' Right to Vote is Impaired* below*).*

Diluting the Vote of Protected Class Members (§ 411(b)). In elections for municipal office, the act also prohibits municipalities from using any election method that dilutes the vote of protected class members and, in doing so, impairs or intends to impair members' ability or opportunity to participate in the political process, elect their chosen candidates, or otherwise influence an election's outcome.

More specifically, the act makes it a violation if:

1. a municipality elects candidates to its legislative body using (a) an at-large election method (i.e., all municipal electors vote on the candidates), (b) a district-based method (i.e., for municipalities divided into districts, candidates for districts must reside there and are voted on by only that district's electors), or (c) an alternative election method (i.e., an election method other than an at-large or district-based method, such as ranked-choice voting, cumulative voting, and limited voting);
2. protected class members' preferred candidates or electoral choices would usually be defeated; and
3. either (a) divergent voting patterns occur and the election method results in a dilutive effect on the vote of protected class members or (b) based on the totality of the circumstances, members' ability to participate in the political process, elect their chosen candidates, or otherwise influence election outcomes is impaired.

Under the act, "divergent voting patterns" are voting in which protected class members' preferred candidate or electoral choice differs from that of other electors. The act establishes factors the Superior Court must consider when determining if divergent voting patterns occur or an election method has a dilutive effect (see *Court Determination on Divergent Voting Patterns and Diluted Votes* below).

A "municipality" is any town, city, or borough, whether consolidated or unconsolidated; any local or regional school district; fire district; water district; sewer district; fire and sewer district; lighting district; village, beach, or improvement association; other district wholly within a town that can make appropriations or tax; or any other district authorized under the general statutes. The "legislative body" is a municipality's board of aldermen, council, board of burgesses, representative town meeting, board of education, district committee, association committee, or other similar body, as applicable.

Initiating Court Action (§ 411(d)). The act authorizes an aggrieved person, an organization whose membership includes or likely includes aggrieved persons (collectively referred to below as "aggrieved parties") or the secretary of the state to file actions for violations of these prohibitions with the Superior Court for the judicial district where the violation occurred. Members of two or more protected classes may jointly file if they are politically cohesive in the municipality.

Notification Letter Before Filing Action (§ 411(g)). Before filing a court action against a municipality for an alleged violation, the act requires an aggrieved party to send a notification letter asserting a violation to the municipality's clerk by certified mail, return receipt requested. The act prohibits the party from filing an action earlier than 50 days after sending this letter.

Municipal Response to Notice of Violation (§ 411(g)). Before receiving a notification letter, or within 50 days after a notification letter is sent to a municipality, the municipality's legislative body may pass a resolution to (1) affirm the municipality's intent to enact and implement a remedy for a potential violation, (2) provide specific measures the municipality will take to obtain approval of and implement the remedy, and (3) provide a schedule for enacting and implementing the remedy.

The act further prohibits an aggrieved party from filing a court action within 90 days after the resolution's passage. Thus, if the municipality does not pass a resolution within 50 days after receiving a notification letter, the aggrieved party may file an action at that time. If the municipality passes a resolution before the 50-day deadline, the aggrieved party must wait until 90 days after the resolution passes to file a court action.

If under state law, town charter, or home rule ordinance, a municipal legislative body lacks authority to enact or implement a remedy identified in any resolution within 90 days after its passage, or if the municipality is a covered jurisdiction under the act (see *Preclearance of Covered Policies by Covered Jurisdictions* below*)*, then its legislative body must hold at least one public hearing on any proposed remedy to the potential violation. Before the hearing, the municipality must conduct public outreach, including to language minority groups, to encourage input. The municipality's legislative body may approve any proposed remedy that complies with the act and submit it for the secretary's approval (see *Secretary Approval* below).

Agreement Between Municipality and Aggrieved Party (§ 411(g)). The act allows a municipality that passed a resolution to enter into an agreement with an aggrieved party who sent a notification letter, so long as the (1) party will not file an action within 90 days after entering into the agreement and (2) municipality will either (a) enact and implement a

remedy that complies with the act's provisions or (b) pass a resolution as described above and submit it to the secretary. If the party declines to enter into an agreement, it may file an action at any time, subject to the timelines described above.

Secretary Approval (§ 411(g)). When municipalities must submit any proposed remedy to the secretary (i.e., covered jurisdictions or those not authorized to enact the remedy within 90 days), the act requires the secretary to approve or reject the proposed remedy within 90 days after the municipality submits it. She may make a determination independent of the state's election laws or any special act, charter, or home rule ordinance. But if she does not act on it within this period, the act prohibits the proposed remedy from being enacted or implemented. The secretary may require the municipalities or any other party to provide additional information on the proposed remedy.

The secretary may only approve the proposed remedy if she concludes that the municipality may be violating the act's requirements and the proposed remedy (1) would address a potential violation, (2) does not violate the state constitution or federal law, and (3) can be implemented without disrupting an ongoing or imminent election.

If approved, the proposed remedy must be enacted and implemented immediately, unless it would disrupt an imminent or ongoing election, in which case it must be implemented as soon as possible. If the municipality is a covered jurisdiction, it does not also have to get the proposed remedy precleared (see *Preclearance of Covered Policies by Covered Jurisdictions* below).

If the secretary denies the proposed remedy, it cannot be enacted or implemented. In addition, she must give her reasons for the denial and may recommend another proposed remedy that she would approve.

Cost Reimbursement (§ 411(g)). Under the act, if a municipality enacts or implements a remedy or the secretary approves a proposed remedy, then an aggrieved party who sent a notification letter about a potential violation related to the implemented remedy may submit a municipal reimbursement claim for the costs associated with producing and sending the letter. The party must (1) submit this claim in writing within 30 days after the remedy's enactment, implementation, or approval and (2) substantiate it with financial documentation, including a detailed invoice for any demography services or analysis of municipal voting patterns.

Upon receiving a claim, the municipality may ask for additional financial documentation if the provided information is insufficient to substantiate the costs. The act requires the municipality to reimburse the party for reasonable costs claimed or for an amount to which the party and municipality agree, but it caps the total reimbursement amount to all involved parties (other than the secretary) at $50,000 adjusted to any change in the consumer price index for all urban consumers. If a party and municipality fail to agree to a reimbursement amount, either one may file an action for a declaratory ruling in the Superior Court for the judicial district where the municipality is located.

Court Determination on Divergent Voting Patterns and Diluted Votes (§ 411(b)). The act requires the court to consider certain factors as more probative (i.e., tending to prove or disprove a point) than others when determining whether (1) divergent voting patterns occur or (2) an election method results in a dilutive effect on protected class members' votes. Specifically, the court must consider:

1. elections held before the action's filing as more probative than elections conducted afterward,
2. evidence about elections for municipal office as more probative than evidence about elections for other offices, and
3. statistical evidence as more probative than nonstatistical evidence.

The act prohibits the court from (1) requiring evidence of the electors', elected officials', or municipality's intent to discriminate against protected class electors and (2) considering causes or reasons for divergent voting patterns or dilutive effects.

Under the act, if two or more protected classes bring claims, the court must combine the classes if they are politically cohesive in the municipality. The court cannot require evidence that each class is separately divergent from other electors.

Court Determination Class Members' Right to Vote is Impaired (§ 411(c)). The act allows the court to consider the following when determining, based on the totality of the circumstances, whether an impairment of protected class members' voting rights, ability to elect their chosen candidates, or otherwise influence elections' outcomes has occurred:

1. the municipality's or state's history of discrimination;
2. the extent to which protected class members were elected to municipal office;
3. enhanced dilutive effects of a municipality's election method due to its use of any (a) elector qualification or other voting prerequisite; (b) statute, ordinance, regulation, or other law on election administration; or (c) related standard, practice, procedure, or policy;
4. any history of protected class members' or candidates' unequal access to election administration or campaign finance processes that determine which candidates will receive ballot access or financial or other support for municipal office;
5. the extent to which protected class members in the municipality or state historically made campaign expenditures at lower rates than other individuals in the municipality or state;
6. the extent to which protected class members in the municipality or state vote at lower rates than other individuals

in the municipality or state, as applicable;

7. the extent to which protected class members in the municipality are disadvantaged or otherwise bear the effects of discrimination in ways that may hinder their ability to participate effectively in the political process (e.g., education, employment, health, criminal justice, housing, transportation, land use, environmental protection, or other areas);
8. the use of overt or subtle racial appeals in political campaigns in the municipality, or surrounding the adoption or maintenance of challenged practices;
9. the extent of hostility or barriers candidates who are protected class members face, due to their membership in the class, while campaigning;
10. a significant or recurring lack of responsiveness of elected municipal officials to protected class members' needs (responsiveness does not include compliance with a court order); and
11. whether a valid state interest exists for a particular (a) election method; (b) ordinance, regulation, or other law on election administration; or (c) related standard, practice, procedure, or policy.

No combination or number of factors is required for a determination of impairment.

Court Remedies (§ 411(e)). Under the act, the court must order appropriately tailored remedies when it finds a municipal violation of the above-prohibited acts, regardless of the state's election laws or any special act, charter, or home rule ordinance, and even if normally precluded by municipal law or special acts relating to the conduct of elections. The remedy must (1) not contravene the state constitution, (2) ensure protected class members can equitably participate in the political process, (3) not impair protected class members' ability to elect their candidates of choice or otherwise influence the election outcome, (4) be implemented in a way that will not disrupt an imminent or ongoing election, and (5) take into account the ability of the municipality's election administration officials to implement the remedy in an orderly and fiscally sound manner.

These remedies include:

1. a district-based or an alternative election method;
2. new or revised districting or redistricting plans;
3. eliminating staggered elections so that legislative body members are simultaneously elected;
4. a reasonable increase in the legislative body's size;
5. additional voting days, voting hours, or polling locations;
6. additional means of voting or opportunities to return ballots;
7. holding special elections;
8. expanded elector admission opportunities;
9. additional elector education; or
10. restoring or adding people to registry lists.

The court may also retain jurisdiction and place a moratorium on implementing any eligibility qualifications or prerequisites, voting standards, practices, or procedures that are different than those in effect when an action was filed with the court (see *Initiating Court Action* above). The moratorium must remain in place until the court determines whether the qualification, prerequisite, standard, practice, or procedure does not have the purpose, and will not have the effect, of impairing the right to vote based on protected class membership or violating the act's provisions. The finding cannot preclude a future cause of action preventing enforcement.

The act requires the court to consider remedies proposed by any involved party and other interested persons, but it prohibits giving deference or priority to a municipality's proposed remedy.

Proposals After Letter or Court Filing (§ 411(f)). Under the act, after receiving a notification letter or the filing of a court action alleging a violation of the act or federal VRA, a municipality must have its legislative body take certain actions on any proposal to enact and implement a new (1) election method to replace an at-large method or (2) districting or redistricting plan.

Before drawing a draft districting or redistricting plan, or transitioning to an alternative election method, the act requires the municipality to hold at least one public hearing to receive input on the draft or proposal. Notice of the hearing must be published at least three weeks before the hearing. The act also requires the municipality to do public outreach before the hearing, including to language minority groups, to explain the districting or redistricting process and encourage input.

The act requires the municipality to publish and make available for public dissemination the draft districting or redistricting plans after they are drawn, but at least three weeks before a public hearing. The information must include the potential election sequence if the municipality's legislative body members will be elected to staggered terms under the plan.

The act requires the municipality to hold at least one public hearing to discuss the draft or proposal. It must also publish and make available for public dissemination any plan or plans revised at or after the hearings at least two weeks before adopting them.

Preliminary Election Relief (§ 411(g)). Under the act, an aggrieved party may seek preliminary relief from the court for an upcoming regular election held in a municipality by filing an action during the 120 days before the election. To do so, the party must also send a notification letter to the municipality before they file. The act requires the court to grant relief if it determines that the (1) aggrieved party has shown a substantial likelihood of success on the merits and (2) remedy would resolve the alleged violation before the election and not unduly disrupt it.

If the action is withdrawn or dismissed as moot due to the municipality enacting or implementing a remedy or the secretary approving a proposed remedy, then the party may only submit a reimbursement claim for costs associated with the notification letter (see *Cost Reimbursement* above).

Statewide Elections Information Database (§ 412)

The act requires the secretary to establish a statewide information database to help the state and any municipality (1) evaluate whether, and to what extent, current election laws and practices meet the act's provisions; (2) implement best practices in election administration to further the act's purposes; and (3) investigate potential infringements of voting rights. The database must be published on the secretary's website, excluding any data or information that identifies individual voters.

The act requires her to designate an employee of her office to serve as the database manager. This employee must hold an advanced degree from an accredited college or university, or have equivalent experience, and have expertise in demography, statistical analysis, and electoral systems. The act allows (1) the manager to operate the database and manage staff as needed to implement and maintain it and (2) the secretary to give nonpartisan technical assistance to municipalities, researchers, and the public on using the database's resources. She may enter into an agreement with UConn or a CSCU member to perform or assist in performing these functions.

Database Contents. Under the act, the database must electronically maintain, at minimum, the following data and records from at least the last 12 years:

1. estimates of total population, voting-age population, and citizen voting-age population by race, color, and language minority group, broken down annually to the municipal district level, based on information from the U.S. Census Bureau, including from the American Community Survey (ACS), or information of comparable quality collected by a similar governmental agency, accounting for population adjustments for incarcerated individuals as required under state law;
2. district level election results for each statewide and municipal election;
3. regularly updated registry lists, geocoded locations for each elector, and voter history files for each election in each municipality;
4. contemporaneous maps, boundary descriptions, and similar items in shapefiles or a comparable electronic format if available;
5. geocoded locations for polling places and absentee ballot drop boxes for each election in the municipality, including a list or description of the location's service area; and
6. any other information the secretary deems advisable to further the act's purposes.

Except for data, information, or estimates that identify individual electors, this information must be made publicly available in an electronic format at no cost. Under the act, any estimate prepared under these provisions must use the most advanced, peer-reviewed, and validated methodologies. The act also establishes a rebuttable presumption that the data, estimates, or other information maintained in the database is valid in any action due to the impairment of protected classes' voting rights or diluting of their votes.

The act requires municipal election administrators to transmit any election-specific information listed above in electronic format to the secretary after certifying election results and completing the post-election voter history file. Additionally, on an annual basis, or as she requests, the Criminal Justice Information Systems Governing Board and any other state entity identified by the secretary must transmit any data, statistics, or information that the office requires to carry out its duties and responsibilities.

Once she is prepared to administer the database, she must certify this in a report to the Government Administration and Elections Committee.

Language-Related Assistance (§ 413)

Impacted Municipalities (§ 413(b) & (c)). The act requires a municipality to provide language-related assistance in voting and elections if the secretary determines a significant and substantial need exists based on ACS information or data of comparable quality.

Under the act, the secretary must find that a significant and substantial need exists if:

1. more than 2% of the municipality's voting-age citizens speak a particular shared language and are limited English proficient individuals (i.e., do not speak English as their primary language and speak, read, or understand the English language less than "very well," according to U.S. Census Bureau data or data of comparable quality collected by a governmental entity);
2. more than 4,000 of the municipality's voting-age citizens speak a particular shared language and are limited English proficient individuals; or
3. for a municipality with part of a Native American reservation, more than 2% of the reservation's Native American voting-age citizens speak a particular shared language and are limited English proficient individuals ("Native American" includes anyone recognized as "American Indian" by the U.S. Census Bureau or the state of Connecticut).

Starting by January 15, 2024, the secretary must annually publish on the office's website a list of municipalities that must provide language assistance and which languages they each must cover. She must also give this information to every impacted municipality.

Assistance Provided (§ 413(d) & (e)). Under the act, these municipalities must give electors who are limited English proficient individuals voting materials in English and each designated language, including registration or voting notices, forms, instructions, assistance, ballots, or other materials or information about the electoral process. The requirement does not apply for a language minority group whose language is oral or unwritten, allowing the municipality to instead provide the information orally.

The translated materials must be of equal quality as the English materials and convey the intent and essential meaning of the original text or communication, including live translation whenever available. A municipality may not rely solely on an automatic translation service.

Review Process (§ 413(f)). The act requires the secretary, through regulation, to establish a review process for determining whether a significant or substantial need for language assistance exists if it has not already been established through the process outlined above. This process must include:

1. accepting requests for her to consider designating a language from (a) electors, (b) organizations that include or likely include electors, (c) organizations whose mission would be frustrated if language assistance was not provided, or (d) organizations that would expend resources to rectify a lack of language assistance;
2. an opportunity for public comment; and
3. allowing her, as part of this determination process, to designate a language-assistance need for any municipality after considering the request and public comment.

Court Action (§ 413(g)). The act allows aggrieved parties and the secretary of the state to file an action for violations of these provisions in the Superior Court for the judicial district where the violation occurred. However, no determination by the secretary to designate a municipality or language for assistance may be considered a violation.

Preclearance of Certain Policies by Covered Jurisdictions (§ 414)

The act subjects certain covered jurisdictions (see below) to preclearance by the secretary or the Superior Court for the judicial district the jurisdiction is in before enacting or implementing certain election- or voting-related actions or policies ("covered policies," see below). The secretary may adopt regulations to implement these preclearance procedures.

Under the act, when a municipality submits a policy for preclearance to the secretary or Superior Court, the covered jurisdiction bears the burden of proof.

Covered Policies (§ 414(b)). Under the act, a "covered policy" includes any new or modified elector admission qualification, voting prerequisite, or related standard, practice, procedure, or policy regarding:

1. election methods;
2. forms of government;
3. annexation, incorporation, dissolution, consolidation, or division of a municipality;
4. removal of individuals from registry or enrollment lists and other activities concerning these lists;
5. polling place hours and the number and location of polling places and absentee ballot drop boxes;
6. the district assignment of polling places and absentee ballot drop box locations; or
7. assistance offered to protected class members.

Policies on redistricting or districting are also subject to preclearance if the municipality is a covered municipality and, within the past 25 years, has:

1. had at least three court orders or government enforcement actions for violating the act's provisions, the federal VRA, a state or federal civil rights law, or the U.S. Constitution's 14th or 15th Amendments, on the right to vote or a pattern, practice, or policy of discrimination against a protected class or
2. been subject to a court order or government enforcement action on districting, redistricting, or election methods.

Under the act, government enforcement actions include (1) any denial of administrative or judicial preclearance by the state or federal government, (2) pending litigation filed by a state or federal entity, (3) final judgment or adjudication, (4) a consent decree, or (5) a similar formal action.

Covered Jurisdictions (§ 414(c)). The act requires the secretary, at least annually, to identify and publish on the office's website a list of "covered jurisdictions" that becomes effective upon publication. Covered jurisdictions include any municipality:

1. that, within the last 25 years, was subject to a court order or government enforcement action (see above) based on a finding of a violation of the act's provisions, the federal VRA, a state or federal civil rights law, or the U.S. Constitution's 14th or 15th Amendments concerning the right to vote or a pattern, practice, or policy of discrimination against a protected class;
2. that, within the last three years, failed to comply with its obligations to provide data or information to the statewide database, excluding inadvertent or unavoidable delays communicated to the secretary and corrected in a reasonable time;
3. in which protected class members makeup at least 10% of eligible voters or 1,000 eligible electors and (a) during any of the last 10 years, the combined misdemeanor and felony arrest rate for any protected class exceeded the combined arrest rate of the municipality's entire population by at least 20%, based on data from the state criminal justice information systems and excluding municipalities that are school districts, or (b) the voter turnout rate of protected class members for general elections was at least 10% lower than the percentage of all voters; or
4. that, on or after January 1, 2034, enacted or implemented a covered policy during any of the previous 10 years without obtaining preclearance under the act when required to do so.

Any estimates prepared to identify a covered jurisdiction must use the most advanced, peer-reviewed, and validated methodologies. Additionally, a determination by the secretary for inclusion as a covered jurisdiction may be appealed under the Uniform Administrative Procedure Act (UAPA).

Secretary Preclearance: Public Comment and Review Period (§ 414(e)). If a covered jurisdiction seeks preclearance from the secretary (rather than Superior Court), it must submit its covered policy in writing to her. As soon as practicable, but within 10 days after receiving the submission, the secretary must publish the submitted covered policy on the office's website.

Before granting or denying the preclearance, the secretary must allow interested parties to submit written comments on the covered policy. She must provide a means for the public to receive notifications or alerts of preclearance submissions as well.

The act also sets a deadline for her to render a decision on a submission. The comment period and the secretary's decision period run concurrently and vary depending on the type of policy submitted, as shown in the table below.

Preclearance Comment and Secretary's Decision Periods

General Policy	*Comment Period*	*Secretary Review and Decision Period*
Location of polling places or absentee ballot drop boxes	10 business days	Within 30 days after submission; may extend up to 20 additional days
District-based election methods, districting or redistricting plans, or a change to the municipality's form of government	20 business days	Within 90 days after submission; may extend up to 90 additional days twice
All other policies	10 business days	Within 90 days after submission; may extend up to 90 additional days twice

During the review period, she may ask the covered jurisdiction for any additional information needed for her determination. Failure to provide this information may be grounds for preclearance denial.

Secretary Preclearance: Determinations (§ 414(e)). After her review, the secretary must publish a report of her determination on the secretary of the state's website. She must provide one of three responses in her determination: approval, denial, or preliminary preclearance.

If preclearance is approved, the jurisdiction may implement the policy. However, the secretary's determination may not be admitted or considered by a court in an action challenging the policy. A covered policy is precleared if the secretary does not act within the required time.

If preclearance is denied, she must provide the objections serving as the basis for denial and the covered policy may not be enacted or implemented. The act only allows the secretary to deny preclearance to a covered policy if she determines that it will more likely than not (1) diminish protected class members' ability to participate in the political process, elect their choice candidates, or otherwise influence the election or (2) violate the act's provisions. The act authorizes any denial to be appealed as allowed under the UAPA. The appeal must be prioritized for trial assignment.

The secretary may also designate a policy for preliminary preclearance that may be implemented immediately, subject to a final preclearance decision within 90 days after the original submission.

The act also authorizes her to establish regulations for an expedited, emergency preclearance process for covered policies submitted during or immediately preceding an attack, disaster, emergency, or other exigent circumstance. Any policy submitted under these circumstances may only be designated for preliminary preclearance.

Superior Court Preclearance (§ 414(f)). Alternatively, the act allows a covered jurisdiction to seek preclearance for a covered policy from the Superior Court for the judicial district the jurisdiction is in instead of from the secretary. The covered jurisdiction must submit the policy to the court in writing and simultaneously copy the secretary. Failing to provide this copy results in automatic denial. The act gives the court exclusive jurisdiction over the submission despite the requirement to give the secretary a copy. Just as under the preclearance process with the secretary, the covered jurisdiction bears the burden of proof for any preclearance determination.

Under the act, the court must grant or deny the preclearance within 90 days after receiving the submission. Granting preclearance has the same effect as if the secretary granted it (i.e., the jurisdiction may enact the policy immediately and preclearance is inadmissible in any later court actions challenging the policy).

However, the court may deny preclearance only if it determines that the policy will more likely than not (1) diminish the protected class members' ability to participate in the political process, elect their choice candidates, or otherwise influence the election or (2) violate the act's provisions.

If the court denies preclearance or does not decide on it within 90 days, the covered policy cannot be enacted or implemented. The act allows a denial to be appealed under the ordinary rules of appellate procedure, and it must be prioritized for appeal assignment.

Court Action to Enjoin a Covered Policy (§ 414(g)). The act authorizes the secretary or aggrieved parties to bring an action in the Superior Court for the judicial district the jurisdiction is in to enjoin enacting or implementing a covered policy without this preclearance and to seek sanctions.

Acts of Intimidation, Deception, or Obstruction (§ 415)

Prohibited Acts. The act prohibits anyone, whether acting in an official governmental capacity or otherwise, from engaging in intimidating, deceptive, or obstructive acts that will likely interfere with any elector's right to vote.

Under the act, these prohibited acts are:

1. using or threatening to use force, violence, restraint, abduction, or duress; inflicting or threatening to inflict injury, damage, harm, or loss; or any other type of intimidation;
2. knowingly using a deceptive or fraudulent device, contrivance, or communication that causes interference; or
3. obstructing, impeding, or otherwise interfering with (a) access to a polling place, absentee ballot drop box, or an election official's office or place of business or (b) an elector or election official, in a manner that will likely cause a delay in the voting process.

Court Action. The act allows aggrieved parties to bring an action in the Superior Court for the judicial district the violation occurred in. They may do so regardless of any action SEEC, the attorney general, or state's attorney files. Any complainant must certify they have copied SEEC on the complaint through first-class mail or delivery or will copy SEEC not later than the following business day.

When finding a violation of these provisions, the act requires the court, regardless of state election laws, any special act, charter, or home rule ordinance, to order appropriately tailored remedies to address the violation, including additional time to vote at an election, primary, or referendum. It makes violators of these provisions, and anyone who helps commit them, liable for court-awarded damages, including nominal damages and compensatory or punitive damages for willful violations.

The act's prohibition applies regardless of certain state election law provisions that establish prohibited acts and associated criminal penalties. For example, under these existing laws, influencing or attempting to influence an elector to stay away from an election by force or threat, bribery, or corrupt, fraudulent, or deliberately deceitful means is a class D felony (see Table on Penalties).

§ 419 — STANDARD WAGE LAW

Modifies the state's standard wage law to, among other things, (1) require contractors covered by the law to meet certain notice posting requirements, (2) specify which benefits are covered by the 30% surcharge that contractors must pay under certain circumstances, and (3) allow aggrieved employees to bring a civil action in Superior Court

The state's standard wage law generally requires private contractors who perform building and property maintenance, property management, or food service work under state contracts to pay their employees a certain level of wages and benefits set by a statutorily defined process. The act does the following:

1. expands the law to cover contractors who provide security services under these contracts;
2. specifies that each pay period in which an employee is paid less than the required standard wage rate is a separate violation (subject to a $2,500 to $5,000 fine under existing law);
3. requires covered contractors, for the duration of a covered contract, to annually (a) contact the labor commissioner by September 1 to get the applicable standard wage and (b) make any necessary adjustments by October 1;
4. adds related notice posting requirements; and
5. modifies the law's enforcement provisions, including by allowing aggrieved employees to bring a civil action in Superior Court instead of bringing a complaint to the labor commissioner.

By law, the covered contractors must pay their covered employees a standard rate of wages that includes the "prevailing rate of wages" and the "prevailing rate of benefits" received by most employees doing the same type of work under a union contract that covers the largest number of hourly nonsupervisory employees (but at least 500) in Hartford County. If there is no prevailing rate of benefits, then the contractor must either (1) pay a 30% surcharge to cover the cost of any health, welfare, and retirement benefits or (2) pay them an extra 30% directly if the contractor does not provide its employees benefits. The act specifies that the benefits covered by the surcharge do not include those required by federal, state, or local law.

EFFECTIVE DATE: October 1, 2023

Posting Requirements

The act requires the covered contractors to post in a prominent and accessible place a poster stating (1) the standard rates of wages owed to employees, (2) employee rights and remedies for violations of the law, and (3) the labor commissioner's contact information. They must do so by the first day that work must be performed under a covered contract and for the contract's duration.

The act requires the labor commissioner to develop a suitable poster with the information required above and give it to the covered contractors. It also requires her to post the department's determinations of the corresponding standard rates for each job classification on its website.

Enforcement

Prior law allowed the labor commissioner and certain other Department of Labor employees to enter a covered contractor's business and conduct certain investigative activities (e.g., examine records) upon receiving a complaint about nonpayment of the standard rate of wages. The act (1) allows these officials to conduct these activities without first receiving a complaint and (2) explicitly allows an employee or a group of employees and their designated representatives to bring a complaint about nonpayment of the standard wage with the labor commissioner.

The act also allows an employee or group of employees aggrieved by a violation of the standard wage law to bring a civil action in Superior Court instead of bringing a complaint to the labor commissioner. If the court finds that the employer violated the law, it may order (1) the employer to stop engaging in the violation; (2) any affirmative action it deems appropriate, including paying back pay and the prevailing rate of benefits or the 30% surcharge required by the law; or (3) other equitable relief. The act also allows the court to order compensatory and punitive damages if it finds that the employer committed a violation with malice or reckless indifference. It may also award attorney's fees and court costs.

§§ 422 & 428 — COOPERATIVE PURCHASING AND PURCHASES FROM OTHER STATES

Allows state agencies, with DAS approval, to make purchases directly from other states; expands the circumstances under which UConn and CSCU may make cooperative purchases

State Agencies (§ 422)

The act allows state agencies, with the approval of the Department of Administrative Services (DAS) commissioner or her designee, to purchase equipment, supplies, materials, and services directly from another state or its instrumentalities or political subdivisions. Under existing law, state agencies, if approved by the DAS commissioner or her designee, may purchase these goods and services from, among others, a person with a contract to sell them to other state governments.

UConn and CSCU (§ 428)

The act expands the authority for UConn and the Connecticut State Colleges and Universities (CSCU) to make cooperative purchases or purchases under an existing contract held by another entity (i.e., "piggyback"). (CSCU includes the state universities, regional community-technical colleges, and Charter Oak State College.)

Specifically, the act allows UConn and CSCU to join with another Connecticut state branch, division, or department, or with one another, in a cooperative purchasing plan if it would serve the state's best interests. It also allows UConn and CSCU to purchase goods and services from a person with a contract to sell them to any of these entities or a federal agency.

Existing law allows UConn and CSCU to (1) join with specified entities in a cooperative purchasing plan (e.g., a federal agency or another state government) and (2) purchase goods and services from a person that has a contract to sell them to specified entities (e.g., another state government or a nonprofit organization).

EFFECTIVE DATE: Upon passage

§ 423 — EXEMPTION FROM POSTING CONTRACTS ONLINE

Exempts, from a requirement that DAS post on its website any goods or services contract entered into without competitive bidding or competitive negotiation, minor nonrecurring or emergency purchases of $25,000 or less

Prior law required DAS to post on its website any goods or services contract entered into without competitive bidding or competitive negotiation. The act exempts from this requirement minor nonrecurring or emergency purchases of $25,000 or less.

EFFECTIVE DATE: Upon passage

§ 424 — FILINGS BY STATE INFORMATION TECHNOLOGY CONTRACTORS

Eliminates a requirement that state IT contractors file a copy of executed subcontracts or subcontract amendments with the DAS commissioner

The act eliminates a requirement that state information technology (IT) contractors file a copy of executed subcontracts or subcontract amendments with the DAS commissioner. Existing law, unchanged by the act, prohibits IT contractors from awarding a subcontract unless the DAS commissioner (or a designee) approves the subcontractor selection.

EFFECTIVE DATE: Upon passage

§§ 425, 426 & 429 — COMPETITIVE PROCESSES FOR GOODS AND SERVICES PURCHASES

Increases, for UConn, CSCU, and state agencies, the thresholds at which (1) goods and services procurements must be advertised online (from $50,000 to $100,000) and (2) competitive bidding may be waived for minor purchases (from $10,000 to $25,000); increases the threshold at which the Standardization Committee must approve a competitive bidding waiver for certain emergency procurements

State Agencies (§§ 425 & 426)

Existing law generally requires executive branch state agencies to make goods and services purchases using competitive bidding or competitive negotiation when possible. The act increases, from $50,000 to $100,000, the threshold cost of a procurement that must be advertised on the State Contracting Portal at least five days before the submission deadline for responses (i.e., costs above this amount must be advertised). It also increases, from $10,000 to $25,000, the maximum cost of minor nonrecurring and emergency purchases for which the DAS commissioner may waive competitive bidding or negotiation.

Existing law also allows the DAS commissioner or the state's chief information officer, as applicable, to waive competitive bidding requirements in specified emergency situations. The act increases, from $50,000 or more to $100,000 or more, the cost of a procurement for which the Standardization Committee must approve the waiver. By law, the committee consists of the DAS commissioner, the state comptroller and state treasurer or their designees, and other department heads (or their authorized agents) designated by the governor.

UConn and CSCU (§ 429)

The act increases, from $50,000 to $100,000, the maximum cost of a goods and services procurement for which UConn and CSCU do not need to solicit competitive bids or proposals. Under the act, UConn and CSCU generally must make purchases of $100,000 or less in the open market but must base them, when possible, on three competitive quotations. If the purchase exceeds $100,000, then UConn and CSCU generally must solicit competitive bids or proposals by posting notice online at least five calendar days before the closing date for submitting bids or proposals.

Existing law sets several exceptions to the above purchasing requirements, including one for minor purchases. The act increases, from $10,000 to $25,000, the maximum cost of a minor purchase that is exempt from these requirements.
EFFECTIVE DATE: October 1, 2023

§ 427 — NONDISCRIMINATION AFFIRMATION

Allows state contractors to affirm their understanding of the law's nondiscrimination requirements with respect to sexual orientation by signing the contract

Existing law requires that each state contract have specified language requiring the contractor to agree to, among other things, not discriminate on the basis of sexual orientation (i.e., a nondiscrimination affirmation provision). Under prior law, the contract's authorized signatory had to show his or her understanding of this obligation by either (1) providing an affirmative response to a question about the provision in the required online bid or request for proposals or (2) initialing the affirmation provision in the contract.

The act adds the signing of the contract to the list of ways the signatory may show his or her understanding of these requirements. A parallel nondiscrimination statute (e.g., on the basis of race or religion, among other grounds) already allows signatories to show their understanding by signing the contract (CGS § 4a-60).
EFFECTIVE DATE: Upon passage

§ 430 — UCONN CAPITAL PROJECTS

For UConn construction manager at-risk projects to renovate existing buildings or facilities, allows (1) certain work to begin before the project's guaranteed maximum price (GMP) is determined and (2) a separate GMP to be determined for each phase of a multi-phase project

The act allows, for UConn construction manager at-risk (CMR) projects that involve renovating existing buildings or facilities, (1) certain work to begin before the project's guaranteed maximum price (GMP) is set and (2) a separate GMP to be set for each phase of a multi-phase project. Generally, the act aligns UConn's CMR requirements with those for DAS CMR projects (CGS § 4b-103).

By law, a CMR project may not proceed until the GMP is set, except for site preparation and demolition work for which contracts have previously been bid and awarded (see *Background*). For UConn CMR projects that involve renovating existing buildings or facilities, the act allows public utility installation and connections and building envelope components (e.g., roof, doors, windows, and exterior walls) to also begin before the GMP is determined, so long as (1) they have previously been bid and awarded and (2) the early work's total cost (including site preparation and demolition) is not more than 25% of the entire project's estimated construction cost.

The act also allows a separate GMP to be set for each phase of a multi-phase project that involves renovating an existing building while it remains occupied. Under prior law, one GMP was set for the entire project.
EFFECTIVE DATE: Upon passage

Background — CMR Projects

In a CMR project, the owner (e.g., UConn) hires a firm with construction experience (the construction manager or "CM"), usually during a project's design phase, to manage the entire construction process. The CM provides pre-

construction services such as estimating costs, budgeting, reviewing constructability and suggesting construction alternatives, and scheduling. Once the design is finalized, the CM seeks competitive bids from subcontractors for each project element (e.g., electrical, mechanical, carpentry, roofing). Once the subcontractors' bids are received and verified for compliance with project requirements, scope, and specifications, the CM and the project owner negotiate and set a GMP for construction. The CM assumes the risk to complete the project within the GMP.

The GMP includes the CM's fee, the cost of the work, and contingency funds for the project. The CM is responsible for costs that exceed the GMP, excluding any work not included in the final GMP that the owner authorizes through a change order process.

§§ 431 & 432 — UCONN CONTRACTOR PREQUALIFICATION

Generally increases the threshold requiring separate contractor prequalification by UConn to $1 million for capital projects; eliminates a requirement that the university separately prequalify contractors for each project and instead allows UConn to prequalify contractors for one year and renew the prequalification for two years

The law generally requires that contractors for state public works projects be prequalified by DAS if the cost of the work exceeds a specified threshold (which the act increases, see §§ 433-437 below). Prior law required UConn to separately prequalify contractors for each capital project whose cost exceeded $500,000. The act (1) increases the threshold for separate prequalification to $1 million and (2) allows the university to prequalify contractors for one year (rather than for each separate project) and renew the prequalification for up to two more years. It also makes conforming changes.

As under prior law, contractors seeking prequalification from UConn must show that they (1) have the financial, managerial, and technical ability and integrity needed to perform work for the university faithfully and efficiently; (2) are responsible and qualified based on experience with similar projects; and (3) do not have a conflict of interest. (The act also applies the third requirement, but not the first two, to projects costing between $500,000 and $1 million.)

The act allows UConn to include more qualification requirements in its discretion. Prior law also required that contractors seeking prequalification from UConn be prequalified by DAS. The act specifies that this requirement applies only when contractors are subject to DAS prequalification.

The act allows UConn to issue a prequalification confirmation to contractors that meet the act's requirements, valid for one year. UConn may renew the prequalification confirmation for up to two years after receiving a completed renewal application and any other materials it prescribes.

In eliminating the requirement that UConn separately prequalify contractors for projects costing between $500,000 and $1 million, the act instead subjects contractors for these projects to the prequalification requirements for state public works projects generally. Prior law generally required that contractors be prequalified by DAS if the cost of the work exceeded $500,000 (CGS § 4b-91(a)(2)). However, the act also increases this threshold to $1 million (see §§ 433-437 below), leaving no prequalification requirements for contractors on UConn projects costing $1 million or less.

The act also makes a parallel change to UConn projects awarded using the design-build (D-B) method (a delivery method in which a single firm designs and builds the project). Under prior law, a design-builder for a UConn project had to be prequalified by DAS if the project cost exceeded $500,000. Under the act, this requirement applies only if the project cost exceeds the threshold for DAS prequalification ($1 million under the act, see §§ 433-437 below).

EFFECTIVE DATE: October 1, 2023

§§ 433-437 — DAS CONTRACTOR PREQUALIFICATION AND RELATED THRESHOLDS

Increases, from $500,000 to $1 million, several thresholds relating to DAS contractor prequalification; requires contractors and substantial subcontractors to include specified information in their bids for DAS contracts of more than $500,000 but less than $1 million; requires DAS to hold an annual training on state contracting requirements

Prequalification-Related Thresholds (§§ 433-436)

Existing law generally requires that contracts for state-funded public works projects exceeding specified cost thresholds, other than highway and bridge projects administered by DOT, be awarded to a contractor that is prequalified by DAS. (DOT separately prequalifies contractors for transportation projects.)

The act increases, from $500,000 to $1 million, several thresholds relating to DAS contractor prequalification. Principally, it increases the cost at which certain capital projects receiving state funding must be awarded to a prequalified contractor. It also increases the thresholds for the related requirements shown in the table below.

Prequalification-Related Thresholds Increased From $500,000 to $1 Million

Section in Act	*Subject*	*Description*
433 & 436	Substantial subcontractors	For state or municipal projects exceeding this threshold and receiving state funds, a subcontractor must be prequalified if the cost of its subcontract exceeds the prequalification threshold for contractors (these subcontractors are referred to as "substantial subcontractors")
434	Contractor evaluations	For state or municipal projects that exceed this threshold and receive state funding, public agencies* must complete a contractor evaluation form and submit it to the DAS commissioner
435	Contract awards by awarding authorities	For projects exceeding this threshold, the "awarding authority" (i.e., DAS, the Legislative Management Committee, constituent units of higher education, and the Military Department) must advertise the contract on the State Contracting Portal and, using competitive bidding, award the contract to the lowest responsible and qualified contractor that is prequalified**
435	Contract awards by other public agencies	For projects exceeding this threshold and receiving state funding, public agencies* must advertise the contract on the State Contracting Portal and award the contract to a prequalified contractor**

*As defined in the Freedom of Information Act; includes state agencies, quasi-public agencies, and municipalities, among others

**Does not apply to DAS projects costing $1.5 million or less, see below

DAS Projects Costing $1.5 Million or Less (§ 435)

Existing law allows DAS, for projects costing $1.5 million or less and administered by the department, to establish a (1) list of preapproved contractors for these projects and (2) separate list for the purpose of using small contractors and minority business enterprises for certain projects. The act increases, from less than $500,000 to less than $1 million, the cost of a project for which DAS may use contractors from this separate list. It also increases, from more than $500,000 to more than $1 million, the cost of a project for which DAS must consider the contractor's ability to obtain the requisite bonding.

Requirements for Certain Projects Costing Less than $1 Million (§ 437)

The act requires contractors and substantial subcontractors to include specified information in response to bid invitations issued by the DAS commissioner for certain contracts for state or municipal public works projects. More specifically, the requirement applies to bids on contracts to construct, reconstruct, alter, remodel, repair, or demolish any public building or any other state or municipal public work that receives state funding and costs more than $500,000 but less than $1 million, but not public highway or bridge projects or any other DOT-administered construction project.

Generally, the information required by the act includes most of the same information that existing law requires for a prequalification application, with some exceptions (e.g., a statement of financial condition) (CGS § 4a-100). The required information includes (1) the bidder's form of organization, principals, and key personnel; (2) any legal or administrative proceedings settled or concluded adversely against the bidder within the past five years; (3) a statement about whether the bidder has previously been disqualified for specified reasons (e.g., state wage laws); and (4) other information the DAS commissioner deems relevant to determining the bidder's qualifications and responsibilities. (Unlike the prequalification application, however, the act does not require the contractor to include information about any financial, personal, or familial relationship with a construction project owner the contractor listed as constituting construction experience.)

Under the act, failing to disclose any of the required information disqualifies the contractor or substantial subcontractor from any associated bid on a contract.

The act also requires employers performing work under one of these contracts to participate in a workforce development program that gives new and existing employees the opportunity to develop skills. Programs may include (1) apprenticeship training through an apprenticeship program registered with the Department of Labor or a federally recognized state apprenticeship agency or (2) pre-apprenticeship training that enables students to qualify for registered apprenticeship training.

DAS Training Session (§ 437)

The act requires DAS, beginning by October 1, 2023, to hold an annual training session to discuss state contracting requirements.
EFFECTIVE DATE: October 1, 2023

Background — Related Act

PA 23-205, §§ 105 & 106, increases, from $500,000 to $1 million, the maximum cost of a capital project that executive branch agencies generally may administer. (With some exceptions, projects exceeding this threshold must be administered by DAS.)

§ 449 — FY 23 ARPA TRANSFER ELIMINATED

Eliminates the FY 23 transfer of $314.9 million in ARPA funds to the General Fund

The act eliminates the required transfer of $314.9 million in federal American Rescue Plan Act (ARPA) funds to the General Fund in FY 23.
EFFECTIVE DATE: Upon passage

PA 23-205—HB 6942
Emergency Certification

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE AND CONCERNING CERTAIN GRANT AND FINANCING PROGRAMS, STATE CONSTRUCTION RELATED THRESHOLDS, SCHOOL CONSTRUCTION PROJECTS, THE FAILURE TO FILE FOR CERTAIN GRAND LIST EXEMPTIONS, THE VALIDATION OF CERTAIN ACTIONS TAKEN BY CERTAIN MUNICIPALITIES, CAPITAL CITY PROJECTS, CERTAIN CONSUMER AGREEMENTS, CERTAIN MODIFICATIONS TO MUNICIPAL CHARTERS AND PETITIONS FOR CERTAIN TOWN REFERENDA, ELECTIONS ADMINISTRATION AND CAMPAIGN FINANCE, CERTAIN CASES BEFORE THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES AND OTHER ITEMS IMPLEMENTING THE STATE BUDGET

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Expands the conditions under which the Superior Court may authorize the Housing Receivership Revolving Fund's use; increases, from $200,000 total to $1 million per year, the amount that may be spent from the fund in any single municipality

§§ 69-87 — CHANGES TO EXISTING AUTHORIZATIONS

Modifies all or part of prior bond authorizations for specified projects and grants; changes the purposes of existing bond authorizations

§§ 90 & 91 — HOUSING ENVIRONMENTAL IMPROVEMENT REVOLVING LOAN FUND AND RETROFIT PILOT PROGRAM

Requires the DEEP commissioner, in collaboration with the DOH commissioner, to start a pilot program to finance qualifying retrofitting projects in multi-family homes located in environmental justice communities or alliance districts; funds the financing through a new Housing Environmental Improvement Revolving Loan Fund and authorizes $125 million in GO bonds to capitalize it

§ 93 — BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATIONS

Authorizes up to $15 million in GO bonds for DECD grants to eligible BIDCOs

§§ 95-98 — BOND AUTHORIZATIONS FOR IDD-RELATED PROGRAMS ESTABLISHED UNDER PA 23-137

Authorizes GO bonds for IDD-related programs and purposes established under PA 23-137

§§ 101-104 — BONDING PROGRAM FOR HIGH POVERTY-LOW OPPORTUNITY CENSUS TRACTS

Principally requires DECD to create a grant program to fund certain eligible projects in "high poverty-low opportunity" census tracts, such as housing, infrastructure, and workforce development; authorizes up to $50 million of GO bonds per year for FYs 24-29 for the program; requires OPM to compile a list of qualifying census tracts

§§ 105-111 — CAPITAL PROJECT THRESHOLDS

Increases the maximum cost of (1) capital projects that CSCU, the Military Department, the Judicial Department, and state agencies generally may administer and (2) a construction consultant services contract for which DAS must select the consultant using a selection panel process

§ 112 — DAS STATUS REPORT ON SPECIFIED CAPITAL PROJECTS

Requires DAS to submit quarterly reports to the General Assembly on the status of specified capital improvements to the Office of the Chief Medical Examiner's facilities and the Greater Bridgeport Community Mental Health Center

§ 113 — USE OF BOND PREMIUMS

Delays by two years, from July 1, 2023, to July 1, 2025, the requirement that the state treasurer direct bond premiums on GO and credit revenue bond issuances to an account or fund to pay for previously authorized capital projects

§ 114 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

Authorizes 22 school construction state grant commitments totaling $736.45 million toward total estimated project costs of $1.16 billion; reauthorizes two projects with an additional state grant commitment of $37.6 million

§ 115 — SCHOOL BUILDING PROJECTS ADVISORY COUNCIL MEMBERSHIP

Adds two ex-officio members to the council

§ 116 — REIMBURSEMENT GRANT RATE FOR NEW SCHOOL CONSTRUCTION

Increases the state reimbursement percentage range for new construction projects for grant applications made on and after June 1, 2024

§§ 117-119 — FEDERAL FUNDING FOR SCHOOL BUILDING AND HVAC PROJECTS

Eliminates the requirement that the state subtract federal funds received by a town from the project costs before calculating the state reimbursement grant for school building projects; allows any town to use federal funds to finance its local share of a school building or HVAC project

§§ 120-139 & 194 — SCHOOL CONSTRUCTION PROJECT EXEMPTIONS, WAIVERS, MODIFICATIONS, AND A REPEAL

Exempts 28 school construction projects from statutory and regulatory requirements to allow these projects to, among other things, qualify for state reimbursement grants, receive higher grant reimbursement percentages, or have their projects reauthorized due to a change in scope or cost; also repeals a prior project authorization

§§ 140-147 & 157 — PROPERTY TAX EXEMPTION DEADLINE WAIVERS

Allows taxpayers in nine municipalities to claim a property tax exemption for specified property and grand lists even though they missed the applicable filing deadline

§ 148 — CONSOLIDATION AGREEMENT BETWEEN MANCHESTER AND THE EIGHTH UTILITIES DISTRICT

Validates an agreement and consolidation plan between Manchester and the Eighth Utilities District

§ 149 — VALIDATION OF PROPERTY TAX-RELATED ACTIONS AND PROCEEDINGS IN NORWALK

Validates certain property tax-related actions and proceedings in Norwalk

§ 150 — WINDHAM RESUBMISSION OF TAX STATEMENTS

Allows Windham to update the FY 23 mill rate and tax levy statements it filed with OPM for purposes of the motor vehicle property tax grant

§ 151 — TRANSFER OF FY 24 APPROPRIATION FOR FLOOD DAMAGE REMEDIATION

Redirects $5 million in FY 24 for flood damage remediation from DEEP to the state comptroller

§ 152 — FIXED ASSESSMENTS FOR ADRIAEN'S LANDING AND CAPITAL CITY PROJECTS

Extends, from 15 to 20 years, the maximum term of fixed assessments on specified developments in Hartford and eliminates the requirement that a project have at least $5 million from CRDA to qualify

§ 153 — ARPA ALLOCATION FOR KENT COMMONS

Authorizes $100,000 of the ARPA funds allocated to DECD in FY 23 for Emery Park to be used for a grant to Kent for Kent Commons; allows funds previously issued to Kent for Emery Park to be used at Kent Commons

§§ 154, 160 & 163 — FY 23 FUNDS CARRIED FORWARD AND TRANSFERRED

Carries forward $460,000 in unspent funds appropriated in FY 23 to the state comptroller for fringe benefits and transfers them for specified purposes to DECD and DCP

§ 155 — COG GRANT FORMULA AMENDMENT

Amends the COG funding calculation established in PA 23-204, § 93, for FYs 24 and after

§ 156 — MODIFICATION TO LAW ON AUTOMATIC RENEWAL AND CONTINUOUS SERVICE PROVISIONS

Modifies PA 23-191, § 1, to specify that both global and national audiovisual services agreements are exempted from the law's requirements on automatic renewal or continuous service provisions

§ 158 — MUNICIPAL CHARTER AMENDMENTS

Limits the changes that municipalities may make to their charters

§ 159 — HEALTHY HOMES FUNDS FOR CERTAIN CONDOMINIUMS IN HAMDEN

Allows the Healthy Homes Fund to be used to support owners of owner-occupied condominium units in Hamden with structurally deficient foundations

§ 161 — TAX CREDIT FOR DONATIONS TO ELIGIBLE YOUTH DEVELOPMENT ORGANIZATIONS

Creates a tax credit available for the 2024 and 2025 income and tax years against the personal income and corporation business tax for individuals and businesses making cash contributions to certain youth development organizations

§ 162 — RESERVED AMOUNT FROM SDE APPROPRIATION

Reserves $3 million from the FY 24 line item appropriation for SDE for Magnet Schools to give interdistrict magnet school program tuition assistance to Hartford's board of education

§§ 164-165 — MINORITY REPRESENTATION

Clarifies political party status for unaffiliated persons for the purposes of minority representation

§§ 166-169 — REGIONAL ELECTION ADVISORS

Makes various changes to the regional election monitor program including replacing monitors with regional election advisors, providing state funding for the program, and changing contracting requirements for advisors

§ 170 — ELECTION ADMINISTRATION STAFFING TASK FORCE

Establishes a 17-person task force to study election administration staffing

§§ 171-178 — EXPENDITURES BY LEADERSHIP AND CAUCUS COMMITTEES

Allows legislative leadership and caucus committees to aggregate their maximum organization expenditure amounts for legislative candidates, subject to specified requirements; modifies the types of events and services for which these expenditures may be made; allows committees to pay or reimburse other committees for the pro rata share of certain expenses

§ 179 — CEP GUBERNATORIAL GRANT AMOUNT

Increases primary and general election grant amounts for gubernatorial candidates participating in the CEP; sets the base amounts at $3,227,500 for a primary and $15,492,000 for a general election and updates the reference date for inflation adjustments to January 1, 2022

§§ 179-185 — CEP CONVENTION CAMPAIGN GRANT

Allows major party gubernatorial candidates participating in the CEP to apply for and receive a "convention campaign grant" before the party's nominating convention, equal to one-fourth of the primary grant; sets the grant amount at $806,875 and requires that it be adjusted for inflation since January 1, 2022

§§ 186-188 — CEF FUNDING

Beginning in FY 26, (1) requires that the deposit of unclaimed property funds into the CEF in any fiscal year before the fiscal year of a gubernatorial election be the amount deemed necessary by SEEC to pay grants to CEP candidates and (2) moves back the deadline for SEEC to make related determinations in gubernatorial election years; eliminates a provision in prior law which required that transfers from the unclaimed property fund to the CEF be reduced in the subsequent fiscal year by the amount of any corporation business tax revenue deposited in the CEF

§ 189 — QUALIFYING CONTRIBUTIONS FOR CEP LEGISLATIVE CANDIDATES IN 2024 ELECTION

For the 2024 election only, freezes the aggregate QC amounts that legislative candidates must raise at their 2022 amounts (i.e., $17,300 for state senator and $5,800 for state representative)

§ 190 — CONTRIBUTIONS TO STATE CENTRAL COMMITTEES

Increases the annual limit on contributions by an individual to a state central committee from $10,000 to $15,000

§ 191 — TOWN REFERENDUM ON PERMIT DENIAL UNDER THE ENVIRONMENTAL JUSTICE LAW

Creates a process under which an elector or voter in a town with a population of up to 10,000 can petition for a town referendum on the DEEP commissioner's denial of a facility permit under the environmental justice law

§§ 192 & 193 — CHRO REFERRAL OF SUSPECTED SEX OFFENSES TO CHIEF STATE'S ATTORNEY'S OFFICE

Allows CHRO, if it believes that a party to a discriminatory practice case committed a sex offense, to refer the matter to the chief state's attorney's office; correspondingly requires that office to investigate after receiving the referral as it deems necessary

§§ 1-38, 55, 88-89, 92, 94 & 99-100 — NEW BOND AUTHORIZATIONS FOR STATE AGENCY PROJECTS AND GRANTS

Authorizes new GO bonds in FYs 24 and 25 for state projects and grant programs

This act authorizes up to $1,493.8 million in new state general obligation (GO) bonds in FY 24 and up to $1,150.3 million in FY 25 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 that, as a condition of bond authorizations for grants to private entities, each granting agency 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. 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 for FYs 24 and 25

§	Agency	For	FY 24	FY 25
STATE CAPITAL PROJECTS				
2(a)	Office of Legislative Management	State Capitol alterations, renovations, and restoration, including Americans with Disabilities Act (ADA) compliance	$35,000,000	$0
2(b), 21(a)	Office of Policy and Management (OPM)	Information technology capital investment program	65,000,000	65,000,000
2(c)	Department of Veterans Affairs	Alterations, renovations, and improvements to buildings and grounds and land acquisition	3,000,000	0
2(d), 21(b)	Department of Administrative Services (DAS)	Remove or encapsulate asbestos and hazardous materials in state-owned buildings	2,500,000	2,500,000
		Infrastructure repairs and improvements, including (1) fire, safety, and ADA compliance; (2) improvements to state-owned buildings and grounds, including energy conservation and off-site improvements; (3) preservation of unoccupied buildings and grounds, including office development, acquisition, renovations for additional parking; and (4) security improvements at state-occupied buildings	30,000,000	25,000,000
		Capital Area System upgrades and modernization	19,000,000	0
		Electric vehicle purchases and charging infrastructure construction and installation at state facilities	35,000,000	0
2(e), 21(c)	Department of Emergency Services and Public Protection	Alterations, renovations, and improvements to buildings and grounds, including utilities, mechanical systems, and energy conservation projects	3,500,000	31,500,000
		Alterations, renovations, improvements, and repairs for an Emergency Vehicle Operations Course	5,000,000	0
2(f),	Department of	Alterations, renovations, and improvements to buildings and	2,000,000	2,000,000

§	Agency	For	FY 24	FY 25
21(d)	Motor Vehicles	grounds		
2(g), 21(e)	Military Department	State matching funds for anticipated federal reimbursable projects	5,000,000	3,000,000
		Alterations, renovations, and improvements to buildings and grounds, including utilities, mechanical systems, and energy conservation	300,000	200,000
2(h), 21(f)	Department of Energy and Environmental Protection (DEEP)	Recreation and Natural Heritage Trust Program: recreation, open space, and resource protection and management	3,000,000	3,000,000
		Alterations, renovations, and new construction at state parks and other recreation facilities, including ADA improvements	30,000,000	30,000,000
		(1) Water pollution control projects at state facilities and (2) regional planning agencies' engineering reports	600,000	1,000,000
		Renewable energy or combined heat and power projects in state buildings or projects in state buildings and assets to decrease environmental impacts, including those that (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 to support charging on state property; (4) reduce water use; and (5) reduce waste generation and disposal	20,000,000	20,000,000
		Flood control improvements, flood repair, erosion damage repairs, and municipal dam repairs; earmarks at least $500,000 of the FY 24 authorization for alterations, repairs, renovations, or construction at Lake Whitney Dam in Hamden	3,000,000	2,500,000
		Dam repairs, including state-owned dams	0	2,500,000
		Materials Innovations and Recycling Authority property in Hartford: environmental clean-up and preparation for development	50,000,000	0
2(i), 21(g)	Capital Region Development Authority (CRDA)	Connecticut Convention Center and Rentschler Field: alterations, renovations, and improvements	17,000,000	17,000,000
		Parking garages in Hartford: alterations, renovations, and improvements	5,000,000	5,000,000
		XL Center: alterations, renovations, and improvements, including acquiring abutting real estate and rights-of-way	15,000,000	0
2(j)	Office of the Chief Medical Examiner	Facility design, alterations, renovations, additions, and construction, including land acquisition	28,000,000	0
2(k), 21(h)	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, roof repair or replacement, air conditioning, and other building renovations and additions at all state-owned facilities	36,090,000	30,990,000
		Design and install sprinkler systems and related fire safety improvements in direct care patient buildings	12,450,000	0
2(l), 21(i)	State Library	Middletown Library Service Center renovation	400,000	355,000
2(m), 21(j)	UConn	Nursing program facility: design, land acquisition, and construction	30,000,000	0
		Acquisition or leasing of XL Center property and planning, design, and construction related to using the property as academic space for the UConn Hartford campus	5,000,000	0
		Equipment, library collections, and telecommunications	10,000,000	10,000,000

§	Agency	For	FY 24	FY 25
		Harry A. Gampel Pavilion: renovations, alterations, and improvements	0	10,000,000
2(n), 21(k)	UConn Health Center	Deferred maintenance, code compliance, and infrastructure improvements	30,000,000	30,000,000
		Systems telecommunications infrastructure upgrades, improvements, and expansions	3,000,000	3,000,000
		Equipment, library collections, and telecommunications	10,000,000	10,000,000
2(o), 21(l)	Connecticut State Colleges and Universities	System telecommunications infrastructure upgrades, improvements, and expansions	16,450,000	9,000,000
		Advanced manufacturing and emerging technology programs	4,000,000	3,000,000
		All state colleges and universities: security improvements	3,000,000	3,000,000
		All universities: deferred maintenance, code compliance, and infrastructure improvements	40,000,000	65,200,000
		All universities: new and replacement instruction, research, or laboratory equipment	26,000,000	20,000,000
		All community colleges: deferred maintenance, code compliance, and infrastructure improvements	54,000,000	27,600,000
		All community colleges: new and replacement instruction, research, or laboratory equipment	24,000,000	18,000,000
2(p), 21(m)	Department of Correction	Alterations, renovations, and improvements to existing state-owned buildings for inmate housing, programming, staff training space, and additional inmate capacity; support facilities; and off-site improvements	55,000,000	55,000,000
2(q), 21(n)	Judicial Department	Alterations, renovations, and improvements to buildings and grounds at state-owned and maintained facilities	10,000,000	10,000,000
		Security improvements at various state-owned and maintained facilities	2,000,000	2,000,000
		Alterations and improvements in compliance with the ADA	1,000,000	1,000,000
		Technology Strategic Plan Project implementation	2,000,000	2,000,000
88	Secretary of the State	(1) Purchasing and deploying tabulators and related equipment, (2) purchasing equipment and services to implement and integrate the centralized voter registration system, and (3) purchasing equipment and software to improve the business recording system's operation and business services division's functions	30,000,000	3,000,000
92	Connecticut Municipal Redevelopment Authority	Capitalization	60,000,000	0
94	Department of Economic and Community Development (DECD)	Office of Community Economic Development Assistance's duties	0	50,000,000
99	Connecticut Higher Education Supplemental Loan Authority	Nursing student loan subsidy program	10,000,000	0
HOUSING PROJECTS				

§	Agency	For	FY 24	FY 25
9, 28	Department of Housing (DOH)	Housing development and rehabilitation, including improvements to certain kinds of state-assisted affordable housing and housing-related financial assistance programs, including administrative expenses; requires up to $30 million in each of FYs 24-25 to be used for revitalizing state moderate housing units of the Connecticut Housing Finance Authority's state housing portfolio	100,000,000	100,000,000
89		Time to Own program	75,000,000	75,000,000
100		Grants or forgivable loans to Time to Own program participants for capital improvements to residential properties purchased with program assistance	5,000,000	5,000,000
GRANTS				
13(a), 32(a), 55	OPM	Grants to distressed municipalities	7,000,000	7,000,000
		Grants to private, nonprofit, tax-exempt health and human service organizations that receive state funds to provide direct health or human services to state agency clients: alterations, renovations, improvements, additions, and new construction, including for (1) health, safety, ADA compliance, and energy conservation improvements; (2) information technology systems; (3) technology for independence; (4) vehicle purchases; and (5) property acquisition	25,000,000	25,000,000
		Grants for regional and local improvements and development	20,000,000	20,000,000
		Grants to develop an advanced manufacturing facility in Hartford	15,000,000	0
		Grants to municipalities (§ 55 specifies the amount for each municipality)	91,000,000	91,000,000
13(b)	DAS	Grants for alterations, renovations, and improvements at interdistrict magnet school facilities to support additional preschool and elementary slots	20,000,000	0
13(c), 32(b)	DEEP	Grants to municipalities for open space land acquisition and development for conservation or recreational purposes	10,000,000	10,000,000
		Grants to contain, remove, or mitigate identified hazardous waste disposal sites	19,000,000	17,000,000
		Grants to identify, investigate, contain, remove, or mitigate contaminated industrial sites in urban areas	2,500,000	2,500,000
		Grants to municipalities for (1) testing for pollution from perfluoroalkyl and polyfluoroalkyl (PFAS) substances, (2) providing potable water to people affected by this pollution, (3) remedial action to address this pollution, and (4) buyback of aqueous film-forming foam with PFAS	3,000,000	2,000,000
		Grants to provide matching funds necessary for municipalities, local and regional boards of education, and school bus operators to submit federal grant applications to maximize federal funding for (1) purchasing or leasing zero-emission school buses and (2) electric vehicle charging or fueling infrastructure	10,000,000	10,000,000
		Microgrid and resilience grant and loan pilot program	5,000,000	25,000,000
		Grants to municipalities for renovations and expansion of, and equipment for, solid waste facilities	15,000,000	0
		Grants for water system improvements in West Hartford	30,000,000	0
		Grants for flood damage-related repairs and reconstruction in Bridgeport	17,000,000	25,000,000

§	Agency	For	FY 24	FY 25
13(d), 32(c)	DECD	Brownfield Remediation and Revitalization program	35,000,000	35,000,000
		Small Business Express program; earmarks at least $11 million in FY 24 for minority business revolving loan funds	36,000,000	25,000,000
		Connecticut Manufacturing Innovation Fund	15,000,000	15,000,000
13(e), 32(d)	Department of Public Health (DPH)	Grants to public water systems for drinking water projects	25,000,000	25,000,000
		Grants to local and regional boards of education to purchase, install, and maintain water bottle filling stations at schools designated to receive services under Title I of the federal Elementary and Secondary Education Act	3,500,000	0
13(f), 32(e)	State Department of Education (SDE)	Grants to boards of education to help targeted local and regional school districts for alterations, repairs, improvements, technology, and equipment in low-performing schools	5,000,000	5,000,000
		Grants to regional educational service centers for capital expenses at interdistrict magnet schools	8,500,000	12,500,000
13(g), 32(f)	Office of Early Childhood	Grants for constructing, improving, or equipping childcare centers, including paying associated costs for architectural, engineering, or demolition services related to the infant and toddler pilot program	5,000,000	5,000,000
13(h), 32(g)	State Library	Grants to public libraries for construction, renovation, expansion, energy conservation, and handicapped accessibility (see § 60)	5,000,000	5,000,000
13(i), 32(h)	CRDA	Grants to encourage development according to CRDA's statutory purposes	25,000,000	25,000,000
		Grant to East Hartford for general economic development activities, including (1) developing riverfront infrastructure and improvements, (2) creating housing units through rehabilitation and new construction, (3) demolishing or redeveloping vacant buildings, and (4) redevelopment	10,000,000	10,000,000

EFFECTIVE DATE: July 1, 2023, for FY 24 bond authorizations; and July 1, 2024, for FY 25 authorizations.

§§ 39-50 — TRANSPORTATION BONDS

Authorizes new STO bonds in FYs 24-25 for DOT projects

As shown in the table below, the act authorizes up to $1,557.7 million in new special tax obligation (STO) bonds in FY 24 and $1,530.8 million in FY 25 for Department of Transportation (DOT) projects.

STO Bond Authorizations for DOT Projects

Authorized Program Areas	FY 24	FY 25
Bureau of Engineering and Highway Operations		
Interstate highway program	$50,346,000	$15,400,000
Urban systems projects	22,000,000	22,000,000
Intrastate highway program	86,000,000	88,000,000
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	15,350,000	17,065,000
State bridge improvement, rehabilitation, and replacement	57,500,000	58,200,000
Capital resurfacing and related reconstruction	125,000,000	135,000,000

Authorized Program Areas	*FY 24*	*FY 25*
Fix-it-First bridge repair program	51,500,000	62,250,000
Fix-it-First road repair program	152,115,000	180,729,000
Local Transportation Capital Improvement Program	76,000,000	78,000,000
Local bridge program	20,000,000	20,000,000
Highway and bridge renewal equipment	22,513,000	22,513,000
Community connectivity and alternative mobility program	15,000,000	15,000,000
Transportation Rural Improvement Program	10,000,000	10,000,000
Purchase, installation, and implementation of advanced wrong-way driving technology and other wrong-way driving countermeasures	20,000,000	20,000,000
Renovations and improvements to service plazas along highways	10,000,000	0
Bureau of Public Transportation		
Bus and rail facilities and equipment, including rights-of-way, other property acquisition, and related projects	264,250,000	273,450,000
Northeast Corridor Modernization Match Program	398,165,000	438,175,000
Bureau of Administration		
Department facilities	161,960,000	74,990,000

EFFECTIVE DATE: July 1, 2023, for FY 24 bond authorizations; and July 1, 2024, for FY 25 authorizations.

§§ 51-54, 56-59, 61-64 & 67-68 — BOND AUTHORIZATIONS FOR STATUTORY PROGRAMS AND GRANTS

Increases bond authorizations for various statutory grants and purposes and authorizes new bonding for these purposes in FYs 24-25

As shown in the table below, the act increases bond authorizations for various statutory grants and purposes and authorizes new bonding for these purposes in FYs 24 and 25.

Statutory Bond Authorizations for FYs 24-25

§	*Agency*	*Purpose/Fund*	*FY 24*	*FY 25*
51	OPM	Urban Action (economic and community development project grants); also makes a technical correction to provisions earmarking bond funds under the program for urban development projects	$100,000,000	$100,000,000
52	OPM	Small Town Economic Assistance Program	35,000,000	35,000,000
53	OPM	Capital Equipment Purchase Fund	25,000,000	25,000,000
54	OPM	Local Capital Improvement Program	45,000,000	45,000,000
56	DOH	Housing Trust Fund; requires DOH to provide at least $200 million to the Connecticut Housing Finance Authority to administer a revolving loan fund for workforce housing projects	200,000,000	200,000,000
57	SDE	Charter school capital expenses	5,000,000	5,000,000
58	DAS	School air quality improvement grants	150,000,000	150,000,000
59	DAS	School construction project grants	0	250,000,000
61	DOT	Commercial rail freight line competitive grant program	10,000,000	0
62	DEEP	Clean Water Fund grants	40,000,000	40,000,000
63	DEEP	Clean Water Fund loans (revenue bonds)	0	25,000,000
64	DEEP	Bikeway, pedestrian walkway, recreational trail, and greenway grant program	10,000,000	10,000,000

§	Agency	Purpose/Fund	FY 24	FY 25
67	DOH	Housing Receivership Revolving Fund (see §§ 66 & 67 below)	25,000,000	25,000,000
68	SDE	School security infrastructure competitive grant program	10,000,000	10,000,000

EFFECTIVE DATE: July 1, 2023, for FY 24 bond authorizations; and July 1, 2024, for FY 25 authorizations.

§ 60 — CONSTRUCTION GRANTS TO PUBLIC LIBRARIES

Increases the (1) grant amounts allowed for public library construction projects in distressed municipalities and (2) maximum grant allowed for any public library construction project

Prior law authorized the State Library Board to award grants for public library construction for up to one-half of a project's total construction costs, subject to a $1 million per project cap. For project applications submitted on or after July 1, 2023, the act increases the (1) grant amount allowed for projects in distressed municipalities to up to 80% of the total construction costs and (2) maximum grant allowed for any project to $2 million. As under existing law, the grants are subject to the board's approval and available funding.
EFFECTIVE DATE: July 1, 2023

§ 65 — MANUFACTURING ASSISTANCE ACT

Modifies an MAA earmark for the Technology Talent Advisory Committee

Under prior law, the Manufacturing Assistance Act (MAA) earmarked $2 million in bonding per year from FYs 17-21 ($10 million total) to fund the Technology Talent Advisory Committee's costs. The act instead authorizes up to $10 million in MAA bonds to be used for this purpose beginning July 1, 2023.

Existing law establishes the Technology Talent Advisory Committee within DECD to identify shortages of qualified employees in specific technology sectors and develop pilot programs to address those shortages.
EFFECTIVE DATE: July 1, 2023

§§ 66 & 67 — HOUSING RECEIVERSHIP REVOLVING FUND

Expands the conditions under which the Superior Court may authorize the Housing Receivership Revolving Fund's use; increases, from $200,000 total to $1 million per year, the amount that may be spent from the fund in any single municipality

Existing law establishes the Housing Receivership Revolving Fund, administered by the DOH commissioner, and authorizes the Superior Court to allow the fund to be used to cover a receiver's expenses. (By law, apartment buildings in serious disrepair may be placed in receivership when the owner fails to comply with an order to abate a nuisance.)

The act expands the conditions under which the court may authorize the fund's use by (1) eliminating a requirement that the building in receivership have no more than 20 units or be a mobile manufactured home park or a space or lot there and (2) increasing, from $5,000 to $10,000, the cap on the anticipated per-unit (or space or lot) average expense from the fund. As under existing law, the court may only authorize the fund's use if sufficient sources of money are not otherwise immediately available.

The act also increases, from $200,000 total to $1 million per year, the amount that may be spent from the fund in any single municipality.
EFFECTIVE DATE: July 1, 2023

§§ 69-87 — CHANGES TO EXISTING AUTHORIZATIONS

Modifies all or part of prior bond authorizations for specified projects and grants; changes the purposes of existing bond authorizations

Bond Cancellations and Reductions

The act cancels or reduces all or part of the prior bond authorizations for the projects and grants shown in the table below.

Cancellations and Reductions

§	Agency and Purpose	Prior Authorization	Amount Cancelled
70	DAS: grants to municipalities for a regional school district incentive grant	$5,000,000	$5,000,000
72	DAS: grants to alliance districts for general improvements to school buildings	30,000,000	12,000,000
74	DOT: construction, repair, or maintenance of highways, roads, bridges, or bus and rail facilities and equipment (retains a $75 million cap on using the funds to help municipalities modernize existing traffic signal equipment and operations)	180,000,000	50,000,000
76	DAS: grants to alliance districts for general improvements to school buildings	6,000,000	6,000,000
82	Connecticut Port Authority: port projects in towns other than Bridgeport, New Haven, or New London	25,000,000 ($5 million in each year from FYs 22-26)	5,000,000 ($2.5 million reduction in FYs 24 and 25)

Bond Increases

The act also increases the amounts authorized for the prior bond authorizations shown in the table below.

Increases to Prior Authorizations

§	Agency and Purpose	Prior Authorization	Act's Authorization	Increase
78	Connecticut Port Authority: grants for improvements to deep water ports, including dredging (retains the requirement that at least $20 million be used for deep water ports outside of New London)	$90,000,000	$120,000,000	$30,000,000
79	DPH: Health Disparities and Prevention Grant Program (increases the amount earmarked for federal qualified health centers by $5 million)	25,000,000	30,000,000	5,000,000
85	Connecticut Agricultural Experiment Station: construction and equipment for Valley Laboratory additions and renovations	8,000,000	18,000,000	10,000,000

Language Changes

The act changes the purposes of existing bond authorizations, as shown in the table below.

Language Changes

§	Amount Authorized	Purpose	Change
80	$10,000,000	DEEP: for projects in state buildings and assets that decrease environmental impacts	Allows the funds to be used for projects that expand electric vehicle charging infrastructure on state property, rather than for projects that expand electric vehicle charging for state-owned or leased electric vehicles
81	12,000,000	OPM: grant to the Commission on Gun Violence Prevention and Intervention	DPH, in consultation with the commission, for capital grants to community gun violence and prevention programs and to support strategies addressing community gun violence

§	Amount Authorized	Purpose	Change
84	75,000,000	OPM: state matching funds for projects and programs allowed under the federal Infrastructure Investment and Jobs Act	Allows OPM to also use this authorization for state matching funds for projects and programs allowed under the federal Inflation Reduction Act of 2022
86	20,000,000	DEEP: grants for matching funds necessary for municipalities, school districts, and school bus operators to maximize federal funding for purchasing or leasing zero-emission school buses and electric vehicle charging or fueling infrastructure	Replaces school districts with local and regional boards of education
87	40,000,000	DECD: CareerConneCT workforce training programs	Allocates the bonds to the Office of Workforce Strategy (OWS) and requires OWS to administer the programs

EFFECTIVE DATE: July 1, 2023, except that provisions (1) increasing bond authorizations for the Connecticut Port Authority and DPH and (2) making language changes to authorizations for DEEP and OPM (for state matching funds) are effective upon passage.

§§ 90 & 91 — HOUSING ENVIRONMENTAL IMPROVEMENT REVOLVING LOAN FUND AND RETROFIT PILOT PROGRAM

Requires the DEEP commissioner, in collaboration with the DOH commissioner, to start a pilot program to finance qualifying retrofitting projects in multi-family homes located in environmental justice communities or alliance districts; funds the financing through a new Housing Environmental Improvement Revolving Loan Fund and authorizes $125 million in GO bonds to capitalize it

The act requires the DEEP commissioner, in collaboration with the DOH commissioner, to start a pilot program or programs to finance qualifying retrofitting projects in multi-family homes located in environmental justice communities or alliance districts (see *Background*). The act funds the financing through a new Housing Environmental Improvement Revolving Loan Fund and authorizes $125 million in state general obligation (GO) bonds to capitalize it ($50 million for FY 24 and $75 million for FY 25).

The act requires the DEEP commissioner, or a program administrator that she designates, to begin accepting applications for financing in a form she specifies on July 1, 2024. Additionally, the commissioner must submit a report on the pilot program to the Housing Committee by October 1, 2027, that (1) analyzes its success and (2) recommends whether to establish a permanent program, including any related legislative proposals. Under the act, the pilot program ends on September 30, 2028.

EFFECTIVE DATE: October 1, 2023, except the bond authorization is effective July 1, 2023.

Housing Environmental Improvement Revolving Loan Fund

The act creates the Housing Environmental Improvement Revolving Loan Fund and allows it to be funded by proceeds from the act's $125 million bond authorization or any other funds available to the DEEP commissioner or from other sources. The fund must be used to make low-interest loans and pay the reasonable and necessary expenses to administer them. The act allows the commissioner to contract with nonprofits to administer the fund, but she must approve any loan made from it.

Under the act, investment earnings credited to the fund become part of the fund's assets, and any balance remaining at the end of any fiscal year is carried forward to the next year. Principal and interest payments on low-interest loans under the pilot program must be paid to the state treasurer for deposit into the fund.

Qualifying Retrofitting Projects

Under the act, qualifying retrofitting projects must do one of the following:

1. improve a home's energy efficiency (e.g., installing heat pumps, solar power generating systems, improved roofing, exterior doors and windows, improved insulation, air sealing, improved ventilation, appliance upgrades,

and any electrical or wiring upgrades necessary for the retrofit);
2. remediate health and safety concerns that are barriers to the retrofit (e.g., mold, vermiculite, asbestos, lead, and radon); or
3. provide services to help residents and building owners access and implement the act's pilot programs or other state or federal programs for energy efficiency retrofitting.

Eligibility Criteria and Priority Financing

To be eligible for pilot program financing, a dwelling unit must be currently occupied by a tenant or will be occupied within 180 days after the commissioner awards the owner financing; it cannot be owner-occupied. (The act requires an owner to repay DEEP all funds he or she receives under the program if this timeframe is not met.)

Under the act, the DEEP commissioner must exclude from the program landlords who have violated their statutory landlord responsibilities, as determined by the DOH commissioner. It also requires the DEEP commissioner to prioritize financing for projects benefitting current or prospective low-income residents (i.e., households with an income of no more than 60% of the state median income or 80% of the area median income, as determined by the U.S. Department of Housing and Urban Development and adjusted for family size).

Background — Environmental Justice Communities

By law, an "environmental justice community" is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality (CGS § 22a-20a).

DECD annually designates distressed municipalities, based on high unemployment and poverty, aging housing stock, and low or declining rates of job, population, and per capita income growth (CGS § 32-9p).

Background — Alliance Districts

As required by law, the education commissioner designated 36 alliance districts for five years, beginning with FY 23 (CGS § 10-262u). The current designation applies to (1) the 33 school districts with the lowest accountability index scores and (2) three previously designated districts that were no longer among the 33 with the lowest scores.

§ 93 — BUSINESS AND INDUSTRIAL DEVELOPMENT CORPORATIONS

Authorizes up to $15 million in GO bonds for DECD grants to eligible BIDCOs

The act authorizes up to $15 million in GO bonds for DECD grants to business and industrial development corporations (BIDCOs) whose primary purposes are to do the following:

1. provide financing and management assistance to minority- and women-owned small businesses that serve or seek to serve underserved or minority communities,
2. provide education and training to these businesses and communities, and
3. work collaboratively with similar organizations and lenders to promote economic development and growth in these communities.

Under the act, an entity that has applied to the state Department of Banking for a BIDCO license and meets all but one of the statutory requirements for licensure is also eligible for the grant. Specifically, the entity must (1) have directors and officers of good character who can competently conduct the corporation's affairs, (2) be likely to comply with the state's BIDCO laws and regulations, and (3) promote the public convenience and advantage. It does not need to meet the licensure minimum net worth requirement to qualify (i.e., have a net worth of at least $2.5 million and be able to adequately cover the cost of doing business as a BIDCO).

The act caps the awarded grant amount at $5 million per BIDCO or applicant for BIDCO licensure. Any BIDCO awarded a grant may use up to 10% of it for operational costs and to fund a loan loss reserve fund.

EFFECTIVE DATE: July 1, 2023

§§ 95-98 — BOND AUTHORIZATIONS FOR IDD-RELATED PROGRAMS ESTABLISHED UNDER PA 23-137

Authorizes GO bonds for IDD-related programs and purposes established under PA 23-137

As shown in the table below, the act authorizes GO bonds for specified programs and purposes established under PA 23-137 related to intellectual disability or other developmental disability (IDD).

GO Bond Authorizations for Programs Authorized in PA 23-137

§	Agency	Purpose	FY 24	FY 25
95	Department of Emergency Services and Public Protection	Local voluntary public safety registration system for residents with IDD (PA 23-137, § 7)	$800,000	$0
96	DAS	Funding for private providers to comply with fire regulation requirements for water tanks at group homes (PA 23-137, § 16)	0	200,000
97	Department of Developmental Services	Grant program for supportive housing for people with IDD, including autism spectrum disorder (PA 23-137, § 53)	15,000,000	0
98	DECD	Grants to nonprofits employing people with an IDD; authorizes DECD to keep up to 10% of the proceeds for administrative costs (PA 23-137, § 63)	1,000,000	0

EFFECTIVE DATE: July 1, 2023, for FY 24 authorizations; and July 1, 2024, for FY 25 authorizations.

§§ 101-104 — BONDING PROGRAM FOR HIGH POVERTY-LOW OPPORTUNITY CENSUS TRACTS

Principally requires DECD to create a grant program to fund certain eligible projects in "high poverty-low opportunity" census tracts, such as housing, infrastructure, and workforce development; authorizes up to $50 million of GO bonds per year for FYs 24-29 for the program; requires OPM to compile a list of qualifying census tracts

The act requires the DECD commissioner to set up a grant program to fund eligible projects in qualifying census tracts designated as "high poverty-low opportunity (HPLO) census tracts." Under the act, these are census tracts in which at least 30% of the residents have incomes below the federal poverty level, according to the most recent five-year U.S. Census Bureau American Community Survey. The act authorizes GO bonds of up to $50 million per year for FYs 24-29 ($300 million total) for the program. The bonds are subject to standard issuance procedures and have a maximum term of 20 years.

Under the act, the OPM secretary must (1) compile a list of these census tracts and the municipalities they are in; (2) submit it to the legislature by July 31, 2023; (3) post it on OPM's website; and (4) review and update it as necessary and provide any update to the General Assembly.

Additionally, the act requires the (1) State Department of Education (SDE), within available appropriations and for FYs 24 and 25, to direct resources and support to school districts that have one or more HPLO tracts within their boundaries and (2) Office of Early Childhood (OEC), by February 1, 2024, to submit a study to the Committee on Children that includes certain information related to families and children in these tracts.

EFFECTIVE DATE: July 1, 2023, except the OEC study provision is effective upon passage.

Eligible Projects

Under the act, an eligible project must seek to reduce concentrated poverty within the HPLO tract and the poverty's effects, including (1) lower lifetime income of the tract's residents and lower lifetime income expectations of its future generations, (2) increased crime and incarceration risk of its residents, and (3) educational deficiencies in the tract.

Eligible projects include the following:

1. building, renovating, or rehabilitating mixed-income rental and owner-occupied housing to retain households of different income levels and increase the rate of owner-occupied housing in the tract;
2. establishing or improving workforce development programs, including programs that (a) partner with organizations to identify unemployed or underemployed people and at-risk youths living in the tracts, (b) identify workforce training opportunities and other resources for them, and (c) link them with appropriate training and resources to increase their skills and earning potential; and
3. building, renovating, or rehabilitating public infrastructure to support and improve private investment opportunities, quality of life, and public safety in the tract.

Application and Review Process

The act allows any municipality in which a HPLO tract is located, starting on January 1, 2024 (and through January 1, 2030), to apply to the DECD commissioner for a grant, as she specifies. The grant application may (1) be for one eligible project or a combination of projects and (2) target one or more HPLO tracts that are geographically contiguous or reasonably near each other. Municipalities may file more than one application for different HPLO tracts or groups of tracts.

By January 1, 2024, the commissioner must set the (1) criteria for awarding the grants; (2) documentation and information requirements for applicants; and (3) deadlines for submitting applications and revised applications, as described below. She must post these criteria, requirements, and deadlines on DECD's website and notify each municipality in which a qualifying census tract is located of the posting. Additionally, the commissioner must promote the grant program in each HPLO census tract.

Criteria for Grant Awards

Under the act, the criteria DECD uses in awarding the grants must include the:

1. likelihood that the proposal will reduce adult or child poverty within a HPLO tract;
2. likelihood that it will reduce the chances of children currently residing there living in poverty as adults;
3. likelihood that after the proposal's end it will produce persistent and meaningful improvements in residents' wealth, financial security, employability, or quality of life;
4. feasibility of its initiatives and the demonstrated or perceived capacity to complete its scope of work, including adequate staffing for the involved entities; and
5. interconnectivity and mutual reinforcement among all of the proposed initiatives in the same HPLO tract area or areas (e.g., providing workforce training programs to parents of children enrolled in a supported early childhood program).

Required Documentation and Information

Under the act, municipalities must, at a minimum, submit the following documents and information with their applications:

1. how the proposal intends to address each type of eligible project and whether any existing projects or programs address them;
2. a description of (a) each initiative within the proposal and how it will meet the criteria described above and (b) sufficient efforts, as determined by the DECD commissioner, to engage the tract's residents in formulating the proposal;
3. for workforce development programs, a description of (a) the municipality's consultations with the applicable regional workforce development board on the project's development and efforts to coordinate it with the board's activities and (b) each participating organization and its commitment to providing continuous, sustained engagement with the tract's residents throughout the project;
4. the entity or organization responsible for coordinating the implementation of each of the application's components and overseeing the various projects and programs;
5. plans for ongoing engagement with the tract's residents and soliciting feedback on the proposal's progress during its implementation; and
6. plans for giving the residents opportunities to be involved with the proposal's implementation.

DECD's Review and Evaluation

DECD must review and evaluate each application and work with the applicant to revise it if DECD believes doing so will improve or strengthen it. The department must also help applicants identify and apply for funding under other programs, including Urban Action bonds. For eligible housing-related project proposals, the commissioner must consult with the DOH commissioner in evaluating the proposal and the DOH commissioner must help applicants get funding for their projects through DOH programs.

The DECD commissioner must submit applications that are deemed to satisfy the act's criteria to the governor, who in turn must review them. He may approve or disapprove an application, or return it to the DECD commissioner for changes. In the case of a returned application, the commissioner must work with the municipality to modify it and then submit the revised application to the governor.

Each finalized application the governor approves must be considered at a State Bond Commission meeting within two months after the date the governor approved it.

Grant Awards

For any approved application, the governor must award the grant from the bonds authorized for this new program or other bond proceeds authorized for the general purposes of the eligible projects described above. Each grant awarded under the program must be for three years and be (1) in an amount sufficient to carry out the application's objectives and (2) at least $500,000.

Evaluation

At the end of the initial three-year period, the DECD commissioner must evaluate the municipality's progress towards reducing the HPLO tract's poverty rate to less than 30%. Her evaluation must consider, among other things, (1) any change in the tract's poverty rate and (2) whether the actions taken during the initial grant period resulted in certain outcomes. Specifically, whether they:

1. may reasonably result in a future reduction in the tract's poverty rate,
2. have reduced child poverty in the tract or may reasonably do so in the future, or
3. may reasonably decrease the likelihood that children living there will have incomes below the federal poverty level when they are adults.

If she finds that the municipality made reasonable progress, the municipality may apply for additional grants under the program. The act specifies that any subsequent grant applications are subject to the act's application and review process and post-grant evaluation and determination.

Program Reporting Requirement

Annually, starting by August 1, 2024, and ending August 1, 2029, the DECD commissioner must report to the General Assembly on the program and include the following information for the preceding fiscal year:

1. the municipalities that submitted applications and were awarded grants;
2. a description of each purpose and project municipalities awarded grants are undertaking or trying to accomplish;
3. a progress report for each of these purposes or projects, if applicable; and
4. any other information she finds relevant.

Resources to School Districts with HPLO Census Tracts

For FYs 24 and 25, the act requires SDE, within available appropriations, to direct resources and support to school districts that have one or more HPLO tracts within their boundaries. This may include providing the following:

1. individualized education program quality training support, as the education commissioner identifies;
2. free access to the Connecticut Special Education Employment System, including social media advertisement for recruiting special education educators in urban centers;
3. fiscal stipends to implement SDE's Special Education Data System;
4. fiscal stipends for special education recovery activities;
5. reading tutoring for K-grade three students, including in-person or on-camera remote learning; and
6. a special education fiscal risk rubric to help districts with activities related to submitting the federal Individuals with Disabilities Education Act Part B grant.

The act specifies that this provision does not require SDE to conduct all of these activities in each district with a HPLO tract.

OEC Legislative Report

The act requires the OEC commissioner, by February 1, 2024, to submit a report to the Children's Committee that includes the following:

1. an asset map of currently available services supporting families with young children in the HPLO tracts;
2. the number of children and families in need of support in these tracts and a plan, including necessary staffing and funding, to assure that each child under age five and their families will have access to early childhood services (e.g., home visits, child care, access to family resource centers, and health care); and

3. a plan to prioritize early childhood services and determine the cost of assuring they are available and accessible in the tracts.

§§ 105-111 — CAPITAL PROJECT THRESHOLDS

Increases the maximum cost of (1) capital projects that CSCU, the Military Department, the Judicial Department, and state agencies generally may administer and (2) a construction consultant services contract for which DAS must select the consultant using a selection panel process

The act increases several caps relating to state capital projects. It (1) increases, from $2 million to $3 million, the maximum allowable cost of an individual capital project that the Connecticut State Colleges and Universities (CSCU), Military Department, and Judicial Department may each administer for themselves and (2) requires that these caps be adjusted annually for inflation beginning July 1, 2028. The act also increases, from $500,000 to $1 million, the cost of a capital project that state agencies generally may administer.

Additionally, the act (1) increases, from $500,000 to $750,000, the cost of a construction consultant services contract (e.g., for services provided by architects, professional engineers, or accountants) for which DAS must select the consultant using a selection panel process and (2) requires that this threshold be annually adjusted for inflation beginning July 1, 2024.

The act also makes technical and conforming changes (§§ 109-111).

EFFECTIVE DATE: July 1, 2023

Capital Projects (§§ 105 & 106)

Under prior law, DAS generally had charge and supervision of the remodeling, alteration, repair, or enlargement of any real asset if the project cost exceeds $500,000. The act increases, from $500,000 to $1 million, the maximum that most executive branch state agencies may spend to alter, repair, or make additions to public buildings (i.e., capital improvements). It maintains the requirement that these agencies receive approval from DAS before beginning capital improvements (see *Background — State Construction Contracts*). Additionally, the act increases, from $500,000 to $1 million, the maximum that state agencies may spend on capital improvements without triggering competitive bidding requirements.

Under prior law, CSCU, the Military Department, and the Judicial Department each had charge and supervision for projects costing up to $2 million. The act (1) increases each of these thresholds to $3 million, through June 30, 2028, and (2) beginning July 1, 2028, requires that DAS annually adjust the thresholds for inflation by the percentage change in the Producer Price Index by Commodity: Construction (Partial) (WPU80), not seasonally adjusted, or its successor index, as calculated by the U.S. Department of Labor, over the preceding calendar year. DAS must round the adjustment to the nearest multiple of $100 and post the adjusted thresholds on its website.

The act makes conforming changes to thresholds concerning (1) the use of competitive bidding by CSCU, the Military Department, and the Judicial Department and (2) DAS approval of CSCU and Judicial Department projects. It similarly requires that these conforming changes be adjusted for inflation (see above).

Construction Consultant Services (§§ 107 & 108)

Under prior law, DAS had to establish a selection panel to evaluate consultant services proposals if the estimated cost of those services exceeded $500,000 (referred to as "projects" in statute and "major projects" by DAS). The act (1) increases this threshold to $750,000 and (2) requires that it be annually adjusted for inflation beginning July 1, 2024. Under the act, DAS must make the adjustment using the same index that it must use for adjusting the capital project thresholds (see above). DAS must round the adjustment to the nearest multiple of $100 and post the adjusted threshold on its website.

By law, selection panels consist of three members for projects of less than $5 million and five members for projects of $5 million or more. After evaluating the proposals, the panel must submit a list of the most qualified firms to the DAS commissioner, who must negotiate a contract that she determines to be fair and reasonable to the state with the firm that the panel ranks most qualified for compensation (CGS §§ 4b-56 to -58).

Background — Related Act

PA 23-204 (§§ 433-436) increases, from $500,000 to $1 million, several thresholds relating to DAS contractor prequalification (e.g., the cost of a capital project for which the contract must be awarded to a prequalified contractor).

Background — State Construction Contracts

By law, with some exceptions, the DAS commissioner is responsible for capital improvements to state buildings that house executive branch agencies or offices, except that agencies may contract to spend up to a specified amount ($1 million under the act) to repair, alter, or make additions to buildings if they receive the DAS commissioner's approval.

The commissioner also administers improvements exceeding certain thresholds (see above) to buildings that the judicial branch and CSCU occupy. UConn, the Department of Transportation, and the Legislative Management Committee each have independent authority to contract for capital improvements.

§ 112 — DAS STATUS REPORT ON SPECIFIED CAPITAL PROJECTS

Requires DAS to submit quarterly reports to the General Assembly on the status of specified capital improvements to the Office of the Chief Medical Examiner's facilities and the Greater Bridgeport Community Mental Health Center

Beginning by October 1, 2023, and until their completion, the act requires DAS to report quarterly to the Finance, Revenue and Bonding and Government Administration and Elections committees on the status of the (1) design, alteration, renovation, and construction of the Office of the Chief Medical Examiner's facilities and (2) design, rehabilitation, and construction of the Greater Bridgeport Community Mental Health Center's parking garage, surface parking, and related work.

EFFECTIVE DATE: Upon passage

§ 113 — USE OF BOND PREMIUMS

Delays by two years, from July 1, 2023, to July 1, 2025, the requirement that the state treasurer direct bond premiums on GO and credit revenue bond issuances to an account or fund to pay for previously authorized capital projects

The act delays by two years, from July 1, 2023, to July 1, 2025, the requirement that the state treasurer direct bond premiums on state 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 bond premiums as follows:

1. until July 1, 2023, 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, 2023, 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, 2025, 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, 2023

§ 114 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

Authorizes 22 school construction state grant commitments totaling $736.45 million toward total estimated project costs of $1.16 billion; reauthorizes two projects with an additional state grant commitment of $37.6 million

The act authorizes school construction state grant commitments totaling $736.45 million toward total estimated project costs of $1.16 billion. It also reauthorizes two projects that have changed substantially in scope and cost with an additional state grant commitment of $37.6 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. For the state-operated Connecticut Technical Education and Career System (CTECS), also known as the technical high schools, the state pays 100% of the project costs.

EFFECTIVE DATE: Upon passage

School Construction Grant Commitments

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.

2023 School Construction Grant Commitments

District	*School*	*Project Type*	*Estimated Project Costs*	*Estimated Grant*	*Reimbursement Rate*
ACES	ACES @ Bassett	Alteration	$65,533,047	$52,426,438	80%
ACES	ACES @ Chase	Purchase of facility	69,624,095	55,699,276	80%
ACES	Wintergreen Interdistrict Magnet School	Purchase of facility	20,180,514	16,144,411	80%
Bristol	Northeast Middle School	New	89,068,965	52,800,082	59.28%
Cheshire	North End Elementary School	New	89,942,900	44,971,450	50%
Cheshire	Norton Elementary School	New	76,656,200	38,328,100	50%
Cromwell	Central administration	New	4,285,000	1,063,537	24.8%
Cromwell	Cromwell Middle School	New	69,114,717	34,308,546	49.64%
Darien	Hindley Elementary School	Extension/ alteration	27,550,000	5,705,605	20.71%
Darien	Holmes Elementary School	Extension/ alteration	25,600,000	5,301,760	20.71%
Darien	Royle Elementary School	Extension/ alteration	29,100,000	6,026,610	20.71%
Hartford	Expeditionary Learning Academy at Moylan School	Alteration	94,571,305	89,842,740	95%
Hartford	McDonough Middle School	Alteration	59,859,491	56,866,516	95%
Hartford	Parkville Community School	Alteration	60,888,341	57,843,924	95%
Madison	Elementary School	New	61,150,000	11,135,415	18.21%
Norwalk	South Norwalk Elementary School	New	76,000,000	45,600,000	60%
Norwich	Greeneville Elementary School	New	60,368,429	48,294,743	80%
Norwich	John B. Stanton Elementary School	New	66,078,262	52,862,610	80%
Regional	Mile Creek	Extension/	24,911,028	9,075,088	36.43%

District	School	Project Type	Estimated Project Costs	Estimated Grant	Reimbursement Rate
District 18	Elementary School	alteration			
Stamford	Roxbury Elementary School	New	86,000,000	51,600,000	60%
Stratford	Franklin Elementary School	Alteration	521,920	311,273	59.64%
Stratford	Wilcoxson Elementary School	Alteration	400,946	239,124	59.64%
Totals			**$1,157,405,160**	**$736,447,248**	

Reauthorized Projects

The act also reauthorizes two school construction projects with a change in cost and scope. This results in an additional state grant commitment of $37,610,051. The table below describes the changes to these projects.

Reauthorized School Construction Projects

District	School and Project	Prior Law		The Act	Reimbursement Rate
Farmington	Farmington High School (New)*	Estimated project costs	$131,666,047	$141,366,047	30%
		Estimated state grant	39,499,814	42,409,814	
Stamford	Westhill High School (New)**	Estimated project costs	257,938,824	301,313,888	80%
		Estimated state grant	206,531,059	241,051,110	

*The 2022 priority list (PA 22-118, § 362) authorized a grant of $24,924,383 (i.e., an 18.93% reimbursement rate); however, § 385 of that same act allowed the project to receive a 30% reimbursement rate.

**The 2022 priority list (PA 22-118, § 362) authorized a grant of $51,587,765 (i.e., a 20% reimbursement rate); however, § 381 of that same act authorized an 80% rate if Stamford establishes a pathway-to-career regional program at the new school and enrolls students from, and shares services with, surrounding towns to reduce racial isolation in the community.

§ 115 — SCHOOL BUILDING PROJECTS ADVISORY COUNCIL MEMBERSHIP

Adds two ex-officio members to the council

The act increases the School Building Project Advisory Council's size from nine members to 11 by adding the emergency services commissioner and the CTECS board chairperson, or their designees. By law, the membership also consists of three ex-officio members, or their designees, and six gubernatorial appointees.

By law, the council's duties include (1) reviewing the school safety infrastructure criteria for projects that are awarded state grants (CGS § 10-292r), (2) developing model school building blueprints, and (3) advising the governor and legislature on improvements to the school building processes, among other things.

EFFECTIVE DATE: July 1, 2023

§ 116 — REIMBURSEMENT GRANT RATE FOR NEW SCHOOL CONSTRUCTION

Increases the state reimbursement percentage range for new construction projects for grant applications made on and after June 1, 2024

Under existing law, for approved grant applications made on and after June 1, 2022, the state reimbursement rate for new school construction projects ranges from 10-70%. Beginning with approved grant applications made on and after July 1, 2024, the act increases the state reimbursement percentage ceiling for new construction to 10-80%.

By law and unchanged by the act, if the applicant district shows that new construction is less expensive than a renovation, extension, or major alteration, then the minimum reimbursement rate increases from 10% to 20% with a ceiling of 80%.

EFFECTIVE DATE: July 1, 2023

§§ 117-119 — FEDERAL FUNDING FOR SCHOOL BUILDING AND HVAC PROJECTS

Eliminates the requirement that the state subtract federal funds received by a town from the project costs before calculating the state reimbursement grant for school building projects; allows any town to use federal funds to finance its local share of a school building or HVAC project

Project Cost Calculation (§ 117)

Prior law required that any federal funds or other state funds received by a town for a school building project be subtracted from the total project costs before the state calculates the town's state reimbursement grant amount. Beginning July 1, 2023, the act eliminates this requirement as to federal funds, but it retains the requirement to subtract other state funds from these costs.

Local Share for School Construction Projects (§ 118)

The act allows towns to use federal funds to finance all or part of the town's local share of a school construction project. Prior law allowed only the town that is a priority school district with the largest student enrollment as of October 2003 (i.e., Bridgeport) to use federal funds this way.

Local Share for Heating, Ventilation, and Air Conditioning (HVAC) Projects (§ 119)

The act allows local and regional boards of education and regional education service centers (RESCs) receiving a state grant for certain HVAC or indoor air quality projects to use any federal funds received for the project to cover all or part of the board's or center's local share. This local share option applies to HVAC installation, replacement, or upgrade projects or other improvements to school building indoor air quality. The act replaces provisions in prior law that prohibited boards of education and RESCs from using state HVAC or indoor air quality grant funds to replace local matching requirements for other federal or state funding received for indoor air quality improvement or HVAC projects.

EFFECTIVE DATE: Upon passage, except the project cost calculation provision (§ 117) takes effect on July 1, 2023.

§§ 120-139 & 194 — SCHOOL CONSTRUCTION PROJECT EXEMPTIONS, WAIVERS, MODIFICATIONS, AND A REPEAL

Exempts 28 school construction projects from statutory and regulatory requirements to allow these projects to, among other things, qualify for state reimbursement grants, receive higher grant reimbursement percentages, or have their projects reauthorized due to a change in scope or cost; also repeals a prior project authorization

The act exempts school construction projects in 14 towns and one university-operated magnet school from statutory and regulatory requirements to allow them to, among other things, (1) qualify for state reimbursement grants, (2) receive higher reimbursement percentages for the grants, or (3) have their project reauthorized due to a change in scope or cost. (These exemptions are commonly referred to as "notwithstandings.") Generally, other than the specific notwithstanding provisions mentioned below, the projects must meet all other eligibility requirements.

Additionally, the act repeals a Hartford project that was eligible to be on the 2022 priority list (§ 194).

EFFECTIVE DATE: Upon passage

Exemptions, Waivers, and Modifications (§§ 120-139)

The table below describes the notwithstandings that the act grants.

Notwithstandings for School Construction Projects

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
120	Hartford	Bulkeley High School, renovation	Reauthorizes project and allows a change in scope if the cost does not exceed $210.3 million Waives the filing deadline to be on the 2023 priority list (§ 114) Allows 95% reimbursement rate (previously approved in PA 19-1, July Special Session, § 10)
121	Hartford	Bulkeley High School, central administration facility	Reauthorizes project and allows a change in scope if the cost does not exceed $34.85 million Waives the filing deadline to be on the 2023 priority list (§ 114) Allows a 95% reimbursement rate, including for any costs that would otherwise be reimbursed at one-half of this rate (i.e., 47.5%)
122	Norwich	Stanton Elementary School, new construction	Waives the filing deadline to be on the 2023 priority list (§ 114) and grants the project a maximum cost of $66.08 million if the application is filed before October 1, 2023 Allows an 80% reimbursement rate rather than 67.14% (the 2023 priority list also allows an 80% reimbursement rate)[1]
123	Norwich	Greeneville Elementary School, new construction	Waives the filing deadline to be on the 2023 priority list (§ 114) and grants the project a maximum cost of $60.37 million if the application is filed before October 1, 2023 Allows an 80% reimbursement rate rather than 67.14% (the 2023 priority list also allows an 80% reimbursement rate)[1]
124	New Britain	Holmes Elementary School, renovation	Amends a 2021 notwithstanding for the same project to (1) increase the maximum project cost from $55 million to $70 million and (2) waive standard building space requirements
125 & 126	New Britain	Jefferson Elementary School, renovation	Waives the filing deadline to be on the 2023 priority list (§ 114) for the project with a maximum cost of $70 million if the application is filed before October 1, 2026 Allows a 95% reimbursement rate instead of 78.93%[2] if (1) New Britain is an educational reform district on June 29, 2023, and (2) the school building committee for the project meets specified membership criteria
127	Glastonbury	Naubuc Elementary School, alteration and code compliance	Waives the filing deadline to be on the 2023 priority list (§ 114) and grants the project a maximum cost of $3.2 million if the application is filed before October 1, 2023
128	Bridgeport	Winthrop Elementary School, renovation and extension /alteration	Waives the filing deadline to be on the 2023 priority list (§ 114) and grants the project a maximum cost of $75 million if the application is filed before October 1, 2023
129	Windham	Windham High School, central administration facility	Allows a 95% reimbursement rate, including for any costs that would otherwise be reimbursed at one-half of the town's standard rate[2] (i.e., 39.82%)
130	Hartford	University High	Allows the municipality to receive up to $19.24 million in

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
		School of Science and Engineering, new construction Capitol Preparatory Magnet School, extension/ renovation J. Kinsella Magnet School, extension Environmental Sciences Magnet School at Mary Hooker, extension/ alteration Hartford Public High School, extension Fisher Magnet School, extension/ alteration Webster School, extension/ alteration Sport and Medical Sciences Academy, new construction	reimbursements for otherwise ineligible costs for these eight projects but requires it to spend this amount to cover the local share of the costs for the following projects: (1) Expeditionary Learning Academy at Moylan School, alteration (2) Parkville Community School, alteration (3) McDonough Middle School, alteration (4) Bulkeley High School, renovation (5) Bulkeley High School; central administration facility
131	New Haven	Wilbur Cross High School, renovation/ extension Davis Street Magnet School, new construction East Rock School, new construction	Waives any audit deficiencies (does not specify amounts)
132	New London	New London High School, renovation	Waives bidding requirements so project is eligible for reimbursement for abatement and demolition work performed from 2020-2023
133	Granby	Granby Memorial High School, roof replacement	Allows replacement of a roof that is less than 20 years old to be eligible for a state reimbursement grant, based on the town's standard rate
134	New Fairfield	New Fairfield High School, new	Waives the standard building space requirements

Act §	Town	School and Project	Exemption, Waiver, or Other Change
		construction	
135	Cromwell	Cromwell Middle School, new construction	Waives the standard building space requirements
136	Danbury	Danbury Career Academy at Cartus, new construction	Makes $39.4 million in site acquisition costs eligible for reimbursement Waives requirement that the administrative services (DAS) commissioner approve site selection before construction begins
137	East Hartford (Goodwin University-run *Sheff* magnet school)	Goodwin University Industry 5.0 Magnet Technical High School, alteration	Reauthorizes the project and increases its allowable cost from $28.99 million to $75 million if the application is filed before December 31, 2023
138	Watertown	Judson Elementary School, renovation/ extension	Waives any audit deficiencies (does not specify amounts)
139	Watertown	Polk Elementary School, extension/ alteration	Waives any audit deficiencies (does not specify amounts)

[1] FY 23 reimbursement rate for new construction (Source: DAS)
[2] FY 23 reimbursement rate for general construction (Source: DAS)

Repealed Project (§ 194)

The act repeals a Hartford project, the Greater Hartford Academy of the Arts, which had a maximum cost of $95.9 million and was eligible for 100% cost reimbursement. It was eligible to be on the 2022 priority list due to a notwithstanding in the 2022 budget and implementer act (PA 22-118, § 405).

§§ 140-147 & 157 — PROPERTY TAX EXEMPTION DEADLINE WAIVERS

Allows taxpayers in nine municipalities to claim a property tax exemption for specified property and grand lists even though they missed the applicable filing deadline

The act allows taxpayers in specified municipalities to claim a property tax exemption for the property and grand lists shown in the table below, despite missing the November 1 filing deadline. It does so by waiving the deadline if the taxpayer files for the exemption by July 31, 2023, and pays the statutory late filing fee. 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

§	Municipality	Grand List	Exemption
140	Berlin	2022	Machinery and equipment used for manufacturing, biotechnology, and recycling (CGS § 12-81(76))
141	Bloomfield	2022	
142	East Hampton	2022	
144	Thomaston	2019 through 2022	
145	Thompson	2021	
147	West Haven	2021	
143	Middletown	2021 and 2022	Property held for cemetery use (CGS § 12-81(11))

§	Municipality	Grand List	Exemption
146	West Hartford	2021	Property owned by, or held in trust for, a corporation organized exclusively for scientific, educational, literary, historical, or charitable purposes and used exclusively for these purposes or preserving open space land (CGS § 12-81(7))
157	Meriden	2021	

EFFECTIVE DATE: July 1, 2023

§ 148 — CONSOLIDATION AGREEMENT BETWEEN MANCHESTER AND THE EIGHTH UTILITIES DISTRICT

Validates an agreement and consolidation plan between Manchester and the Eighth Utilities District

The act validates the agreement and consolidation plan Manchester and the Eighth Utilities District entered into on March 8, 2023. It does this regardless of a special act provision requiring the district's legislative body to approve any consolidation with the town before it can take effect.
EFFECTIVE DATE: Upon passage

§ 149 — VALIDATION OF PROPERTY TAX-RELATED ACTIONS AND PROCEEDINGS IN NORWALK

Validates certain property tax-related actions and proceedings in Norwalk

The act validates the actions and proceedings of Norwalk's officers and officials related to the (1) mailing of the assessment increase notice for the 2022 grand list and (2) assessment appeals hearings held by Norwalk's board of assessment appeals. It does this regardless of the statutory requirements for publishing the grand list, equalizing assessments, notifying property owners of increases or decreases in property valuations, and assessment appeals.
EFFECTIVE DATE: Upon passage

§ 150 — WINDHAM RESUBMISSION OF TAX STATEMENTS

Allows Windham to update the FY 23 mill rate and tax levy statements it filed with OPM for purposes of the motor vehicle property tax grant

The act allows Windham, by July 1, 2023, to update the statements it filed with the Office of Policy and Management (OPM) secretary relating to its FY 23 mill rate and tax levy for purposes of the motor vehicle property tax grant.
EFFECTIVE DATE: Upon passage

§ 151 — TRANSFER OF FY 24 APPROPRIATION FOR FLOOD DAMAGE REMEDIATION

Redirects $5 million in FY 24 for flood damage remediation from DEEP to the state comptroller

PA 23-204, § 41, transferred $5 million in FY 24 to the Department of Energy and Environmental Protection's (DEEP) Other Expenses line item for flood damage remediation. The act instead transfers this amount to the State Comptroller's Other Expenses line item for the same purpose.
EFFECTIVE DATE: Upon passage

§ 152 — FIXED ASSESSMENTS FOR ADRIAEN'S LANDING AND CAPITAL CITY PROJECTS

Extends, from 15 to 20 years, the maximum term of fixed assessments on specified developments in Hartford and eliminates the requirement that a project have at least $5 million from CRDA to qualify

Existing law allows Hartford to negotiate and fix assessments on improvements for retail, commercial, and residential uses that are either (1) located within the Adriaen's Landing site, including on-site related private developments, or (2) are qualifying projects (i.e., "capital city projects," which include development and redevelopment projects located anywhere in Hartford). The act increases, from 15 to 20 years, the maximum term of the fixed assessments that apply after project

completion and eliminates a requirement that a capital city project have at least $5 million in funding from the Capital Region Development Authority (CRDA) to qualify for the fixed assessment.
EFFECTIVE DATE: Upon passage.

§ 153 — ARPA ALLOCATION FOR KENT COMMONS

Authorizes $100,000 of the ARPA funds allocated to DECD in FY 23 for Emery Park to be used for a grant to Kent for Kent Commons; allows funds previously issued to Kent for Emery Park to be used at Kent Commons

The act authorizes $100,000 of the American Rescue Plan Act (ARPA) funds allocated to the Department of Economic and Community Development (DECD) in FY 23 for Emery Park to also be available for a grant to Kent for Kent Commons. It also allows any part of the allocation previously issued to Kent for Emery Park to be used at Kent Commons.
EFFECTIVE DATE: Upon passage

§§ 154, 160 & 163 — FY 23 FUNDS CARRIED FORWARD AND TRANSFERRED

Carries forward $460,000 in unspent funds appropriated in FY 23 to the state comptroller for fringe benefits and transfers them for specified purposes to DECD and DCP

The act carries forward $460,000 of the unspent balance appropriated to the State Comptroller – Fringe Benefits, for State Employees Health Service Cost, in FY 23 and transfers it as follows:

1. $200,000 to DECD for Other Expenses, $100,000 of which must be available in each of FYs 24-25 for a grant to the Hill-Stead Museum;
2. $60,000 to the Department of Consumer Protection (DCP) for Other Expenses, $30,000 of which must be available in each of FYs 24-25 for the Health Assistance InterVention Education Network (HAVEN) program; and
3. $200,000 to DECD for Other Expenses, to be available in FY 24 for a grant to Artists Collective, Inc.

EFFECTIVE DATE: Upon passage

§ 155 — COG GRANT FORMULA AMENDMENT

Amends the COG funding calculation established in PA 23-204, § 93, for FYs 24 and after

PA 23-204, § 93, requires the OPM secretary to (1) annually distribute, beginning in FY 24, $7 million to the regional council of governments (COGs) from the regional planning incentive account and (2) establish a formula for determining the per-COG grant amount. That act also retained existing law's requirement that the per-COG grant amounts equal $185,000 plus 68 cents per capita. This act limits the per-COG and per capita amount requirement to FYs 22 and 23 to align with PA 23-204's requirement that the OPM secretary establish the formula beginning in FY 24.
EFFECTIVE DATE: July 1, 2023

§ 156 — MODIFICATION TO LAW ON AUTOMATIC RENEWAL AND CONTINUOUS SERVICE PROVISIONS

Modifies PA 23-191, § 1, to specify that both global and national audiovisual services agreements are exempted from the law's requirements on automatic renewal or continuous service provisions

The act expands an exemption in PA 23-191, § 1, concerning consumer agreements with automatic renewal or continuous services provisions. It does so by expanding an exemption for global services largely or predominately consisting of audiovisual content to include the same services offered on a national basis. Thus, consumer agreements for these national audiovisual services do not have to comply with the requirements under PA 23-191, § 1.
EFFECTIVE DATE: October 1, 2023

§ 158 — MUNICIPAL CHARTER AMENDMENTS

Limits the changes that municipalities may make to their charters

The act limits the changes that a municipality may make to its charter. Under the act, municipalities are prohibited from modifying specified requirements that are governed by title 7 or 8 (i.e., state statutes on municipal powers and planning and zoning matters, among others). Specifically, municipalities cannot modify the following, as set forth in these titles:

1. regulations concerning the planning commission, zoning commission, or combined planning and zoning commission (each referred to herein as "commission");
2. requirements for filing petitions with the local legislative body or zoning board of appeals to challenge a commission decision (e.g., how signatures are collected, the number of signatures required, or residency requirements for signors);
3. voting requirements to start or complete an eminent domain process, including any public notice or hearing requirements; and
4. voting requirements to dispose of municipal property, including any public notice or hearing requirements.

The act prohibits these charter modifications regardless of any special act, ordinance, or charter provision that states otherwise. Under the act, "municipalities" include towns, cities, boroughs, school districts, and special taxing districts, as well as other municipal corporations and organizations.

EFFECTIVE DATE: Upon passage

§ 159 — HEALTHY HOMES FUNDS FOR CERTAIN CONDOMINIUMS IN HAMDEN

Allows the Healthy Homes Fund to be used to support owners of owner-occupied condominium units in Hamden with structurally deficient foundations

The act broadens the purposes for which the Healthy Homes Fund may be used to include grants to remediate structurally deficient foundations in owner-occupied condominium units in Hamden or relocate the owners of these units.

Grants for these units or unit owners must come from remittances to the Healthy Homes Fund between May 1, 2022, and April 30, 2023, and may not exceed the actual cost of remediation or relocation. The act requires that the funds be directed to the Department of Housing to administer the grants.

By law, the Healthy Homes Fund is a separate nonlapsing General Fund account used primarily to support the Crumbling Foundations Assistance Fund, which assists homeowners with concrete foundations damaged by pyrrhotite. The fund is capitalized by an annual $12 surcharge on certain homeowners' insurance policies.

EFFECTIVE DATE: July 1, 2023

§ 161 — TAX CREDIT FOR DONATIONS TO ELIGIBLE YOUTH DEVELOPMENT ORGANIZATIONS

Creates a tax credit available for the 2024 and 2025 income and tax years against the personal income and corporation business tax for individuals and businesses making cash contributions to certain youth development organizations

The act establishes a tax credit for cash contributions individuals and businesses make to eligible youth development organizations to fund programs like after-school tutoring, mentoring, and workforce preparedness training. The credit is available for the 2024 and 2025 income and tax years and may be applied against the corporation business or personal income tax, but not the withholding tax. The credit equals 50% of the qualifying contribution, up to a maximum credit amount of $100,000 per income year for corporation business taxpayers or $20,000 per tax year for personal income taxpayers. The act caps the total amount of credits that may be reserved for this program at $2.5 million per fiscal year.

EFFECTIVE DATE: January 1, 2024

Eligible Organizations

Under the act, the contribution must be made to a "youth development organization," which is a 501(c)(3) tax-exempt, nonprofit organization (1) providing evidence-supported interventions to high-risk youth to improve school and family engagement and (2) offering skills development, transitional employment, and job placement and support to help young adults be employed and self-sufficient.

Credit Reservations and Vouchers

To access the credit, the entity or individual must apply to OPM to reserve a credit allocation in the amount of the contribution it intends to make. The OPM secretary must (1) prescribe the application, which must contain the information he deems necessary, and credit reservation process and (2) approve applications on a first-come, first-served basis. He must

notify applicants in writing within 30 days after receiving an application of his approval or rejection. Approved entities and individuals must make their intended contribution within 120 days after receiving the approval notice.

Once the entity or individual makes the contribution, it may apply to the OPM secretary for a credit voucher. In doing so, it must provide the documentation and independent certification the OPM secretary may require on the contribution amount and certification that it was actually made to the youth development organization. If the OPM secretary determines that the entity or individual is eligible for the voucher, he must (1) enter the allowed credit amount on the voucher and (2) give a copy of the voucher to the Department of Revenue Services (DRS) commissioner if he requests one.

Credit Claims

Taxpayers must claim the credits for the income or tax year in which they made the contribution.

If the contributing taxpayer is an S corporation or an entity treated as a partnership for federal income tax purposes, the taxpayer's shareholders or partners may claim the credit. If the contributing taxpayer is a single member limited liability company disregarded as an entity separate from its owner, the company's owner may claim the credit, as long it is subject to either the corporation business or personal income tax.

Fraudulent or False Claims

The act imposes a financial penalty equal to the credit amount on any entity or individual that submits information to the OPM secretary that it knows to be fraudulent or false. This penalty is in addition to other penalties provided by law.

Examinations

The act authorizes the OPM secretary and DRS commissioner to examine any books, papers, and records related to the documentation provided with a tax credit voucher application to determine that a credit claim is correct.

Reporting Requirements

The OPM secretary must report to the Commerce and Finance, Revenue and Bonding committees on the credit by March 1, 2025, and March 1, 2026. The report must include the following information for the preceding calendar year:

1. number of credit reservation applications received and approved or rejected;
2. number and amount of approved vouchers;
3. number of corporation business and personal income taxpayers whose applications were approved and received a credit voucher, respectively;
4. youth development organizations to which contributions were made; and
5. any other information or data he deems relevant or useful to evaluate the credit's effectiveness.

§ 162 — RESERVED AMOUNT FROM SDE APPROPRIATION

Reserves $3 million from the FY 24 line item appropriation for SDE for Magnet Schools to give interdistrict magnet school program tuition assistance to Hartford's board of education

The act reserves $3 million of the FY 24 line item appropriation for the State Department of Education (SDE) for Magnet Schools in the FY 24-25 budget and implementer act (PA 23-204) to provide interdistrict magnet school program tuition assistance to Hartford's board of education.

EFFECTIVE DATE: July 1, 2023

§§ 164-165 — MINORITY REPRESENTATION

Clarifies political party status for unaffiliated persons for the purposes of minority representation

The state's minority representation law limits the maximum number of members who may belong to the same political party on governmental bodies of the state, municipalities, and other political subdivisions. For purposes of this law, the act deems an unaffiliated person (i.e., a person who is not affiliated with any party at the time of his or her appointment or nomination) as unaffiliated for the entire duration of his or her elected or appointed term. Additionally, it specifies that a person elected as a candidate for a political party is deemed a member of that party even if he or she is not registered with

that party. Prior law did not specifically address how unaffiliated individuals were treated for minority representation purposes.

EFFECTIVE DATE: Upon passage

§§ 166-169 — REGIONAL ELECTION ADVISORS

Makes various changes to the regional election monitor program including replacing monitors with regional election advisors, providing state funding for the program, and changing contracting requirements for advisors

The act makes several changes to the prior regional election monitor (REM) program. Specifically, it:

1. replaces REMs acting on the secretary of the state's behalf with regional election advisors (REA) acting on behalf of the regional COGs that appoint them (§ 166),
2. allows COGs to appoint REAs rather than requiring them to contract with REMs (§ 166),
3. changes the program's contracting and memorandum of understanding (MOU) requirements between COGs and the secretary (§ 166),
4. applies certain REM training and instruction requirements to REAs (§ 169), and
5. provides state funding for the REA program (§§ 167 & 168).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2023

Regional Election Advisors

Prior law required an REM within each of the state's planning regions to represent, consult with, and act on the secretary of the state's behalf in preparing for and operating each election, primary, recanvass, and audit. It also required each COG to contract with someone to serve as the monitor for its planning region. Under prior law, though REMs acted on the secretary's behalf, they were not considered state employees.

The act eliminates these requirements and instead allows COGs to appoint REAs to (1) represent, consult with, and act on the COG's behalf or on behalf of any combination of COGs or COG member towns seeking the REA's assistance and (2) consult and coordinate with the secretary to help prepare for and operate each election, primary, recanvass, and audit.

As under prior law for REMs, each REA must (1) be a state elector; (2) perform his or her duties in a nonpartisan way; (3) have prior field experience in election administration; (4) be certified by the secretary of the state (see below); and (5) not have been convicted of, or pled guilty or no contest to, (a) a felony for fraud, forgery, larceny, embezzlement, or bribery or (b) an election-related criminal offense. Additionally, the act allows multiple councils and towns to share an REA, instead of the prior requirement that each council retain its own.

Contracting Requirements

Prior law required each COG, by March 1 of a regular election year, to have (1) contracted with someone to serve as the REM and (2) established an MOU with the secretary of the state on the position and its duties. The act eliminates the contract requirement and limits the MOU requirement to each COG that appointed an REA.

Similar to prior law, the MOU must confirm the following information:

1. the person is eligible to serve,
2. the person has been informed in writing of the position's expectations, and
3. revocation of a person's certification is considered a breach (of the contract under prior law and the MOU under the act).

Under prior law, this breach immediately terminated the contract, but under the act, the breach may result in the termination of the MOU if the COG cannot appoint a new advisor within 30 days after the revocation.

The act also eliminates requirements that the MOU confirm that the (1) position is subject to the secretary's control and direction and (2) person in the position is retained until at least 30 days after the election.

Training Requirements

The act makes conforming changes requiring the secretary of the state to train and certify REAs rather than REMs. As under prior law, an initial certification lasts two years, an abridged recertification process may be used for the certification renewal required every two years after that, and the secretary may revoke a certification at any time.

Prior law required the secretary of the state to (1) coordinate with REMs to conduct instructional sessions for

moderators and alternate moderators, (2) set the number of sessions to be held, and (3) hold at least one session within each planning region at the COG's facilities before each regular election. The act instead requires her to coordinate with REAs and the COGs that appointed them to conduct these instructional sessions in the COG's planning region. It eliminates the requirements for the secretary to hold trainings at specific locations and establish the number of sessions to be held.

State Funding

Under the prior REM program, COGs had to (1) employ and compensate an REM and (2) give the monitor the necessary space, supplies, equipment, and service. The act eliminates these requirements and instead directs the OPM secretary, beginning in FY 24 and within available appropriations, to award grants annually to COGs that have appointed an REA and filed the required MOU. The grants must be for at least $25,000 and used only to support the REA program.

The act requires (1) the regional planning incentive account to fund the grants and (2) OPM to prioritize using the account's funds for the grants after it funds regional planning organizations (i.e., organizations formed to oversee planning regions) but before it funds the regional performance incentive program. The regional planning incentive account is a nonlapsing account in the General Fund.

§ 170 — ELECTION ADMINISTRATION STAFFING TASK FORCE

Establishes a 17-person task force to study election administration staffing

The act establishes a 17-person task force to study ways to ensure that election administration in each municipality is fully staffed by personnel properly trained in all tasks needed for effective election administration. The study must at least (1) examine regionalizing election administration, including tasks that COGs may perform in a more efficient, higher quality, more cost-effective, or more responsive way; (2) review municipal election official training; and (3) analyze and recommend other voluntary initiatives to facilitate effective election administration in a more efficient, higher quality, more cost-effective, or more responsive way.

The task force consists of the following members:

1. two representatives of the Connecticut Advisory Commission on Intergovernmental Relations, with one appointment each for the House speaker and Senate president pro tempore;
2. one information technology (IT) professional with election technology expertise, appointed by the House speaker;
3. one election administration expert admitted to practice law in Connecticut, appointed by the Senate president pro tempore;
4. a Connecticut Conference of Municipalities representative, appointed by the House majority leader;
5. a Connecticut Association of Councils of Governments representative, appointed by the Senate majority leader;
6. a Registrars of Voters Association of Connecticut representative, appointed by the House minority leader;
7. a Connecticut Council of Small Towns representative, appointed by the Senate minority leader;
8. the chairpersons and ranking members of the Government Administration and Elections (GAE) Committee, or their designees;
9. the chairpersons and ranking members of the Planning and Development Committee, or their designees; and
10. the secretary of the state, or her designee.

Under the act, all initial appointments must be made by July 29, 2023. The House speaker and Senate president pro tempore must select the chairpersons, who must schedule and hold the first meeting by August 28, 2023.

The GAE Committee's administrative staff must serve as the task force's administrative staff, with additional support from OPM as needed. The task force must report its findings and recommendations to the GAE and Planning and Development committees by January 1, 2024. The task force terminates on that date or when it submits its report, whichever is later.

EFFECTIVE DATE: Upon passage

§§ 171-178 — EXPENDITURES BY LEADERSHIP AND CAUCUS COMMITTEES

Allows legislative leadership and caucus committees to aggregate their maximum organization expenditure amounts for legislative candidates, subject to specified requirements; modifies the types of events and services for which these expenditures may be made; allows committees to pay or reimburse other committees for the pro rata share of certain expenses

The act makes several changes concerning certain expenditures made by legislative leadership and caucus committees under state campaign finance laws. It allows leadership and caucus committees of the same party, in the House and Senate respectively, to aggregate their maximum organization expenditure amounts for legislative candidates who participate in the Citizens' Election Program (CEP). It also modifies the types of events and services for which organization expenditures may be made.

Additionally, the act allows legislative leadership and caucus committees to pay or reimburse other leadership or caucus committees for the pro rata share of expenses for accomplishing the paying or reimbursing committee's lawful purposes.

Under existing law, the House speaker, Senate president pro tempore, and House and Senate majority leaders may each establish a legislative leadership committee, while the House and Senate minority leaders may each establish two leadership committees. Additionally, the members of the same political party of a chamber in the General Assembly may establish a single legislative caucus committee (CGS §§ 9-605(e)(2) & (3)).

EFFECTIVE DATE: Upon passage

Organization Expenditures (§§ 171-173)

Definition (§ 173). By law, organization expenditures are made by legislative caucus, legislative leadership, or party committees to benefit candidates or their committees. They are not considered campaign contributions, but the law places restrictions and limits on those made to benefit legislative candidates participating in the CEP.

The act modifies two of the four types of organization expenditures allowed by law. First, prior law allowed organization expenditures for campaign events at which a candidate or candidates are present. The act instead allows these expenditures for campaign events at which campaign materials are present and at which food and beverage may be provided, regardless of whether candidates are present. Additionally, it prohibits contributions from being received, solicited, or bundled at these events. (Generally, "bundling" refers to a communicator lobbyist forwarding groups of contributions to a committee (CGS § 9-601(27).)

Second, the act expands the types of services for which organization expenditures may be made to include services by an individual to provide assistance relating to a candidate's campaign, rather than those by an advisor to provide assistance relating to campaign organization, financing, accounting, strategy, law, or media, as prior law provided.

Aggregating Expenditures (§§ 171 & 172). Existing law sets an inflation-adjusted limit on the amount of organization expenditures that legislative leadership and caucus committees may make in a general election to benefit legislative candidates participating in the CEP (e.g., $12,910 per Senate candidate and $4,518.50 per House candidate in the 2022 election).

The act allows legislative leadership and caucus committees of the same party, in the House and Senate respectively, to aggregate their maximum organization expenditure amounts for participating candidates as long as there is a written agreement between the treasurers of each aggregating committee. The act allows aggregation among two leadership committees, a leadership committee and a caucus committee, or all three of these committees. Under the act, (1) the treasurers must jointly submit the agreement to the State Elections Enforcement Commission (SEEC) upon executing it and (2) SEEC must post the agreement online.

Expense Sharing (§§ 174-178)

The act allows legislative leadership and caucus committees to pay or reimburse other leadership or caucus committees for the pro rata share of expenses for accomplishing the paying or reimbursing committee's lawful purposes. These include shared expenses for which only the committee being paid or reimbursed was under a contractual obligation to pay. The act also makes conforming changes.

Under existing law, a legislative leadership or caucus committee's lawful purposes include promoting a political party, the success or defeat of candidates for nomination and election to public office, or the success or defeat of referendum questions. They may also use funds to defray costs for conducting legislative or constituency-related business which are not reimbursed or paid by the state (CGS § 9-607(g)(1)(A)(ii)).

§ 179 — CEP GUBERNATORIAL GRANT AMOUNT

Increases primary and general election grant amounts for gubernatorial candidates participating in the CEP; sets the base amounts at $3,227,500 for a primary and $15,492,000 for a general election and updates the reference date for inflation adjustments to January 1, 2022

Base Amount and Inflation Adjustments

The act increases grant amounts for gubernatorial candidates participating in the CEP, the state's voluntary public campaign financing system available to legislative and statewide office candidates. Prior law set CEP base grant amounts for participating gubernatorial candidates at $1.25 million for major party candidates in a primary and $6 million for major and minor party and petitioning candidates in a general election. It required SEEC to quadrennially adjust both of these amounts for inflation since 2010. In 2022, the full inflation-adjusted grant amounts were $1,613,750 for a primary and $7,746,000 for a general election.

The act doubles these 2022 inflation-adjusted amounts (i.e., sets them at $3,227,500 for a primary and $15,492,000 for a general election) and makes them the new base amounts. For candidates who receive a convention campaign grant (see §§ 179-185 below), the act sets the primary grant amount at $2,420,625 (i.e., the difference between the full primary grant amount and the convention campaign grant amount).

As under existing law, the base grant amounts must be quadrennially adjusted for inflation, but the act makes a conforming change to shorten the look-back period for gubernatorial grants. Specifically, existing law requires SEEC to adjust CEP grant amounts based on changes in the consumer price index for all urban consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics.

Under prior law, SEEC had to (1) base the gubernatorial grant inflation adjustment on the CPI-U change from January 1, 2010, through December 31 in the year before the applicable primary or election and (2) publish the adjusted amount by January 15 in the year of the applicable primary or election. The act instead requires SEEC to base the adjustment on the CPI-U change since January 1, 2022.

Changes to Other Gubernatorial General Election Grant Amounts

Existing law sets several circumstances in which participating candidates may receive only a portion of the full CEP grant amount for a general election (e.g., if running unopposed or applying for a grant 70 or fewer days before the election). In doubling the grant amount for gubernatorial candidates, the act correspondingly doubles each of these reduced grant amounts, as shown in the table below. Under the act, SEEC must adjust each of these amounts for inflation. (The grant adjustments are described in more detail following the table.)

General Election Grants for Gubernatorial Candidates

Grant	*Prior Law**	*The Act***	*Reductions to the Act's Grant Amounts Based on Application Date*			
			*75% Grant***	*65% Grant***	*55% Grant***	*40% Grant***
Major party, full grant (full opposition)	$7,746,000	$15,492,000	$11,619,000	$10,069,800	$8,520,600	$6,196,800
Major party, 60% grant (limited opposition)	4,647,600	9,295,200	6,971,400	6,041,880	5,112,360	3,718,080
Major party, 30% grant (unopposed)	2,323,800	4,647,600	3,485,700	3,020,940	2,556,180	1,859,040
Minor and Petitioning, full grant	7,746,000	15,492,000	11,619,000	10,069,800	8,520,600	6,196,800
Minor and Petitioning, 2/3 grant	5,164,000	10,328,000	7,746,000	6,713,200	5,680,400	4,131,200

Grant	Prior Law*	The Act**	Reductions to the Act's Grant Amounts Based on Application Date			
			75% Grant**	65% Grant**	55% Grant**	40% Grant**
Minor and Petitioning, 1/3 grant	2,582,000	5,164,000	3,873,000	3,356,600	2,840,200	2,065,600

*Inflation-adjusted amounts for 2022 state election
**Must be adjusted for inflation

Major Party Candidates. By law, major party candidates receive the following grant amounts:

1. the full grant amount if they are opposed by another major party candidate, or if they are opposed by a minor or petitioning party candidate who qualifies for a grant (see below);
2. 60% of the full grant amount if they are opposed only by a minor party or petitioning candidate who has not qualified for a grant (CGS § 9-705(i)(4)); and
3. 30% of the full grant amount if they are unopposed (CGS § 9-705(i)(3)).

Minor Party and Petitioning Candidates. By law, minor party candidates may receive a general election grant equal to the grant for a major party candidate only if the candidate for the same office representing the same minor party at the last regular election received at least 20% of the votes cast for that office. Similarly, an eligible petitioning candidate may receive a full grant for the general election only if his or her petition is signed by a number of qualified electors equal to at least 20% of the number of votes cast for the same office at the last regular election. Both receive a one-third grant by meeting a 10% threshold or a two-thirds grant by meeting a 15% threshold.

Reductions Based on Application Date. Existing law has a four-step grant reduction schedule under which candidate committees that submit their applications 70 or fewer days before the election receive reduced general election grants. These reduced amounts are as follows and apply to major and minor party and petitioning candidates:

1. 75% of the full grant amount (application submitted 70 through 57 days before the election),
2. 65% of the full grant amount (application submitted 56 through 43 days before the election),
3. 55% of the full grant amount (application submitted 42 through 29 days before the election), and
4. 40% of the full grant amount (application submitted 28 days before the election through the last day that SEEC accepts grant applications).

EFFECTIVE DATE: October 1, 2023

§§ 179-185 — CEP CONVENTION CAMPAIGN GRANT

Allows major party gubernatorial candidates participating in the CEP to apply for and receive a "convention campaign grant" before the party's nominating convention, equal to one-fourth of the primary grant; sets the grant amount at $806,875 and requires that it be adjusted for inflation since January 1, 2022

The act allows major party gubernatorial candidates who participate in the CEP to apply for and receive a "convention campaign grant" before the party's nominating convention. The act sets the grant amount at $806,875 (i.e., one-fourth of the primary grant under the act) and requires that it be adjusted for inflation. Previously, CEP grants were available only after the nominating convention.

The act allows candidates to apply for the convention campaign grant at any time after filing the affidavit of intent to participate in, and abide by, the CEP's spending limits and requires SEEC to approve or disapprove the application within 10 business days after receiving it. Among other things, candidates seeking a grant must raise the full amount of qualifying contributions (QC) required for a gubernatorial primary or general election grant. The act also allows candidates who receive this grant to automatically receive a primary or general election grant, as applicable, if they subsequently qualify for either contest.

Lastly, the act makes technical and conforming changes, including repealing obsolete language.

EFFECTIVE DATE: October 1, 2023

Convention Campaign Grant

The act allows participating gubernatorial candidates to apply for and receive a convention campaign grant, which the act creates. It defines "convention campaign" as the period beginning when the candidate files the CEP participation

affidavit (i.e., SEEC Form CEP 10) and the close of his or her party's state nominating convention. The act sets the grant amount at $806,875 and requires that it be adjusted for inflation as described above (i.e., the CPI-U change since January 1, 2022).

Application

The law sets the third Wednesday in May as the initial deadline to submit CEP primary or general election grant applications to SEEC. The act allows gubernatorial candidates seeking a convention campaign grant to apply for the grant at any time after submitting the CEP participation affidavit.

The act generally subjects convention campaign grant applications to the same requirements that apply to applications for gubernatorial primary and general election grants under existing law. Specifically, it requires (1) candidates to raise the full amount of QCs required for a gubernatorial primary or general election grant (e.g., $288,800 in the 2022 election, see *Background — CEP Qualifying Contributions*) and include the itemized accounting and certifications required by existing law and (2) SEEC to determine whether to approve an application within 10 business days after receiving it. Under the act, the state comptroller must disburse grant funds to a candidate approved for a convention campaign grant within 30 days after being notified of the grant amount by SEEC.

Under prior law, the CEP limited the funds a candidate committee could spend before a campaign to QCs raised by the committee and allowable personal funds from the candidate. The act makes a conforming change by allowing participating gubernatorial candidate committees to spend QCs, personal funds, and the amount of the convention campaign grant.

Under the act, any unspent QCs from before a convention campaign that are held by a candidate committee receiving a convention campaign grant must continue to be considered unspent until the committee has spent the full grant amount. Existing law has a parallel provision for QCs received before a primary campaign.

Subsequent Receipt of Primary and General Election Grants

Existing law requires that a participating CEP candidate awarded a grant for a primary campaign automatically receive a CEP grant for the general election campaign if he or she becomes the party's nominee. The act establishes parallel provisions for participating gubernatorial candidates who receive a convention campaign grant to automatically receive a primary or general election grant, as applicable.

Specifically, it requires that these candidates automatically receive a CEP grant for a primary election if they qualify for a primary (e.g., by receiving a specified share of votes at the party's nominating convention and filing a candidacy for nomination). For these candidates, the act sets the primary grant amount at $2,420,625 (i.e., the difference between the full primary grant amount ($3,227,500) and the convention campaign grant amount ($806,875)). Under the act, this amount must be quadrennially adjusted for inflation since January 1, 2022 (see § 179 above).

The act similarly requires that gubernatorial candidates who receive a convention campaign grant automatically receive a general election CEP grant if they become the party's nominee without a primary.

Background — CEP Qualifying Contributions

By law, candidates qualify for the CEP by raising an aggregate amount of QCs, which must come from individual donors. SEEC must adjust for inflation both the maximum individual QC amount as well as the aggregate QC amounts. In 2022, the inflation-adjusted maximum individual QC was $290, and participating gubernatorial candidates had to raise an aggregate amount of $288,800.

§§ 186-188 — CEF FUNDING

Beginning in FY 26, (1) requires that the deposit of unclaimed property funds into the CEF in any fiscal year before the fiscal year of a gubernatorial election be the amount deemed necessary by SEEC to pay grants to CEP candidates and (2) moves back the deadline for SEEC to make related determinations in gubernatorial election years; eliminates a provision in prior law which required that transfers from the unclaimed property fund to the CEF be reduced in the subsequent fiscal year by the amount of any corporation business tax revenue deposited in the CEF

CEF Deposits

By law, grants to candidates participating in the CEP are made from the Citizens' Election Fund (CEF). The CEF is funded mostly by proceeds from the state's sale of abandoned property that escheats (reverts) to it (see *Background — CEF*).

Existing law requires that unclaimed property funds be annually credited to the CEF in an amount equal to what was deposited in the previous fiscal year adjusted for inflation by the state treasurer using the CPI-U (e.g., the deposit was $12.6 million in FY 22). Beginning in FY 26, the act requires that in any fiscal year before the fiscal year of a gubernatorial election, the deposit be the amount deemed necessary to pay grants to CEP candidates in the election cycle for which that election is to be held. This amount must be based on SEEC's required report on this matter (see below).

SEEC Determination

Existing law requires SEEC to determine and report on, by January 1 in a state election year, whether the CEF has enough money to provide grants to CEP candidates. Beginning in 2026, the act moves back this deadline for gubernatorial election years to the 41st day before the primary (i.e., June 28-July 4, depending on the August primary date). It retains the January 1 deadline for non-gubernatorial election years.

Use of Corporation Business Tax Revenue

By law, revenue from the corporation business tax must be deposited in the CEF if, among other things, there are insufficient funds in the CEF during an election cycle to cover grants to qualified CEP candidates. The deposit must equal the amount of the insufficiency.

The act eliminates a provision in prior law requiring that transfers from the unclaimed property fund to the CEF be reduced in the subsequent fiscal year by the amount of corporation business tax revenue deposited in the CEF because of this insufficiency.

EFFECTIVE DATE: July 1, 2025

Background — CEF

The CEF is funded mostly by a statutorily determined amount of proceeds from the sale of abandoned property that escheats to the state. If there are not enough proceeds from escheated property in a fiscal year to cover the required annual deposit, then corporation business tax revenues must be deposited into the fund to cover the shortfall. The fund may also receive voluntary contributions, surplus donations from candidate committees, and proceeds from its investment earnings. The state treasurer administers the fund, which is a separate, nonlapsing account in the General Fund.

§ 189 — QUALIFYING CONTRIBUTIONS FOR CEP LEGISLATIVE CANDIDATES IN 2024 ELECTION

For the 2024 election only, freezes the aggregate QC amounts that legislative candidates must raise at their 2022 amounts (i.e., $17,300 for state senator and $5,800 for state representative)

By law, candidates qualify for the CEP by raising an aggregate amount of QCs. QCs must come from individual donors, and SEEC must adjust for inflation both the maximum QC amount an individual may contribute as well as the aggregate QC amounts candidates must raise.

Under existing law, SEEC must adjust these amounts before each regular election for statewide or legislative office. For the 2024 election only, the act instead freezes the aggregate QC amounts that legislative candidates must raise at their 2022 amounts (i.e., $17,300 for state senator and $5,800 for state representative). It retains the requirement that SEEC adjust the maximum individual QC amount (which was $290 in 2022) before the 2024 election.

EFFECTIVE DATE: October 1, 2023

§ 190 — CONTRIBUTIONS TO STATE CENTRAL COMMITTEES

Increases the annual limit on contributions by an individual to a state central committee from $10,000 to $15,000

The act increases the annual limit on contributions by an individual to a party's state central committee from $10,000 to $15,000.

EFFECTIVE DATE: Upon passage

§ 191 — TOWN REFERENDUM ON PERMIT DENIAL UNDER THE ENVIRONMENTAL JUSTICE LAW

Creates a process under which an elector or voter in a town with a population of up to 10,000 can petition for a town referendum on the DEEP commissioner's denial of a facility permit under the environmental justice law

The state's environmental justice (EJ) law (CGS § 22a-20a, as amended by PA 23-202) generally requires applicants seeking to construct, expand, or site certain facilities in EJ communities to engage in a public participation process. It also, once the energy and environmental protection (DEEP) commissioner adopts applicable regulations, allows for the denial of a facility permit if the reviewing authority (DEEP or the Connecticut Siting Council, as applicable) finds that approving it would yield adverse cumulative environmental or public health stressors that are higher than those in other communities in the state, county, or other geographic unit used for comparison.

The act creates a process under which an elector or voter of a municipality with a population of up to 10,000 people can petition for a town referendum on the DEEP commissioner's denial of a permit based on higher adverse cumulative environmental or public health stressors. Under the act, an affirmative vote of the municipality's electorate constitutes approval of the permit despite the commissioner's decision.

By law, an EJ community is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality.

EFFECTIVE DATE: October 1, 2024

§§ 192 & 193 — CHRO REFERRAL OF SUSPECTED SEX OFFENSES TO CHIEF STATE'S ATTORNEY'S OFFICE

Allows CHRO, if it believes that a party to a discriminatory practice case committed a sex offense, to refer the matter to the chief state's attorney's office; correspondingly requires that office to investigate after receiving the referral as it deems necessary

The act specifically allows the Commission on Human Rights and Opportunities (CHRO), whenever it has reason to believe that a party to a discriminatory practice case or complaint engaged or is engaging in conduct that is a criminal sex offense under the state's Penal Code, to refer the matter to the chief state's attorney's office. The office must investigate the referred matter as it deems necessary.

Specifically, the act applies to (1) sexual assault, (2) prostitution, (3) soliciting sexual acts, (4) commercial sexual abuse of a minor, (5) promoting or permitting prostitution, (6) enticing a minor, and (7) misrepresentation of age to entice a minor.

EFFECTIVE DATE: July 1, 2023

PA 23-30—HB 6677
Aging Committee
Appropriations Committee

AN ACT CONCERNING ADULT DAY CENTERS

SUMMARY: This act makes various changes related to the delivery of, and reimbursement for, adult day services. Specifically, it:

1. requires the Department of Social Services (DSS) commissioner to develop a plan to increase eligibility for adult day services under the Connecticut Home Care Program for Elders and report to the Aging Committee on the plan by February 1, 2024 (§ 1);
2. allows the commissioner to submit a Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services (CMS) to cover Program of All-Inclusive Care for Elderly (PACE; see BACKGROUND) services under Medicaid, within available appropriations (§ 2); and
3. eliminates an obsolete provision related to a PACE services pilot program (§ 3).

Lastly, the act makes technical changes.

EFFECTIVE DATE: July 1, 2023, except the DSS commissioner's adult day services plan provision takes effect upon passage.

§ 1 — ADULT DAY SERVICES PLAN

Under the act, the DSS commissioner's plan must include recommendations to do the following:

1. lower the eligible age to participate in the program so that people with early onset dementia and similar needs are eligible for adult day services;
2. amend the Medicaid state plan, to the extent federal law allows, to lower age eligibility requirements for these people;
3. increase Medicaid reimbursement rates to adult day centers to offset costs incurred for transporting people to and from the facilities; and
4. establish a PACE program.

§ 2 — PACE PROGRAM

The act allows the DSS commissioner to submit a Medicaid state plan amendment to CMS to cover PACE services under Medicaid, within available appropriations.

Generally, PACE programs deliver medical and social services through providers that serve eligible individuals in a provider's defined services area (see BACKGROUND). Under federal law and the act, PACE programs are operated by PACE providers that deliver comprehensive health care services to eligible individuals in keeping with federal regulations and a PACE program agreement (i.e., an agreement between a provider and the federal Department of Health and Human Services or the state administering agency to operate a PACE program). For-profit and nonprofit providers may operate a PACE program.

The act cites federal law to define "eligible individuals" as people who:

1. are ages 55 or older,
2. require a nursing home level of care,
3. live in a PACE program's service area, and
4. meet any other eligibility requirements included in the PACE program agreement (42 U.S.C. § 1395eee).

The act requires DSS to be the state administering agency responsible for administering PACE program agreement services. If CMS approves the Medicaid state plan amendment, the act requires DSS to (1) establish participation criteria for eligible individuals and PACE providers and (2) make payments for PACE program services from funds appropriated to the Medicaid account.

By law, for certain programs including Medicaid, DSS may implement policies and procedures while in the process of adopting them as regulations (CGS § 17b-10(b)). The act explicitly allows the commissioner to implement policies and procedures this way for regulations on the PACE program and requires her to post notice of intent to adopt regulations on the eRegulations System within 20 days after implementing them, which are valid until the adoption of final regulations.

BACKGROUND

PACE Services and Centers

PACE organizations provide services primarily in an adult day health center ("PACE center"). Each PACE organization must operate at least one PACE center in, or contiguous to, its designated service area with enough capacity for routine attendance by participants. The PACE center must provide at least primary care, social services, restorative therapies (physical and occupational therapies), personal care and supportive services, nutritional counseling, recreational therapy, and meals (42 C.F.R. § 460.98).

Related Act

PA 23-204, §§ 165 & 446, contains the same provisions allowing the DSS commissioner to submit a Medicaid state plan amendment to cover PACE services under Medicaid.

PA 23-48—HB 5781
Aging Committee

AN ACT CONCERNING NOTICE OF A PROPOSED INVOLUNTARY TRANSFER OR DISCHARGE OF A NURSING FACILITY RESIDENT, FAMILY COUNCILS IN MANAGED RESIDENTIAL COMMUNITIES, COORDINATION OF DEMENTIA SERVICES, NURSING HOME TRANSPARENCY AND HOMEMAKER-COMPANION AGENCIES

TABLE OF CONTENTS:

§ 11 — TRANSITION PLAN FOR HOMEMAKER-COMPANION AGENCY OVERSIGHT

Requires OPM to develop a plan and proposed timeline to transfer homemaker-companion agency oversight from DCP to DPH; requires the plan to include recommendations on training standards and allows for recommendations on appropriate use of the term "care" to describe homemaker-companion services

§ 12 — HOMEMAKER-COMPANION AGENCY REGISTRATION REVOCATION

Adds failure to give a consumer written notice that the agency provides nonmedical care to a list of violations for which DCP may revoke, suspend, or refuse to issue or renew a homemaker-companion agency's registration; requires DCP to revoke a homemaker-companion agency's registration if the agency is found to have violated any revokable provisions three times in a calendar year

§ 13 — HOMEMAKER-COMPANION AGENCY CONTRACTS & SERVICE PLANS

Requires homemaker-companion agencies to develop a service plan or contract in consultation with the consumer which must include (1) a person-centered plan of care, (2) the agency's anticipated oversight of the employee assigned to the consumer, and (3) how often the person who oversees the agency's employee and the consumer will meet

§§ 13 & 14 — HOMEMAKER-COMPANION AGENCY CONSUMER COMPLAINTS

Requires DCP to post on its website a guide detailing the process for consumers to file complaints against a homemaker-companion agency; requires agencies to give consumers a printed copy of this guide with their contract or service plan

§§ 15-17 — HOMEMAKER-COMPANION AGENCY ADVERTISING AND SCOPE OF SERVICES

Requires every homemaker-companion agency to create a brochure and maintain a website detailing the services it provides; allows a homemaker-companion agency to (1) use the word "care" in its business name and advertising and (2) advertise having employees trained to provide services to people with memory difficulties, if certain requirements are met; requires a homemaker-companion agency to give consumers written notice that the agency provides nonmedical care and obtain the consumer's signature on this notice before providing services

SUMMARY: This act sets certain nursing home transparency and reporting requirements, expands supports for people with dementia, and implements the recommendations of the Homemaker-Companion Agency Task Force, as described in the section-by-section analysis below.
EFFECTIVE DATE: Upon passage, unless noted otherwise below.

§§ 1-3 — INVOLUNTARY TRANSFER OR DISCHARGE NOTIFICATION

Requires nursing homes to notify the long-term care ombudsman about an involuntary transfer or discharge on the same day the resident is notified; failure to do so invalidates the transfer

The act requires nursing homes to notify the long-term care ombudsman about a proposed involuntary transfer or discharge of a resident on the same day the nursing home notifies the resident. The ombudsman must prescribe how to provide the notification.

By law, nursing homes must give residents and their representatives written notification about a proposed discharge or transfer at least 30 days in advance, including information on the appeals process and the ombudsman's contact information. Under the act, nursing homes must also notify the ombudsman on the same date if the transfer or discharge is involuntary. Existing law grants the ombudsman access to a long-term care resident's medical and social records. The act specifies that this includes access to discharge plans.

The act also requires the facility to affirm to the resident being transferred or discharged, and his or her representative, that notice was given to the ombudsman. If a nursing home fails to notify the ombudsman, the involuntary transfer or discharge is invalidated.

Lastly, the act makes technical and conforming changes.

Background — Involuntary Transfers and Discharges

Under federal and state law, nursing homes cannot transfer or discharge a resident unless the (1) facility cannot provide the resident adequate care; (2) resident's health has improved to the point that he or she no longer needs the home's services; (3) health or safety of people in the facility are endangered; (4) resident failed to pay for care after reasonable notice; or (5) facility closes (42 C.F.R. § 483.15(c), CGS § 19a-535(b)).

§§ 4 & 5 — MANAGED RESIDENTIAL COMMUNITIES FAMILY COUNCILS

Requires managed residential communities offering assisted living services to encourage and help establish family councils by January 1, 2024

The act requires managed residential communities (MRCs) that offer assisted living services to encourage and help establish family councils by January 1, 2024. Under the act, family councils are self-determined, independent groups of family members and friends who (1) advocate for an MRC's residents' needs and interests and (2) facilitate open communication between its administration, residents, and residents' family and friends. A resident's family member or friend cannot participate in a council without the resident's consent unless the resident lives in a dementia special care unit.
EFFECTIVE DATE: October 1, 2023

§ 6 — DEMENTIA SERVICES COORDINATOR

Establishes a dementia services coordinator position within ADS

The act establishes a dementia services coordinator within the Department of Aging and Disability Services (ADS). The coordinator's duties include:

1. coordinating dementia services across state agencies,
2. assessing and analyzing dementia-related data collected by the state,
3. evaluating state-funded dementia services,
4. identifying and supporting the development of dementia-specific training programs, and
5. other relevant duties the ADS commissioner determines.

EFFECTIVE DATE: October 1, 2023

§ 7 — NURSING HOME FACILITY COST REPORTING REQUIREMENTS

Requires (1) nursing homes to submit annual narrative cost expenditures summaries to DSS and (2) the DSS commissioner to create a form for these submissions; subjects violators to a fine of up to $10,000

Beginning with the current cost reporting year (ending September 30, 2023), the act requires nursing homes to annually submit narrative summaries of cost expenditures to the Department of Social Services (DSS) commissioner, alongside their statutorily required cost reports. The summaries must include (1) profit and loss statements for the preceding three cost report years; (2) total revenue, expenditures, assets, and liabilities; (3) short- and long-term debt; and (4) cash flows from investing, operating, and financing activities.

The act requires the DSS commissioner to develop and post on the agency's website a uniform narrative summary form for nursing homes to use to comply. Starting by January 1, 2024, the commissioner must annually post these cost reports and summaries for each nursing home in a conspicuous place on the agency's website.

Under the act, nursing homes that fail to comply with this reporting requirement must be fined up to $10,000. Before imposing a penalty, the DSS commissioner must notify the nursing home about the violation and allow it to request a review. The home must request a review within 15 days after receiving the notice, and DSS cannot impose the penalty while the review is pending.

The penalty may be imposed even if the nursing home's ownership changes after the violation takes place, as long as DSS issued the notice about the violation before the change in ownership became effective and the notice's record is readily available in a central registry maintained by DSS. Payments made for these penalties must be deposited in the General Fund and credited to the Medicaid account.
EFFECTIVE DATE: July 1, 2023

§ 8 — NURSING HOME PRIVATE EQUITY OWNERSHIP

Requires nursing home licensure applicants to disclose any private equity company or real estate investment trust that owns any part of the home and give DPH the owner's audited and certified financial statements

The act expands the information that nursing home licensure applicants must give the Department of Public Health (DPH) to include (1) information on any private equity company or real estate investment trust (REIT) that owns any part of the home and (2) the owner's audited and certified financial statements. If a private equity company or REIT owns any part of the home, then it must give DPH the same information the federal government requires when providers apply for and maintain enrollment in Medicare. The audited and certified financial statements must include a balance sheet from the end of the most recent fiscal year and income statements from the most recent fiscal year (or an applicable shorter period if the owner has not existed for a full fiscal year). Existing law, unchanged by the act, allows the DPH commissioner to require an applicant to submit additional information, including these statements.
EFFECTIVE DATE: July 1, 2023

§ 9 — RELATED PARTY INCOME REPORTING

Broadens the related party income reporting requirement for chronic and convalescent nursing homes that receive Medicaid funding by extending it to nonprofit homes and lowering the income threshold for related parties from $50,000 to $30,000

The act broadens certain reporting requirements for chronic and convalescent nursing homes that receive Medicaid funding. Prior law required these types of for-profit homes to include in their annual reports a profit and loss statement from each related party (i.e., a company related to the home through family association, common ownership, control, or business association with the home's owners or operators) that received at least $50,000 of income from the home per year. The act extends the requirement to all of these types of nursing homes, not just for-profits, and lowers the requirement's income threshold from $50,000 to $30,000.
EFFECTIVE DATE: July 1, 2023

§ 10 — MEDICAID RATE SETTING GUIDEBOOK FOR NURSING HOMES

Requires the DSS commissioner to develop and post online a guidebook that explains in plain language the Medicaid nursing home rate setting process

The act requires the DSS commissioner to develop a guidebook that at least includes a glossary and a plain language (1) description of the Medicaid nursing home rate setting process and (2) explanation of terms related to it. The commissioner must post the guidebook in a conspicuous place on the agency's website by July 1, 2024, and may update it as needed.

§ 11 — TRANSITION PLAN FOR HOMEMAKER-COMPANION AGENCY OVERSIGHT

Requires OPM to develop a plan and proposed timeline to transfer homemaker-companion agency oversight from DCP to DPH; requires the plan to include recommendations on training standards and allows for recommendations on appropriate use of the term "care" to describe homemaker-companion services

The act requires the Office of Policy and Management (OPM) secretary to develop a plan and proposed timeline to transfer homemaker-companion agency registration and oversight responsibilities from the Department of Consumer Protection (DCP) to DPH. The plan must also include recommendations on training standards that (1) exemplify best practices for providing homemaker-companion services; (2) include instruction and specialized training benchmarks for caring for clients with Alzheimer's disease, dementia, and related conditions; and (3) ensure a high level of care for homemaker-companion agency clients. It may also evaluate and make recommendations on the appropriate use of the term "care" to describe services homemaker-companion agencies provide, and any limitations on using the term to ensure consumer clarity.

The secretary must prepare the plan in consultation with the DCP and DPH commissioners and report on it to the Aging, General Law, and Public Health committees by August 1, 2024.

§ 12 — HOMEMAKER-COMPANION AGENCY REGISTRATION REVOCATION

Adds failure to give a consumer written notice that the agency provides nonmedical care to a list of violations for which DCP may revoke, suspend, or refuse to issue or renew a homemaker-companion agency's registration; requires DCP to revoke a homemaker-companion agency's registration if the agency is found to have violated any revokable provisions three times in a calendar year

Existing law generally allows the DCP commissioner to revoke, suspend, or refuse to issue or renew a homemaker-companion agency's registration for (1) misleading or defrauding the public or commissioner, (2) engaging in misleading advertising, (3) failing to give a consumer a notice of legal liabilities under certain circumstances, or (4) failing to complete background checks on prospective employees and maintain the materials from them. The act also allows the commissioner to do this if an agency fails to give a consumer written notice, or obtain and maintain the consumer's signed copy of this notice, that the agency provides nonmedical care, as required by the act (see § 17).

In addition, the act requires the DCP commissioner to revoke a homemaker-companion agency's registration if the agency is found, through an administrative hearing, to have violated any of these provisions three times in a calendar year.

§ 13 — HOMEMAKER-COMPANION AGENCY CONTRACTS & SERVICE PLANS

Requires homemaker-companion agencies to develop a service plan or contract in consultation with the consumer which must include (1) a person-centered plan of care, (2) the agency's anticipated oversight of the employee assigned to the consumer, and (3) how often the person who oversees the agency's employee and the consumer will meet

Existing law requires homemaker-companion agencies to give consumers a written contract or service plan detailing the anticipated scope, type, frequency, duration, and cost of services provided by the agency within seven days of beginning services.

The act additionally requires the agencies to develop this plan or contract in consultation with the consumer and expands its required content to include:

1. a person-centered plan of care and services;
2. the anticipated scope, type, and frequency of oversight by the agency over the employee assigned to the consumer; and
3. how often the person who oversees the agency's employee and the consumer will meet.

EFFECTIVE DATE: October 1, 2023

§§ 13 & 14 — HOMEMAKER-COMPANION AGENCY CONSUMER COMPLAINTS

Requires DCP to post on its website a guide detailing the process for consumers to file complaints against a homemaker-companion agency; requires agencies to give consumers a printed copy of this guide with their contract or service plan

The act requires the DCP commissioner, by October 1, 2023, to post on DCP's website a guide detailing the process for homemaker-companion agency consumers to file complaints against an agency. It requires the agencies to also give consumers a printed copy of this guide when they give them the written contract or service plan as described above.

EFFECTIVE DATE: Upon passage, except the requirement to give consumers a printed copy of the guide is effective October 1, 2023.

§§ 15-17 — HOMEMAKER-COMPANION AGENCY ADVERTISING AND SCOPE OF SERVICES

Requires every homemaker-companion agency to create a brochure and maintain a website detailing the services it provides; allows a homemaker-companion agency to (1) use the word "care" in its business name and advertising and (2) advertise having employees trained to provide services to people with memory difficulties, if certain requirements are met; requires a homemaker-companion agency to give consumers written notice that the agency provides nonmedical care and obtain the consumer's signature on this notice before providing services

Brochure and Website (§ 15)

The act requires every homemaker-companion agency, by January 1, 2024, to (1) create a printed consumer brochure and maintain a website detailing the services it provides and (2) give the brochure or website address when a consumer requests it.

Advertising (§ 16)

Under the act, starting October 1, 2023, a homemaker-companion agency may use the term "care" in its business name and advertising as long as its advertising meets certain conditions. Specifically, it must (1) prominently display in plain font and contrasting colors at the top of the ad, the clear and conspicuous words: "(agency's name) solely provides nonmedical care," or audibly convey these words in an audio advertisement at the same speed as the rest of the audio, and (2) not use any words, such as those related to medical or health care licensure or services, to describe services beyond the scope of those a homemaker-companion agency is authorized to provide. The requirement to display the disclaimer at the top of the ad applies to each page of the agency's website, social media posts, print media, and audio-visual advertisements. A violation of this provision constitutes untruthful or misleading advertising.

The act allows a homemaker-companion agency to use in its advertising any words deemed appropriate by the DCP commissioner to accurately describe having employees trained to provide services to people with memory difficulties, as long as the agency details the type and number of hours of training these employees received. A violation of this provision also constitutes untruthful or misleading advertising.

Notice (§ 17)

The act requires a homemaker-companion agency, before providing services, to (1) give consumers written notice that the agency provides nonmedical care and (2) obtain the consumer's signature on this notice. The agency must keep the signed notice until the consumer no longer receives services from the agency and make a copy of the signed notice available to the DCP commissioner upon request.

PA 23-63—HB 6489
Appropriations Committee

AN ACT CONCERNING RETIREE MEMBERS OF THE TEACHERS' RETIREMENT BOARD

SUMMARY: This act adds two retired members of the Teachers' Retirement System (TRS) to the Teachers' Retirement Board, which manages TRS. In doing so, it increases the board's (1) overall size from 14 to 16 members and (2) number of retired teachers from two to four.

Under the act, the newly added members must (1) be retired teachers who are receiving a pension benefit from TRS, (2) be nominated and elected by retired TRS members, and (3) serve four-year terms. The act requires that elections for these new members be as prescribed by the board and held quadrennially by October 1 starting in 2023. Under existing law, if there is a vacancy in a retired teacher's position on the board, then the board must elect a retired TRS member to fill the unexpired part of the term.

By law, the board's membership already includes six elected teachers, four who are active and two who are retired. It also includes the Office of Policy and Management secretary, state treasurer, and education commissioner, or their designees; and five public members appointed by the governor.
EFFECTIVE DATE: Upon passage

PA 23-90—sHB 6900
Appropriations Committee

AN ACT CONCERNING THE TRANSFORMING CHILDREN'S BEHAVIORAL HEALTH POLICY AND PLANNING COMMITTEE

SUMMARY: This act makes various changes to the Behavioral and Mental Health Policy and Oversight Committee, established under PA 22-47, § 70, to (1) evaluate the availability and efficacy of prevention, early intervention, and mental health treatment services and options for children (birth to age 18) and (2) make recommendations to the legislature and executive agencies on the governance and administration of the mental health care system for children.

The act renames the committee the Transforming Children's Behavioral Health Policy and Planning Committee and broadens the scope of its charge to also include children's substance use disorders and overall psychological well-being.

It also makes the following changes to the committee:

1. changes its composition and adds four new members, two of whom must be a child or youth advocate;
2. allows, rather than requires, it to have two or more subcommittees to inform its recommendations;
3. allows the subcommittees to examine gaps, reimbursement rates, parity in service outcomes, or the efficacy of services, instead of requiring them to examine all of these attributes;
4. removes a requirement for it to collaborate with results-first initiatives implemented by state law;
5. allows it to consult with any organization that focuses on children's behavioral health, instead of requiring it to consult with organizations such as The Child Health and Development Institute or Connecticut Voices for Children; and
6. extends certain reporting deadlines.

The act also makes technical and conforming changes.
EFFECTIVE DATE: Upon passage

SCOPE OF THE COMMITTEE'S CHARGE

Regarding the committee's charge to evaluate and make recommendations on mental health treatment services, the act replaces the term "mental health" with "behavioral health" and specifically defines it as mental health and substance use disorders, as well as overall psychological well-being. In doing so, the act broadens the scope of the committee's charge to include children's substance use disorders and overall psychological well-being. It also makes conforming changes, including ones related to the certain committee members' expertise and the committee's required reports and work plans.

COMMITTEE COMPOSITION AND MEMBERSHIP

Membership

The act increases the committee's membership from 13 to 17 by adding the following members:
1. two appointed by the committee chairperson who was selected by the House speaker and
2. two appointed by the committee chairperson who was selected by the Senate president.

One of the two new members each chairperson appoints must be a child or youth advocate.

Chairpersons and Meetings

The act increases the number of committee chairpersons from two to three. Under existing law, unchanged by the act, the Office of Policy and Management (OPM) secretary or his designee must serve as one of the committee's chairpersons. Prior law required the other chairperson to be a legislator, selected jointly by the House speaker and Senate president pro tempore, from committee members who are (1) legislative committee chairpersons, ranking members, or their designees or (2) the House speaker's or Senate president's appointees. The act instead requires the House speaker and Senate president pro tempore to each select one chairperson from among these members.

Under prior law, the chairpersons were required to schedule and hold the first meeting by July 3, 2022. The act instead requires the three chairpersons to schedule and hold the first committee meeting by September 1, 2023.

REPORTING REQUIREMENTS

Initial Report

The act extends the deadline by which the committee must initially report certain information to the Appropriations, Children's, Human Services, and Public Health committees and the OPM secretary, from January 1, 2023, to December 1, 2023.

By law, one of the elements the committee must report on is the governance structure for the system that will best facilitate the state's public policy and healthcare goals to ensure that all children and families can access high-quality care. The act expressly states that this applies to all children and families in urban, rural, and all other areas of the state.

Strategic Plan

Under existing law, unchanged by the act, the committee must develop a strategic plan to integrate the recommendations identified in its initial report. The act eliminates a provision that expressly allowed the plan to include short-, medium-, and long-term goals. It also extends the deadline by which the committee must report on this plan to OPM and the Appropriations, Children's, Human Services, and Public Health committees, from August 1, 2023, to December 1, 2024.

Follow-up Reports

Under prior law, the committee had to establish a time frame for reviewing and making follow-up reports on the status or progress of the committee's recommendations and activities. The act instead requires the committee to annually establish a work plan for doing so.

PA 23-165—sHB 6899
Appropriations Committee

AN ACT CONCERNING ACCESS BY THE LEGISLATIVE OFFICE OF FISCAL ANALYSIS TO CERTAIN EDUCATION DATA

SUMMARY: This act requires the education commissioner to give the Office of Fiscal Analysis (OFA) biannual reports on student data in the statewide public school information system. The reports must include the following information for each student: (1) grade, resident municipality, reporting district, and each facility attended; (2) whether the student receives a free or reduced-price lunch; (3) whether the student is an English language learner; (4) any special program status code;

and (5) whether the student is enrolled at no expense to the resident municipality. Under the act, the reports cannot include students' personally identifiable information (e.g., student names or unique student identifiers assigned to them).

The act requires the commissioner to submit the report twice each year: (1) by February 15 (but no earlier than February 3) with data for the current school year and (2) by August 30 with data for the prior school year. She must submit it on compatible magnetic media as determined by OFA in consultation with the commissioner.

Under the act, OFA employees may use information in the report only for research and reporting in their duties for the legislature. The act prohibits OFA employees from disclosing or otherwise making known any information that would identify a student.

EFFECTIVE DATE: July 1, 2023

PA 23-179—SB 1213 **(VETOED)**
Appropriations Committee

AN ACT CONCERNING THE MASHANTUCKET PEQUOT AND MOHEGAN FUND

SUMMARY: Beginning in FY 26, this act would have required that $139.38 million annually be transferred from the General Fund to the Mashantucket Pequot and Mohegan Fund. Currently, the amount of the transfer is set by the budget act.

Under the act, this annual deposit would have consisted of funds received by the state from the Mashantucket Pequot Tribe and the Mohegan Tribe of Indians of Connecticut pursuant to memoranda of understanding entered into between the state and each tribe in 1993 and 1994, respectively, thus conforming to current practice. (Current law references funds received from the Mashantucket Pequot Tribe only.)

Like current law, the act generally would have required the Office of Policy and Management secretary to distribute funds in accordance with statutory requirements, and money in the fund would have been paid to municipalities as specified in the statutes and legislatively enacted biennial budget. (For FYs 24 and 25, the budget and implementer act sets a town-by-town distribution schedule (PA 23-204, § 38).)

The act also would have prohibited reducing these transfers unless the governor certified an emergency and the legislature approved the reduction by a two-thirds vote of the membership in each house. (It is unclear whether this prohibition would have been enforceable based on the principle of legislative entrenchment, under which one legislature generally cannot restrict a future legislature's ability to enact legislation.)

EFFECTIVE DATE: July 1, 2023

PA 23-198—sSB 1215
Appropriations Committee

AN ACT CONCERNING CERTAIN EMPLOYEES WORKING IN INTERMEDIATE CARE FACILITIES

SUMMARY: Existing law requires the Office of Policy and Management, for the FY 22-23 biennium, to allocate available funds to increase rates to state-contracted providers. These providers must in turn use the rate increase to increase wages and benefits for employees serving people with intellectual or other developmental disabilities (IDD) who receive supports and services through the Department of Developmental Services (DDS). Under existing law, providers that receive a rate increase but do not increase employee wages by July 31, 2021, and July 31, 2022, may be subject to a rate decrease equal to the adjustment by the DDS commissioner.

This act creates an exception by allowing state-contracted providers who received these funds to use them for FY 23 to increase wages and benefits for employees working in intermediate care facilities serving people with IDD who receive supports and services through DSS. Under the act, providers who do so are not subject to the rate decrease described above.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 23-204, § 288, contains identical provisions allowing providers to use these funds in FY 23 to increase wages for employees working in intermediate care facilities serving people with IDD. However, unlike this act, PA 23-204 requires DSS to use funds (up to $5.6 million) appropriated for Medicaid in the 2022 budget act for this purpose.

PA 23-10—SB 1018
Banking Committee

AN ACT CONCERNING CASH REFUNDS FOR GIFT CARD BALANCES

SUMMARY: Under prior law, anyone accepting a gift card as payment had to give the purchaser cash for the remaining balance on the card after the purchase if the (1) balance was under $3 and (2) purchaser requested it and provided the proof of purchase or a gift receipt for the gift card. This act increases the balance limit from $3 to $5 and eliminates the requirement to provide the proof of purchase or a gift receipt.
EFFECTIVE DATE: October 1, 2023

BACKGROUND

Gift Card Definition

By law, a "gift card" is a record showing a seller's or issuer's promise to provide goods or services for the value shown in the record. It includes specific types, such as electronic gift cards and stored-value cards or certificates, but it excludes the following:

1. a "general-use prepaid card," which is generally a prepaid card redeemable at multiple, unaffiliated merchants (12 C.F.R. § 1005.20(a)(3));
2. a gift certificate donated or sold below face value by a retailer to a charitable or nonprofit community organization;
3. a "linked prepaid card," which is generally a type of general-use prepaid card linked to a financial account (CGS § 42-460a(a)(2));
4. a card or certificate issued by a retailer as part of an awards, loyalty, or promotional program for which no money or monetary value was exchanged;
5. a gift certificate or card sold by a retailer (a) that does not have a store in Connecticut or (b) at less than face value; or
6. a gift certificate issued only on paper.

PA 23-45—sHB 6688
Banking Committee

AN ACT CONCERNING MORTGAGES, THE RESIDENTIAL HEATING EQUIPMENT FINANCING PROGRAM, THE CONNECTICUT HOUSING FINANCE AUTHORITY AND MOBILE MANUFACTURED HOMES

SUMMARY: This act does the following:

1. requires the Connecticut Housing Finance Authority (CHFA) to establish a small multifamily lending program generally for properties of two to 20 units and makes various revisions to CHFA's existing homeownership loan program (§§ 5-9);
2. expands the Department of Energy and Environmental Protection (DEEP) residential heating equipment financing program to include geothermal heating and cooling systems and heat pump dryers (§ 4, repealed by PA 23-126) (see BACKGROUND);
3. requires a mortgagee (lender) that agrees to modify a mortgage through the state's foreclosure mediation program (FMP) to send the modification to the mortgagor (borrower) for execution at least 15 business days before the first modified payment is due (§ 1);
4. specifies to whom mortgagees, or certain authorized persons, must deliver a mortgage release (§ 2);
5. requires a mortgagee to accept, as payment or partial payment to satisfy a mortgage loan, a bank or certified check, an attorney's clients' funds account check, a title insurance company check, a wire transfer, or any other payment federal law authorizes (§ 3); and
6. establishes a working group to study ways to increase access to loans for individuals to buy mobile manufactured homes and requires the group to report its findings and recommendations to the Banking and Housing committees by January 1, 2024 (§ 10).

The act also makes several technical and conforming changes.
EFFECTIVE DATE: October 1, 2023, except the CHFA multifamily lending program provisions take effect July 1, 2023,

and the working group provision takes effect upon passage.

§§ 5-9 — CHFA LOAN PROGRAMS

New Small Multifamily Lending Program (§ 9)

The act requires CHFA to establish a small multifamily lending program within resources allocated to the Department of Housing (DOH) by the State Bond Commission. The program must have a revolving loan fund for community development financial institutions and other comparable institutions CHFA deems eligible to provide acquisition, construction, rehabilitation, and permanent financing for certain small multifamily properties. Properties eligible for the program are those with between two and 20 units, but CHFA may allow properties with more units to participate if they accomplish the program's objectives.

Under the act, CHFA must establish program guidelines for issuing these loans by January 1, 2024. The guidelines must require that loan funds be used to acquire, construct, rehabilitate, or provide permanent financing to (1) increase affordable housing in higher-income communities, including housing that would qualify for housing unit equivalent points under the Affordable Housing Land Use Appeals Procedure law (CGS § 8-30g); (2) restore vacant and blighted properties or properties needing rehabilitation to performing properties; and (3) help revitalization efforts in low- and moderate-income communities.

If the home being purchased is in an affordability incentive zone, the act allows CHFA to use different lending guidelines than those that apply to home purchases outside such a zone, such as increased eligibility limits concerning the home purchase price or maximum loan amount, or a reduced interest rate. Generally, an affordability incentive zone is a zone CHFA establishes to incentivize home purchases in municipalities that are not exempt from the state's affordable housing appeals procedure (CGS § 8-286e).

Existing Homeownership Loan Program (§§ 5-8)

The act makes several minor, technical, and conforming changes to the existing homeownership loan program that CHFA administers, including allowing, rather than requiring, the DOH commissioner to adopt regulations with requirements for associated loans before October 1, 1995. (In practice, it does not appear that these regulations were adopted.)

The act specifies that a loan issued under the program may be amortizing, deferred, or forgivable as to principal or interest. It eliminates the prior requirement that a contract for a deferred loan allow deferment of principal only (i.e., interest payments had to be made), thus allowing these loans to defer both principal and interest payments.

If the home being purchased under the program is in an affordability incentive zone (see above), the act explicitly allows CHFA to use different lending guidelines than those that apply to home purchases outside such a zone, such as increased eligibility limits concerning the home purchase price or maximum loan amount, or a reduced interest rate.

Prior law required that loans issued under the program be secured by a second mortgage on the property purchased by the loan recipient. The act requires that the mortgage be subordinate, rather than second, thereby increasing program eligibility by allowing properties with additional priority mortgagees to participate.

Under prior law, CHFA could establish loan repayment terms and conditions but had to set the interest rate at the State Bond Commission-established rate. The act allows CHFA, in its terms and conditions, to establish interest rates, repayment terms, or loan forgiveness terms. It also allows CHFA to approve the length of a loan's repayment at its discretion rather than only allowing it to approve a repayment term that is concurrent with the first mortgage.

Lastly, the act requires that homeowners' payments made to CHFA under these laws be used by the authority for making additional loans unless the Office of Policy and Management (OPM) secretary directs them to be deposited into the General Fund. Prior law required the reverse: the payments to CHFA had to be deposited into the General Fund unless the OPM secretary and state treasurer allowed CHFA to use them for additional loans.

§ 4 — DEEP'S HOME EQUIPMENT FINANCING PROGRAMS

The act expands DEEP's residential heating equipment financing program to include energy-efficient (1) geothermal heating and cooling systems to replace (a) burners, boilers, and furnaces that are at least seven years old and have an energy efficiency rating of 75% or less or (b) electric heating systems and (2) heat pump dryers to replace less efficient dryers. (PA 23-126 repeals this expansion, see BACKGROUND.)

Under existing law, the financing program covers energy-efficient (1) natural gas or heating oil burners, boilers, and furnaces and (2) ductless heat pumps. It allows residential customers to pay for the installation of this equipment through

on-bill or another type of financing. To participate, a customer must first have a home energy audit.

The act also (1) makes DEEP's energy savings infrastructure program permanent by removing its pilot status and (2) adds the installation of geothermal heating and cooling systems and heat pump dryers to the program's financial incentive offerings. (PA 23-126 repeals these changes, see BACKGROUND.) By law, this program offers financial incentives for installing combined heat and power systems; energy-efficient heating oil burners, boilers, and furnaces; and natural gas boilers and furnaces.

§ 1 — FORECLOSURE MEDIATION PROGRAM PAYMENTS

The act requires a mortgagee that agrees to modify a mortgage under the state's FMP to send the modification to the mortgagor for execution at least 15 business days before the first modified payment is due. It allows the mortgagee or the mortgagee's attorney to fulfill this requirement by sending the modification either to the mortgagor or both the mortgagor and the mortgagor's attorney.

The act makes a mortgagee's failure to timely send the modification grounds for a court, in a pending foreclosure action and after notice and a hearing, to order the mortgagee to do so. It makes failure to comply with the court order conduct that is contrary to the FMP's objectives, thus subject to sanctions authorized under the program (e.g., ending mediation, prohibiting the mortgagee from charging the mortgagor for attorney's fees, or fines) (CGS § 49-31n(b)).

§ 2 — MORTGAGE RELEASES

The act specifies to whom a mortgagee, or a person authorized to release a mortgage, must deliver a mortgage release when:

1. the mortgage is paid off;
2. a bona fide offer exists to pay off the mortgage or part of the mortgage, in accordance with its terms upon a release; or
3. the interested parties have a written agreement to partially release the mortgage.

It requires that the release be sent to the mortgagor or mortgagor's designated representative upon either's written request. Otherwise, the release must be delivered to the town clerk of the town where the property is situated, and a copy must be sent to the mortgagor at the same time.

§ 10 — MOBILE MANUFACTURED HOME WORKING GROUP

The act creates a nine-member working group to study ways to increase access to loans for purchasing mobile manufactured homes. The working group must consist of the following members:

1. the Banking Committee's chairpersons and ranking members, or their designees;
2. the banking and housing commissioners and the CHFA executive director, or their designees;
3. a representative from an association that represents financial institutions in the state; and
4. a representative of an organization that represents credit unions in the state.

Under the act, the Banking Committee chairpersons select the working group's two appointed members (the industry representatives), who may be legislators, and fill vacancies in these positions. Initial appointments must be made by July 13, 2023.

The act makes the Banking Committee chairpersons the working group's chairpersons. They must schedule and hold the first meeting by August 12, 2023. The Banking Committee's administrative staff must serve as the working group's administrative staff.

Under the act, the working group must submit a report with its findings and recommendations to the Banking and Housing committees by January 1, 2024. The group terminates on this date or when it submits the report, whichever is later.

BACKGROUND

Ezequiel Santiago Foreclosure Mediation Program

By law, this program brings together judicial branch mediators; lenders; and borrowers or owner-occupants, as applicable. The lender must participate if an eligible borrower or owner-occupant files an appearance and requests mediation.

The program is available to (1) owner-occupants of one- to four-family residential real property used as the 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) (CGS § 49-31k et seq.).

Related Act

PA 23-126, § 29, repeals the act's expansion of the residential heating equipment financing program and the changes to the energy savings infrastructure program (§ 4).

PA 23-60—sHB 6689
Banking Committee

AN ACT CONCERNING A CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY REFINANCE LOAN SUBSIDY FOR CERTAIN HEALTH CARE PROFESSIONALS

SUMMARY: This act requires the Connecticut Higher Education Supplemental Loan Authority (CHESLA) to establish a Nursing and Mental Health Care Professionals Loan Subsidy Program. The program's purpose is to subsidize interest rates on CHESLA refinancing loans to certain Connecticut-licensed nurses, nurse's aides, psychologists, marital and family therapists, clinical and master social workers, and professional counselors. The program is subject to funding available in an account the act requires CHESLA to establish. (PA 23-70 expands the program's scope to include certain emergency medical service professionals (see BACKGROUND).)

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. It must also create and maintain a separate, non-lapsing account to hold funds for the program required by law to be deposited there, including any state appropriation and the proceeds from bonds issued for the program's purposes.
EFFECTIVE DATE: July 1, 2023

ELIGIBILITY CRITERIA AND ADMINISTRATIVE GUIDELINES

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

1. applicant eligibility criteria,
2. interest rate subsidies and principal limits,
3. a process to verify that applicants are actively employed in a clinical setting, and
4. a requirement that an interest rate subsidy on a loan issued under the program ends if a recipient no longer meets the program's requirements during the loan's term.

PROGRAM ACCOUNT EXPENDITURES

Under the act, CHESLA must spend funds in the program's account to (1) refinance eligible loans, (2) cover reasonable and necessary expenses for the program's administration, and (3) maintain a reserve to cover any losses from issuing program loans. "Eligible loans" are loans in repayment that CHESLA issued or were issued by another private or governmental lender to finance post-secondary education.

BACKGROUND

Related Act

PA 23-70, §§ 7 & 8, expands the program's scope to include certain emergency medical service professionals and correspondingly renames it.

PA 23-78—HB 6691
Banking Committee

AN ACT CONCERNING CREDIT CARD ACCESS TO HOME EQUITY LINES OF CREDIT

SUMMARY: State law allows a consumer revolving loan (e.g., home equity line of credit) secured by an open-end mortgage to have the same priority as the mortgage over the rights of others to a property the mortgage is attached to if specific loan and mortgage conditions are met. This act changes prior law's conditions on consumer revolving loans to allow mortgagors (borrowers) to access the loan's proceeds through certain credit cards, credit plates, or other similar payment methods, if offered by their mortgagees (lenders).

Under existing law, a "consumer revolving loan" must, among other things, be secured by a mortgage on residential real property and its proceeds must be intended for personal, family, or household purposes. To be eligible under prior law, the loan agreement between the lender and borrower could not authorize access to the loan proceeds by a credit card or any similar instrument or device that can be used to obtain money, goods, services, or anything else of value on credit. The act limits the prohibition on these payment methods to those allowing access to loan proceeds by single advancements under $1,000. Consequently, it permits their use if they allow access by single advancements of at least $1,000.
EFFECTIVE DATE: October 1, 2023

PA 23-82—sHB 6752
Banking Committee

AN ACT CONCERNING DIGITAL ASSETS

SUMMARY: This act allows the banking commissioner to adopt regulations, forms, and orders governing the business use of "digital assets" by entities and individuals under his regulatory jurisdiction (e.g., state-chartered banks and credit unions). The regulations, forms, and orders must ensure consumer protection and the commissioner may consult with federal and other states' financial services regulators, other stakeholders, and industry professionals to ensure that digital assets receive, to the extent practicable, consistent treatment.

Additionally, the act specifies that the use of "virtual currency kiosks" that facilitate the exchange of virtual currency for fiat currency (government-backed currency, such as the U.S. dollar) or other virtual currency is a form of "money transmission" under state law, explicitly subjecting kiosk owners and operators to the licensing and other existing requirements under the state's Money Transmission Act (see BACKGROUND).

The act also creates a maximum daily transaction limit of $2,500 for each virtual currency kiosk customer. Additionally, it imposes several disclosure and receipt requirements on virtual currency kiosk owners and operators. The act further requires them to allow customers to cancel and receive a full refund, at the owner's or operator's cost, for a virtual currency transaction within 72 hours afterwards if it is (1) a customer's first one with the owner or operator and (2) to a "virtual currency wallet" or exchange located outside of the United States. Lastly, the act allows the banking commissioner to establish a schedule of maximum fees that a virtual currency kiosk owner or operator may charge for specific services.
EFFECTIVE DATE: Upon passage, except the virtual currency kiosk provisions take effect October 1, 2023.

§ 1 — SCOPE OF DIGITAL ASSET REGULATION

Under the act, "digital assets" include virtual currencies and stablecoins. The act does not define virtual currency or stablecoin for the purposes of regulating digital assets. (Virtual currency is defined in state statutes for other purposes (see below). The Federal Reserve has referred to stablecoins as cryptocurrencies that peg their value to a real-world asset, typically the U.S. dollar.)

The act specifically limits the banking commissioner's authority to create digital asset regulations, forms, and orders to those who are already subject to regulation by him. Under existing law, he has broad, general authority to adopt regulations within the jurisdiction of his position (CGS § 36a-10). The banking commissioner administers and enforces laws that apply to, among others, state-chartered banks and credit unions, mortgage lenders and brokers, small loan lenders, consumer collection agencies, money transmission businesses, securities broker-dealers, and investment advisors (CGS Titles 36a & 36b).

§ 2 — VIRTUAL CURRENCY KIOSKS AND WALLETS DEFINED

Under the act, a "virtual currency kiosk" is an electronic terminal, acting as an owner's or operator's mechanical agent, that enables the owner or operator to facilitate the exchange of virtual currency for fiat currency or other virtual currency, including by (1) connecting directly to a separate virtual currency exchanger that performs the actual virtual currency transmission or (2) drawing upon the virtual currency in the possession of the terminal's owner or operator.

A "virtual currency wallet" is a software application or other mechanism that provides a means for holding, storing, and transferring virtual currency.

Under existing law and the act for purposes of the kiosk provisions, "virtual currency" is a digital unit (1) used as a medium of exchange or form of digitally stored value or (2) incorporated into payment system technology. It includes digital units of exchange with a centralized repository or administrator, are decentralized without a centralized repository or administrator, or may be created or obtained by computing or manufacturing effort.

Virtual currency does not include digital units used:

1. solely in online gaming platforms with no other market or application or
2. exclusively in a consumer affinity or rewards program that (a) can be used only as payment for purchases with the issuer or another designated merchant and (b) cannot be converted into, or redeemed for, fiat currency.

§ 3 — VIRTUAL CURRENCY KIOSK DISCLOSURE REQUIREMENTS

Material Risks (§ 3(a))

Before entering into an initial virtual currency transaction for, on behalf of, or with a customer, the act requires virtual currency kiosk owners and operators to disclose all material risks generally associated with virtual currency in clear, conspicuous, and legibly written English. Under the act, this includes at least the following:

1. virtual currency is not backed or insured by the government, and accounts and value balances are not subject to Federal Deposit Insurance Corporation, National Credit Union Administration, or Securities Investor Protection Corporation protections;
2. some virtual currency transactions are deemed to be made when recorded on a public ledger, which may not be the date or time when the customer initiates the transaction;
3. virtual currency's value may be derived from market participants' continued willingness to exchange fiat currency for virtual currency, which may result in the permanent and total loss of a particular virtual currency's value if the market for it disappears;
4. there is no assurance that a person who accepts a virtual currency as payment today will do so in the future;
5. the volatility and unpredictability of the price of virtual currency relative to fiat currency may result in a significant loss over a short period;
6. the nature of virtual currency may lead to an increased risk of fraud or cyber attack;
7. the nature of virtual currency means that any technological difficulties experienced by the owner or operator may prevent access to or use of a customer's virtual currency; and
8. any bond maintained by the owner or operator for the benefit of customers may not cover all losses a customer incurs.

The act further requires that a specific disclosure be given to and acknowledged by the customer, written prominently and in bold type, and given separately from the disclosures above, stating: "WARNING: LOSSES DUE TO FRAUDULENT OR ACCIDENTAL TRANSACTIONS MAY NOT BE RECOVERABLE AND TRANSACTIONS IN VIRTUAL CURRENCY ARE IRREVERSIBLE."

Products', Services', and Activities' Terms and Conditions (§ 3(b))

When opening an account for a new customer and before entering into an initial virtual currency transaction for, on behalf of, or with the customer, the act requires kiosk owners and operators to disclose all relevant terms and conditions generally associated with the products, services, and activities of the owner or operator and virtual currency. They must do so in clear, conspicuous, and legibly written English, using at least 24-point sans-serif-type font. Under the act, these disclosures must address at least the following:

1. the customer's liability for unauthorized virtual currency transactions;
2. the customer's right to (a) stop payment of a preauthorized virtual currency transfer and how to do so; (b) receive periodic account statements and valuations from the owner or operator; (c) receive a receipt, trade ticket, or other evidence of a transaction; and (d) prior notice of a change in the rules or policies of the owner or operator; and

3. under what circumstances the owner or operator will, without a court or government order, disclose customer account information to third parties.

Transactions' Terms and Conditions (§ 3(c))

Before each virtual currency transaction for, on behalf of, or with a customer, kiosk owners and operators must disclose the transaction's terms and conditions in clear, conspicuous, and legibly written English, using at least 24-point sans-serif-type font. Under the act, these disclosures must address at least the following:

1. the amount of the transaction;
2. any customer fees, expenses, and charges, including applicable exchange rates;
3. the type and nature of the transaction;
4. a warning that, once completed, the transaction may not be undone, if applicable;
5. the daily virtual currency transaction limit of no more than $2,500; and
6. the difference between the virtual currency's sale price and the current market price.

Receipts (§ 3(d) & (e))

Under the act, kiosk owners and operators must ensure that each customer acknowledges receiving all the above disclosures. Additionally, upon a transaction's completion, they must give customers a receipt with the following information:

1. the owner's or operator's name and contact information, including a telephone number to answer questions and register complaints;
2. the type, value, date, and precise time of the transaction and each "virtual currency address" (i.e., an alphanumeric identifier representing a destination for a virtual currency transfer that is associated with a "virtual currency wallet" (see above));
3. the fee charged;
4. the exchange rate, if applicable;
5. a statement of the owner's or operator's liability for non-delivery or delayed delivery;
6. a statement of the owner's or operator's refund policy; and
7. any additional information the banking commissioner may require.

BACKGROUND

Money Transmission Act

Generally, the Money Transmission Act regulates businesses that receive and transmit money, other than banks or credit unions. It requires these businesses to be licensed, imposes financial conditions on them, and subjects them to Banking Department oversight (CGS §§ 36a-595 to -612). Under certain circumstances, the Banking Department has determined that businesses engaging in virtual currency-related transactions are subject to licensure under the Money Transmission Act.

PA 23-126—sSB 1033
Banking Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE BANKING STATUTES

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§ 24 — CREDIT UNION MEMBERSHIP

Expands Connecticut credit unions' eligible membership by allowing them to (1) have a field of membership that includes both a common bond and a geographic community and (2) add associations beyond those of members

§ 25 — DOB FINANCIAL INSTITUTION MERGER RESPONSIBILITIES

Requires the DOB commissioner to (1) help people with accounts at financial institutions when there are issues about the institution's merger with another financial institution and (2) annually report to the Banking Committee on related laws, regulations, and policies

§ 26 — MONEY TRANSMISSION EXEMPTION

Exempts Connecticut banks that are uninsured banks from the Money Transmission Act's requirements, such as licensure and financial conditions

§§ 27 & 28 — COMMUNITY BANKING PROGRAM

Increases the maximum amount of funds the treasurer may use for the Community Banking Program from $100 million to $300 million; raises the asset limit for financial institutions to be eligible for the program; limits the banks and credit unions eligible to participate in the program to only those organized under Connecticut laws

§ 29 — REPEAL OF EXPANSION OF RESIDENTIAL HEATING FINANCING PROGRAM

Repeals § 4 of PA 23-45, which expanded the residential heating equipment financing program to include geothermal heating and cooling systems and heat pump dryers

SUMMARY: This act generally makes the following unrelated changes in the banking statutes:

1. raises the maximum dollar amount for loans subject to the state's small loan lending laws from $15,000 to $50,000; redefines "annual percentage rate" (APR); and requires small loan licensure of an exempt lender's agents and service providers under certain circumstances (§§ 1-5);
2. increases the maximum value of retail installment and installment loan contracts for consumer goods and equipment (§ 6);
3. sets requirements for the terms and cancellation of certain guaranteed asset protection and excess wear and use waivers (§ 7);
4. prohibits certain licensed mortgage professionals from (a) using an unlicensed lead generator unless the lead generator is exempt from licensure or (b) helping a lead generator conduct business without a valid license to do so (§§ 9 & 10);
5. eliminates the requirement that mortgage servicer supervisors generally live within 100 miles of a branch office (§ 11);
6. makes a technical change to a banking statute (§ 12);
7. expands the circumstances under which a financial institution does not need to provide notice of a deposit account's closure (§ 13);
8. limits the required advertising and availability of basic bank accounts to banking institution branches and other offices in Connecticut (§ 14);
9. generally applies a "capital and surplus" calculation to certain investment decision making of Connecticut banks (e.g., liabilities of borrowers, debt and equity securities, debt and equity mutual funds, social purpose investments, and mortgage lending) (§§ 15-23);
10. expands Connecticut credit unions' eligible membership by allowing them to (a) have a field of membership that includes both a common bond and a geographic community and (b) add non-member associations (§ 24);
11. requires the Department of Banking (DOB) commissioner to help account holders with matters concerning a financial institution's merger with another institution, including helping to resolve complaints (§ 25);
12. exempts uninsured banks from being licensed as money transmitters (§ 26);
13. modifies the treasurer's Community Banking Program by, among other things, increasing the (a) maximum amount of funds available for the program and (b) asset limit for eligible participating institutions (§§ 27 & 28); and
14. repeals § 4 of PA 23-45, which expanded the residential heating equipment financing program to include energy efficient geothermal heating and cooling systems and heat pump dryers (§ 29).

The act also makes numerous other technical and conforming changes.

EFFECTIVE DATE: October 1, 2023, except as provided below.

§§ 1-5 — SMALL LOAN LENDING

Raises the small loan limit from $15,000 to $50,000; redefines APR; requires small loan licensure of an exempt lender's agents and service providers under certain circumstances

Small Loan Amount

Prior law capped the APR for small loans between $5,000 and $15,000 at 25%. The act increases the maximum small loan amount subject to this cap to $50,000.

APR Calculation

The act also shifts the federal law used to calculate APR for these loans from the Truth-in-Lending Act to the Military Lending Act (MLA) and considers the following to be finance charges for APR calculation purposes:

1. certain premiums and fees specified under MLA regulations (e.g., credit insurance premiums and fees, consumer credit application fees, and debt cancellation and suspension fees);
2. a charge for an ancillary product, membership, or service that is sold in connection or concurrent with a small loan;
3. an amount offered or agreed to by a borrower to obtain credit or to compensate for the use of money; and
4. a fee charged, agreed to, or paid by a borrower that is related to a small loan.

Small Loan Licensure

By law, no one may make a small loan to a Connecticut borrower without, among other things, first obtaining a small loan license. The law has several exemptions to this licensure requirement, such as for banks and credit unions, their subsidiaries, and their servicers under certain conditions; licensed pawnbrokers; consumer collection agencies; passive buyers of small loans; and retail sellers.

The act requires anyone who claims to act as an agent, service provider, or in any other capacity for an exempt entity to be licensed in the following situations:

1. the person holds, acquires, or maintains the predominant economic interest in the loan;
2. the person markets, brokers, arranges, or facilitates the loan and holds the right, requirement, or right of first refusal to purchase the loan, receivables, or loan interests; or
3. the total circumstances indicate that the person is the lender, and the transaction is structured to avoid small loan regulation.

Under the act, the following circumstances support the position that a person should be licensed as a small loan lender:

1. indemnifying, insuring, or protecting an exempt lender for any of a small loan's costs or risks;
2. predominantly designing, controlling, or operating a small loan program; and
3. purporting to act as an agent, service provider, or in another capacity for an exempt lender in Connecticut and directly acting as a lender elsewhere.

Additionally, the act makes a minor change to an existing law by eliminating a requirement that an institution have its main office or branch office in Connecticut to be considered a "financial institution" that a borrower of a small loan uses to make payments on the loan.

§ 6 — RETAIL INSTALLMENT CONTRACTS

Increases the maximum allowable value of retail installment and installment loan contracts for consumer goods and equipment to $75,000 and $25,000, respectively

The act increases the maximum allowable value of retail installment and installment loan contracts for consumer goods (including motor vehicles) and equipment. Under prior law, the maximum value was $50,000 for consumer goods and $16,000 for equipment. The act increases these amounts to $75,000 and $25,000 respectively, and, by raising these limits, the law will apply to more consumers.

The act also makes a conforming change to the definition of "sales finance company" to include any person engaging in Connecticut in the business of receiving payments (principal and interest) from a retail buyer under a retail installment or installment loan contract. In doing so, the act aligns this definition with the existing one for these companies under their licensing statutes (see CGS § 36a-535).

§ 7 — GUARANTEED ASSET PROTECTION AND EXCESS WEAR AND USE WAIVERS

Sets requirements for the terms and cancellation of certain guaranteed asset protection and excess wear and use waivers

The act sets requirements for certain motor vehicle guaranteed asset protection (GAP) waivers and excess wear and use waivers that it refers to as "debt waivers" when offered by certain entities.

Under the act, a "GAP waiver" is a contractual agreement in which a creditor agrees to cancel or waive some or all of the amount a borrower owes under a motor vehicle retail installment contract or installment loan contract if there is a total loss of the vehicle from damage or theft. It may also provide a benefit that waives an amount or provides a credit toward the purchase of a replacement vehicle.

Similarly, an "excess wear and use waiver" is a contractual agreement in which a creditor agrees to cancel or waive some or all of the amount a borrower may owe under a motor vehicle lease agreement due to excessive wear and use of the vehicle, including excess mileage.

Either waiver may be part of, or a separate addendum to, the contract or agreement, and with or without a separate charge. Collectively, when these waivers are offered by an entity other than a bank, Connecticut credit union, or a federal credit union, the act refers to them as "debt waivers."

The act requires debt waivers to be cancellable and refundable as follows:

1. a full refund of the amount paid for the waiver if (a) the borrower cancels it within 60 days after it takes effect and (b) no benefits have been provided under it;
2. a pro rata refund of the amount paid for the waiver, less any cancellation fee included in its terms, if (a) the

borrower cancels the waiver 60 or more days after it takes effect, or if there is an early termination of the contract or agreement, as applicable, and (b) no benefits have been provided under the waiver; and

3. no refund if (a) the borrower cancels the waiver and (b) benefits were provided under it.

Under the act, a creditor, or a retail seller on the creditor's behalf, must pay a refund due to a borrower within 60 days after it receives the cancellation without requiring the borrower to ask for the refund.

The act caps any applicable cancellation fee at $50 and requires the waiver's terms to include the fee. It requires any amount charged or financed for a debt waiver to be separately stated. This amount is considered an authorized charge and not a finance charge or interest. The act specifies that debt waivers are not considered insurance for refund requirements after a repossession.

These provisions apply to GAP waivers and excess wear and use waivers entered into on or after January 1, 2024.

§ 8 — ELECTRONIC CALL REPORT FILINGS

Eliminates the requirement for public deposit reports to be notarized if they are submitted electronically to DOB

The act allows qualified public depositories (i.e., institutions allowed to hold public funds such as banks and credit unions) to electronically submit to DOB the required reports on each call report date without notarization (i.e., certified under oath). Prior law required notarization of all these reports.

EFFECTIVE DATE: July 1, 2023

§§ 9 & 10 — PROHIBITED ACTS OF CERTAIN MORTGAGE LICENSEES

Prohibits certain licensed mortgage professionals from (1) using an unlicensed lead generator unless the lead generator is exempt from licensure or (2) helping a lead generator conduct business without a valid license

The act prohibits licensed mortgage lenders, correspondent lenders, brokers, and loan originators from using the services of a lead generator unless the lead generator is licensed or exempt from licensure (e.g., a federally insured bank or credit union or a subsidiary of the institution). It also prohibits licensed mortgage professionals from assisting or aiding and abetting a person to conduct a lead generator business without a license.

A lead generator is a person who, for or with the expectation of compensation or gain, (1) sells, assigns, or transfers information that identifies a potential residential mortgage loan customer (a lead); (2) generates or adds to a lead for another person; or (3) directs a consumer to a person for a residential mortgage loan through marketing services (CGS § 36a-485).

§ 11 — MORTGAGE SERVICER SUPERVISORS

Eliminates the requirement that certain supervisors of mortgage servicers generally live within 100 miles of a branch office

Under prior law, a mortgage servicer had to have a qualified individual for its main office and a branch manager for each branch, each of whom had to live within 100 miles of the respective location or show that he or she was otherwise able to provide full-time, in-person supervision. The act eliminates this geographic and alternative full-time, in-person requirement.

§ 13 — DEPOSIT ACCOUNT CLOSURE NOTICE

Expands the circumstances under which a financial institution does not need to provide notice of a deposit account's closure

By law, within 10 days after they close a customer's account, financial institutions must generally send the customer a notice that includes the reason for closure. The act expands the circumstances under which a financial institution does not need to provide this notice.

Under prior law, notice was not required if, among other things, the institution (1) believed the account was being used for illegal or fraudulent activity, (2) learned that law enforcement was investigating activity involving the account, or (3) was prohibited by state or federal law from providing it. In addition to these circumstances, under the act, this notice is not needed under the following circumstances:

1. the depositor, or the depositor's agent (e.g., estate representative), closes the account;

2. the institution closed the account after escheating its balance to the treasurer (i.e., the account is presumed abandoned);
3. a beneficiary or the institution closes the account after title to it vests in the beneficiary; or
4. the institution notified the depositor that the account would be closed after a certain date, which has passed, and the reason for closure.

§ 14 — BASIC BANKING ACCOUNTS

Limits the required availability of basic bank accounts, and the advertising of them, to banking institution branches and other offices located in Connecticut

By law, state and federally chartered financial institutions doing business in Connecticut must make a "basic banking account" available to Connecticut residents beginning July 1, 2023. Among other things, these accounts have low minimum initial deposit and balance requirements and are restricted in their permissible fees.

The act limits the applicability of these requirements to the in-state branches and offices of these institutions. It correspondingly makes the advertising (i.e., certain posted information) of these accounts only required at locations in Connecticut.

EFFECTIVE DATE: July 1, 2023

§§ 15-23 — CAPITAL AND SURPLUS REQUIREMENTS

Generally applies a "capital and surplus" calculation to certain investment decisions made by Connecticut banks (i.e., liabilities of borrowers, debt and equity securities, debt and equity mutual funds, social purpose investments, savings banks life insurance, mortgage lending, and real estate for the banks' business)

Definition — Capital and Surplus

The act defines "capital and surplus" using federal Office of the Comptroller of the Currency (OCC) regulations (see 12 C.F.R. § 1.2).

Under these federal regulations, for qualifying community banking organizations that have chosen to use the OCC community bank leverage ratio framework, "capital and surplus" is the bank's (1) tier 1 capital (e.g., common voting stock and retained earnings) and (2) allowance for loan and lease losses or adjusted allowances for credit losses reported in its call report. (A bank leverage ratio shows a bank's financial position regarding debt and capital or assets.)

And for all other banks, "capital and surplus" is (1) a bank's tier 1 and tier 2 (e.g., loan and lease loss allowance, qualifying preferred stock, or subordinated debt) capital, calculated under OCC risk-based capital standards, that it reports in its call report and (2) the balance of the bank's allowance for loan or lease losses or adjusted allowances for credit losses not included in the tier 2 capital, which it uses to calculate risk-based capital in the call report.

Applying Capital and Surplus

The act generally applies, with exceptions (see below), the use of capital and surplus, instead of equity capital and reserves for loan and lease losses (i.e., excess assets over liabilities and amounts reserved against possible loan and lease losses), to the law's calculations for:

1. holding mortgage loans,
2. the liabilities of any one obligor (debtor),
3. debt securities and debt mutual funds,
4. equity securities and equity mutual funds, and
5. social purpose investments.

Existing law, unchanged by the act, imposes various percentage thresholds for determining a bank's ability to hold these investments.

For example, under the act, the total liabilities of any one obligor that are not fully secured to a Connecticut bank (not counting any investment in the obligor's investment securities) cannot exceed 15% of the bank's capital and surplus, instead of equity capital and reserves for loan and lease losses, at the time of the obligation.

The act also prohibits a savings bank from investing more than 5% of its capital and surplus, rather than equity capital, in stocks, obligations, or other securities of The Savings Bank Life Insurance Company (§ 23).

Capital and Surplus Exception Choice. The act allows a Connecticut bank, if it notifies the DOB commissioner by

January 1, 2024, to choose to use equity capital and adjusted allowances for credit losses (instead of capital and surplus) for certain calculations. It may do so for the following calculations related to the liability of any one obligor:

1. limits on the liability;
2. limits on obligations as an endorser or guarantor of negotiable or nonnegotiable installment consumer paper, which have an agreement to repurchase upon default;
3. exceptions from limits on obligations of the United States, Connecticut, or a town, city, borough, or legally established district in Connecticut that can levy taxes to pay the obligations;
4. exceptions from limits on obligations of any one obligor, except loans secured by mortgage and insured by the Federal Housing Administrator, which are secured or covered by guaranties or by commitments or agreements to take over or purchase from the United States or the Federal Reserve Bank or any federal department, bureau, board, commission, or establishment (including U.S.-wholly owned corporations) authorized to enter into contracts with a financial institution (a) guaranteeing it against loss of principal and interest on loans, taxes, or advances or (b) agreeing to take them over or purchase them;
5. limits on the obligations of any one obligor that are secured by the pledge of direct or fully guaranteed obligations of the United States;
6. limits on the amount of bills of exchange the bank may accept;
7. exceptions from limits on obligations of certain bankers' acceptances of other banks, securities subject to resale, and certain rentals; and
8. limits on obligations secured by first mortgages on real estate.

The act allows a bank that makes the above choice to subsequently use capital and surplus for the calculations if it notifies the DOB commissioner in writing that it has chosen to do so (§ 19).

For investments in debt securities and debt mutual funds, the act allows a Connecticut bank to use equity capital and adjusted allowances for credit losses (rather than capital and surplus) to calculate limits on the total amount of debt securities and debt mutual funds of any one maker, obligor, or issuer purchased or held by the bank or for the bank's account (§ 20). It similarly allows a bank to use this method to calculate the limit on the total amount of (1) equity securities and equity mutual funds of any one issuer purchased or held by the bank or for the bank's account (§ 21) or (2) securities that are considered social purpose investments of any one maker, obligor, or issuer held by the bank or for the bank's account (§ 22). These choices are also subject to the same January 1, 2024, election and DOB notification or retraction requirements described above for single obligor investments.

Lending Decisions: Loan Policies, Mortgage Issuance, and Bank Property

The act requires Connecticut banks to use capital and surplus, rather than total capital and reserves for loan and lease losses, when deciding standards for material loans (i.e., standards based on the size of the loan in relation to the bank's capacity and risks) (§ 17). It correspondingly applies capital and surplus, rather than equity capital and reserves for loan and lease losses, to decision making for investing in mortgage loans (§ 18).

The act similarly applies capital and surplus to the calculation of whether a Connecticut bank may (1) without DOB commissioner approval, change or improve real estate used for the bank's business or (2) purchase adjoining real estate (§ 16).

§ 24 — CREDIT UNION MEMBERSHIP

Expands Connecticut credit unions' eligible membership by allowing them to (1) have a field of membership that includes both a common bond and a geographic community and (2) add associations beyond those of members

The act expands Connecticut credit unions' eligible membership. Prior law limited their membership to either common bonds (see *Background — Common Bond Membership*) or people in a well-defined community, neighborhood, or rural district ("geographic community"). The act (1) allows credit unions to have a field of membership that includes both a common bond and a geographic community (i.e., a single common bond, multiple common bonds, people in a geographic community, or any combination of the three) and (2) broadens the scope of associations that are eligible common bonds beyond those of existing credit union members.

Under prior law, associations were eligible for credit union membership if the individuals in it belonged to the credit union. Under the act, associations and their members are eligible, but the association must exist for a purpose other than expanding the credit union's membership. The act requires the DOB commissioner, when deciding whether to approve an association for a credit union's field of membership, to consider the public interest and benefit from inclusion. And when deciding if an association was formed to serve a purpose other than membership expansion, he must consider all

circumstances, including at least the following:

1. opportunities for members to participate in furthering the association's goals;
2. association membership eligibility requirements, including whether eligibility is limited to the association's stated purpose, and the maintenance of a membership list;
3. association membership dues and member voting rights;
4. association-sponsored activities and the number of meetings and member participation on topics concerning the association's core purposes; and
5. the degree of separation between the credit union and the association.

Background — Common Bond Membership

By law, a "single common bond membership" is a field of membership consisting of one group that has a common bond of occupation or association (e.g., employees of a company). A "multiple common bond membership" consists of more than one group that has a common bond of occupation or association within each group (CGS § 36a-435b).

§ 25 — DOB FINANCIAL INSTITUTION MERGER RESPONSIBILITIES

Requires the DOB commissioner to (1) help people with accounts at financial institutions when there are issues about the institution's merger with another financial institution and (2) annually report to the Banking Committee on related laws, regulations, and policies

The act requires the DOB commissioner to do the following:

1. provide timely help to financial institutions' account holders with issues related to their institution's merger with another financial institution and post information on DOB's website about the department's availability to help;
2. receive and review complaints from account holders at a financial institution that merged with another financial institution and investigate the complaints if one of the institutions is a Connecticut bank or Connecticut credit union;
3. review information related to complaints involving Connecticut banks and Connecticut credit unions from account holders who provide written consent to the review and help account holders who submit complaints to understand their associated rights and responsibilities;
4. communicate complaints about a financial institution after its merger to its primary regulator if it is an out-of-state bank, out-of-state credit union, or a federal credit union;
5. provide information to the public, state agencies, legislators, and others about the problems and concerns of people who submit complaints and recommend ways to resolve them; and
6. analyze and monitor the development and implementation of federal, state, and local laws, regulations, and policies on financial institutions and their mergers and recommend any necessary changes.

The act also requires the commissioner to take any other necessary actions to fulfill these required duties. By law, "financial institutions" include banks, Connecticut and federal credit unions, and out-of-state banks and credit unions with a branch or office, respectively, in the state (CGS § 36a-41).

Starting by January 1, 2025, the act requires the commissioner to annually submit a report to the Banking Committee that (1) summarizes the commissioner's required analysis of merger laws, regulations, and policies and (2) recommends any changes to federal, state, and local laws, regulations, and policies on financial institution mergers the commissioner deems necessary.

§ 26 — MONEY TRANSMISSION EXEMPTION

Exempts Connecticut banks that are uninsured banks from the Money Transmission Act's requirements, such as licensure and financial conditions

The act exempts uninsured banks organized under state law from money transmitter licensure required by the Money Transmission Act. This law regulates businesses that receive and transmit money and requires them to be licensed and meet certain financial conditions. The law already generally exempts financial institutions such as federally insured banks, federal credit unions, Connecticut banks, Connecticut credit unions, out-of-state banks and credit unions; the United States Postal Service and associated contractors; and those who make electronic funds transfers of governmental or related benefits.

By law, an "uninsured bank" is a Connecticut bank that does not accept retail deposits and for which deposit insurance from the Federal Deposit Insurance Corporation is not needed (CGS § 36a-2(74)).

§§ 27 & 28 — COMMUNITY BANKING PROGRAM

Increases the maximum amount of funds the treasurer may use for the Community Banking Program from $100 million to $300 million; raises the asset limit for financial institutions to be eligible for the program; limits the banks and credit unions eligible to participate in the program to only those organized under Connecticut laws

The law authorizes the treasurer, based on cash availability, to administer a program to invest funding with community banks and credit unions. The act makes several changes to the program. First, prior law capped the state funds available for the program at $100 million, which the act increases to $300 million.

Second, the act requires the treasurer to establish program eligibility criteria that must include an asset limit for participants. Prior law, through its definitions of "community bank" and "community credit union," limited the institutions eligible to participate in the program to those with assets of up to $1 billion. The act removes this asset restriction and instead, through the eligibility criteria, requires the following increased participation asset limits:

1. from July 1, 2023, through September 29, 2024, $2 billion is the maximum amount of assets a participating institution may have and
2. after that period, an institution must not have assets exceeding the sum of the previous asset limit and the median percentage loan growth of institutions eligible for the program when the treasurer sets the asset limit.

Under the act, the "median percentage loan growth" is the middle value representing the percentage increase or decrease, as applicable, in loan assets over a time period reflected on the balance sheet of a specified group of lenders. The act requires the treasurer, beginning by July 1, 2024, to annually give DOB a list of institutions eligible to participate in the program when the treasurer provides the list. And DOB, beginning by August 31, 2024, must annually give the treasurer the median percentage loan growth of each eligible institution.

Lastly, in addition to changing the asset eligibility threshold, the act limits the institutions eligible to participate in the program to (1) bank and trust companies, savings banks, and savings and loan associations chartered or organized under Connecticut laws (a "community bank") and (2) cooperative, nonprofit financial institutions that are organized under the Connecticut banking laws, have limited membership, operate for the benefit and general welfare of its members, and are governed by a volunteer board of directors elected by and from its membership (a "community credit union"). Previously, an eligible community bank was a bank domiciled in Connecticut, and a community credit union also included certain federal credit unions.

EFFECTIVE DATE: July 1, 2023

§ 29 — REPEAL OF EXPANSION OF RESIDENTIAL HEATING FINANCING PROGRAM

Repeals § 4 of PA 23-45, which expanded the residential heating equipment financing program to include geothermal heating and cooling systems and heat pump dryers

The act repeals § 4 of PA 23-45, which expanded the residential heating equipment financing program to include energy efficient geothermal heating and cooling systems and heat pump dryers.

EFFECTIVE DATE: July 1, 2023

PA 23-161—sSB 1088
Banking Committee
Judiciary Committee

AN ACT CONCERNING FINANCIAL EXPLOITATION OF SENIOR CITIZENS

SUMMARY: This act addresses the financial exploitation of "eligible adults" (i.e., state residents ages 60 or older) by authorizing related disclosures and other processes, including temporary account holds and suspensions, by broker-dealers, investment advisors, and financial institutions (e.g., banks and credit unions). The act shields entities that make authorized disclosures from liability in certain cases. It also creates specific procedures and limits on account holds and suspensions, including on extensions, and a way to petition the probate courts to remove them (§§ 1-4).

Relatedly, the act expressly does not limit immunities, causes of action, or remedies provided under the Connecticut Uniform Power of Attorney Act. It also requires the Department of Social Services (DSS) commissioner to consider any funds or securities subject to a temporary hold or suspension to be unavailable assets for each account owner or co-owner while the hold is in effect if he or she is applying for or receiving specified means-tested benefits under the state's social

services laws (§§ 1 & 2).

Additionally, the act (1) lowers the evidentiary standard used for determining when ownership of a joint account at a bank or credit union would not vest to the surviving account owners (§ 5) and (2) explicitly requires financial institutions to comply with certain federal and state law requirements on providing electronic or paper periodic statements (§ 6).

EFFECTIVE DATE: July 1, 2024, except the provisions on determining joint account ownership and providing electronic or paper periodic statements are effective October 1, 2023.

§ 1 — FINANCIAL EXPLOITATION AND BROKER-DEALERS AND INVESTMENT ADVISORS

The act expands the Connecticut Uniform Securities Act's (CUSA) records and financial reporting provisions to address financial exploitation against eligible adults. Under the act, "financial exploitation" is taking advantage of an eligible adult by another person or caretaker for a monetary, personal, or other benefit, gain, or profit. It includes the following:

1. any wrongful or unauthorized taking, withholding, appropriation, or use of an eligible adult's money, assets, or property;
2. any act or omission to obtain control, through deception, intimidation, or undue influence, over an eligible adult's money, assets, or property and deprive the eligible adult of the ownership, use, benefit, or possession of them, including through a power of attorney (POA), guardianship, or conservatorship; and
3. converting an eligible adult's money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or possession of them.

However, the act alternatively authorizes certain disclosures of financial exploitation and related actions by a broker-dealer and an investment adviser, as defined in CUSA, and by a "qualified person" (i.e., a broker-dealer, investment adviser, broker-dealer agent, or investment adviser agent, as defined under CUSA, and any person serving in a supervisory, compliance, or legal capacity for a broker-dealer or investment adviser).

Disclosure Authorizations

The act allows any qualified person to promptly disclose, in any reasonable manner, to the social services and banking commissioners when he or she has reasonable cause to suspect or believe that financial exploitation of an eligible adult may have occurred, was attempted, or is being attempted, and the basis for this suspicion or belief. A qualified person may also disclose this financial exploitation to a third party that the eligible adult designated as a trusted contact person to discuss the eligible adult's financial affairs, so long as the qualified person does not reasonably believe the third party is involved in the financial exploitation or other abuse. Under the act, a "trusted contact person" is someone at least age 18 whom an eligible adult identifies and authorizes a qualified person to, at that person's option, contact and disclose account information to (1) address possible financial exploitation or (2) confirm the account holder's current contact information or health status, or the identity of any conservator, executor, trustee, or holder of a POA.

If a qualified person voluntarily makes the above disclosures to the commissioners or a trusted contact person in good faith and with reasonable care, then the act immunizes the qualified person from any administrative or civil liability that might otherwise arise solely from the disclosures or for any failure to notify the customer or client of the disclosure. This immunity does not apply if the qualified person participated in the financial exploitation described in the disclosure. The act expressly provides that this immunity will not affect existing laws imposing criminal liability (e.g., perjury or fraudulent or malicious reporting).

The act requires investment advisers to maintain records reflecting the name and contact information for any trusted contact person whom an advisory client has designated to be contacted concerning the client's account, except for institutional accounts. Under the act, when a client opens or updates an advisory account, an investment adviser must disclose that the adviser is authorized to contact the trusted contact person and disclose account information to (1) address possible financial exploitation and (2) confirm the client's current contact information, health status, or the identity of any legal guardian, executor, trustee, or holder of a POA. The disclosure must be in writing and may be in an electronic format. The act allows an investment adviser to open or maintain an account for a client without a trusted contact person's name and contact information, so long as the adviser makes reasonable efforts to obtain this information.

Temporary Hold

The act also allows a broker-dealer or investment adviser to place a temporary hold on a disbursement of funds or securities or a securities transaction from an eligible adult's account, including an account with an eligible adult as a beneficiary, if the broker-dealer or investment adviser reasonably believes that financial exploitation has occurred, is

occurring, has been attempted, or will be attempted.

Within two business days after placing a temporary hold, the broker-dealer or investment adviser must notify all parties authorized to transact business on the account and the trusted contact person, if any, about the hold and reason for it unless (1) a party or trusted contact person is unavailable or (2) the broker-dealer or investment adviser reasonably believes that the party or trusted contact person has engaged, is engaged, or will engage in financial exploitation.

The act also requires the broker-dealer or investment adviser to immediately initiate an internal review of the facts and circumstances that caused him or her to reasonably believe that financial exploitation has occurred, is occurring, has been attempted, or will be attempted.

Under the act, a temporary hold must generally expire within 15 business days after it is first placed, but the broker-dealer or investment adviser may extend the hold if the internal review supports it. In these instances, the hold may be extended (1) up to 10 business days or (2) up to 30 business days if the broker-dealer or investment adviser has reported or provided notification about the financial exploitation to a state regulator, agency of competent jurisdiction, or probate court. However, regardless of the original expiration date or any extensions by a broker-dealer or investment adviser, the act authorizes state regulators, agencies of competent jurisdiction, and probate courts to otherwise terminate or extend the hold.

Additionally, if the broker-dealer or investment adviser receives a new disbursement or transaction request that is subject to a temporary hold through a POA purportedly executed by the eligible adult, the hold must extend to any longer time period allowed under the Connecticut Uniform Power of Attorney Act to receive additional information to determine the POA's acceptability (i.e., five to seven business days). If the longer period has expired or the informational review is complete and the broker-dealer or investment adviser does not accept the POA, the temporary hold may be further continued for up to 50 days after the date on which the POA was received.

The act also expressly provides that nothing in it prevents the social services commissioner, banking commissioner, or the probate court from sooner terminating or extending the hold upon contemporaneous written notice to the broker-dealer or investment adviser.

Record Sharing

The act requires registered broker-dealers and investment advisers to give the banking commissioner and law enforcement agencies access to, or copies of, records relevant to suspected or attempted financial exploitation. This must be provided (1) as part of a referral to the commissioner or a law enforcement agency or (2) upon the commissioner's or agency's request for an investigation or examination. The act expressly provides that nothing in it limits or otherwise impedes the banking commissioner's authority to access or examine the books and records of broker-dealers and investment advisers as provided by other applicable law.

Under the act, all records made available to agencies are exempt from the Freedom of Information Act. It also allows the banking commissioner to share and exchange information and documents related to the suspected financial exploitation with affected social services regulators in the same manner as existing law allows him to do so in certain other circumstances.

The act specifically identifies certain documents as records relevant to financial exploitation. For broker-dealers, it includes records prescribed under the federal Securities Exchange Act of 1934 and its regulations, as well as applicable self-regulatory organization rules. For investment advisers who are or must be registered with the commissioner, the act classifies the following documentation as relevant:

1. relevant requests for disbursements,
2. documents supporting any disbursement delay,
3. documents supporting the investment adviser's reasonable belief that financial exploitation has occurred or is occurring,
4. the name and title of the person authorizing the disbursement delay,
5. notifications to affected parties, and
6. documents relating to the investment adviser's internal review.

Training

Under the act, broker-dealers and investment advisers must, consistent with federal law, develop training policies or programs reasonably designed to ensure that a qualified person understands and can effectively carry out the above requirements when necessary, including training on the Connecticut Uniform Power of Attorney Act and how it relates to financial exploitation.

Additional Immunity

Beyond the immunities provided to a qualified person described above, the act makes broker-dealers and investment advisers who, in good faith and with reasonable care, comply with these requirements immune from any administrative or civil liability that might otherwise arise from any action they take that is allowed under the act.

§ 2 — FINANCIAL EXPLOITATION AND FINANCIAL INSTITUTIONS

The act separately addresses another type of financial exploitation against eligible adults, which the act defines as using, controlling, or withholding an eligible adult's property, income, resources, or trust funds by any person or entity, including an eligible adult's agent under a POA, for profit or advantage at the eligible adult's expense. It specifically includes acts constituting a breach of fiduciary duty to an eligible adult, or forcing, compelling, or exerting undue influence over the person to cause them to conduct a transaction or disbursement.

Transaction and Disbursement Suspensions

The act authorizes financial institutions and financial agents to suspend a transaction or disbursement involving an eligible adult's account for up to seven business days if either has reasonable cause to believe that it may involve, facilitate, result in, or contribute to financial exploitation.

Under the act, a "transaction" includes providing access to a safe deposit box or any eligible adult's "nonpublic personal information," as defined under federal law. A "financial institution" is any Connecticut-chartered bank or credit union, any institution that engages in the business of banking or a credit union that is chartered out-of-state, and any subsidiary or affiliate of these entities. A "financial agent" is a financial institution employee who, within the scope of employment, has direct contact with an eligible adult or reviews or approves an eligible adult's financial documents, records, or transactions. An "account" is a customer asset or liability account (e.g., a safe deposit box), established primarily for personal, family, or household purposes, that a financial institution holds on an eligible adult's behalf.

In addition to these entities, the act's provisions apply to national banking associations, federal savings banks, federal savings and loan associations, and institutions chartered or organized as a federal credit union under federal law, to the extent that they have voluntarily implemented these requirements that are not expressly preempted by federal law, rule, regulation, or order.

Following a suspension, the act allows the eligible adult to renew or resume the transaction or disbursement request. The financial institution must honor the request unless it (1) chooses to extend the suspension for an additional 45 business days for reasonable cause and in accordance with the act or (2) cannot process the transaction or disbursement due to an applicable law, court order, regulatory requirement, or private rule.

Additionally, if the financial institution receives a new disbursement or transaction request that is subject to a suspension through a POA purportedly executed by the eligible adult, the hold must extend to any longer time period allowed under the Connecticut Uniform Power of Attorney Act to receive additional information to determine the POA's acceptability (i.e., five to seven business days). If the longer period expires or the informational review is complete and the financial institution does not accept the POA, the suspension may be continued for up to 50 days after the date on which the POA was received.

Financial institutions and financial agents may decline or return the suspended transaction or disbursement if they have reasonable cause to believe they may be subject to any penalty or liability under any law, regulation, or governmental or private rule that governs the processing, clearing, or payment of transactions or disbursements due to the suspension.

If a financial institution has suspended, declined, or returned a transaction or disbursement under the act, it must notify all account holders about the action unless it reasonably believes that an account holder is involved in the suspected financial exploitation or other abuse of the eligible adult.

Additionally, if a financial institution extends a suspension, it must give written notice about the extension to the eligible adult and each account holder, signatory, and trusted contact person within three business days after the date the extension begins, unless any are suspected of being involved in the financial exploitation. This notice may include a disclosure of other remedies the eligible adult may pursue to release the suspension, but must include the following:

1. the name of the financial institution,
2. the name and contact information of the financial institution's employee or agent responsible for the suspension,
3. a statement that the suspension is extended based on suspected financial exploitation of the eligible adult,
4. the latest date on which the extended suspension will expire, and
5. a statement that the eligible adult may petition the probate court for an order releasing the suspension.

Under the act, a "trusted contact person" is someone at least age 18 whom an eligible adult identifies and authorizes a

financial institution to contact, at its option, and to whom it may disclose information about the account to (1) address possible financial exploitation or (2) confirm the account holder's current contact information, health status, or the identity of any conservator, executor, trustee, or holder of a POA.

Financial institutions may allow any of their customers who are eligible adults to designate, for each account they wholly or partly own, at least one trusted contact person other than a co-owner, beneficiary, or fiduciary on the account. For each designation, the eligible adult must provide the trusted contact person's name, mailing address, and any other contact information. Under the act, financial institutions:

1. must maintain this information in a record associated with each account that the designation applies to,
2. may establish reasonable procedures to confirm the trusted contact person's identity, and
3. cannot require a designated individual's consent to be a trusted contact person as a precondition of recording him or her as such in the account's records.

Immunity

Unless a financial agent or any other financial institution employee participated in a suspected financial exploitation, financial agents and financial institutions are immune from any administrative or civil liability under state law for any action allowed under the act. However, this immunity only applies to financial institutions' good faith actions. Under the act, "good faith" exists under the following circumstances:

1. if the financial agent who decides to take the action has participated in the (a) mandatory training required under existing law to detect potential fraud, exploitation, and financial abuse of elderly people; (b) training on the financial institution's "suspected exploitation policy" (i.e., a written policy for any actions allowed under the act when there is suspected financial exploitation of an eligible adult); and (c) training on the Connecticut Uniform Power of Attorney Act and how it relates to financial exploitation to the extent it is not included in the above mandatory training;
2. if the financial institution gives prior written or electronic notice, including as part of a deposit account contract or related disclosures, that it may suspend, decline, or return transactions or disbursements involving an eligible adult's account (notice given to any person who holds or is authorized to access the affected account is notice to all other account holders);
3. the financial institution or financial agent reports the suspected financial exploitation to the DSS commissioner or her designee, unless it (a) revokes any suspension within two business days or (b) reinstitutes and processes any transaction or disbursement it declined or returned within two business days;
4. the financial institution or financial agent makes a reasonable effort to report, verbally or in writing, the suspected financial exploitation to each designated trusted contact person, unless the institution or agent suspects that the person is involved in the suspected financial exploitation;
5. the financial institution has established a written suspected exploitation policy; and
6. the financial institution retains, for seven years, a record of the suspected financial exploitation, including any reports to social services, regulatory, or law enforcement agencies and supporting documents.

The act specifies that it must not be construed to require a financial institution to disclose a copy of its suspected exploitation policy to any account holder.

Additionally, under the act, a financial institution's or financial agent's reasonable cause to believe that an action requested by an agent under a POA involves financial exploitation of an eligible adult must constitute a good faith belief under the Connecticut Uniform Power of Attorney Act that the agent does not have authority to perform the requested action.

§§ 3 & 4 — FINANCIAL EXPLOITATION AND PROBATE COURTS

The act allows an eligible adult, or his or her authorized legal representative, to petition the probate court to remove a financial hold imposed by a financial institution or a hold by a broker-dealer or investment advisor under the act.

For this provision, a "financial institution" is any Connecticut-chartered bank or credit union, any institution that engages in the business of banking or a credit union that is chartered out-of-state, and any subsidiary or affiliate of these entities, as well as any national banking associations, federal savings banks, federal savings and loan associations, and institutions chartered or organized as a federal credit union under federal law. A "financial hold" is a financial institution's refusal to (1) complete any transaction, including a "transaction" as defined under the act (see § 2 above), or (2) disburse the proceeds of a transaction upon a deposit account, funds, safe deposit box, securities, or other property in its custody. A "hold by a broker-dealer or investment advisor" is the temporary hold on a disbursement of funds or securities or a transaction in securities from an eligible adult's account, including an account an eligible adult is a beneficiary of, by a

broker-dealer or investment advisor.

Under the act, the petition to remove either of these holds must generally be filed in the probate district where the (1) eligible adult resides, is domiciled, or is located when the petition is filed or (2) financial institution has an office. However, if the eligible adult is under conservatorship, the petition must be filed in the probate court for the probate district where the conservatorship is pending. The petition must include the following information:

1. the eligible adult's name, date of birth, and address;
2. the eligible adult's spouse's name and address, if any;
3. the eligible adult's conservator's name and address, if any;
4. the petitioner's name and address, if the petitioner is not the eligible adult;
5. the name and address of the financial institution, broker-dealer, or investment advisor imposing the hold;
6. whether DSS is known to be investigating the eligible adult's welfare;
7. whether a petition to appoint a conservator is pending in any probate court, and if so, a description of the probate court where the petition is pending;
8. a description of the transaction subject to the hold; and
9. a statement on why the transaction will not result in financial exploitation of the eligible adult.

The act requires the probate court to (1) set a time and place for a hearing on the petition that must be held within 10 days after the petition's filing date, unless continued by the court for cause, and (2) give notice of the hearing to the DSS commissioner and each eligible adult, spouse, conservator, petitioner, financial institution, broker-dealer, and investment advisor identified in the petition.

The probate court must order a hold released if it (1) determines there is no reasonable cause to conclude that the transaction or disbursement subject to the hold may involve, facilitate, result in, or contribute to the financial exploitation of the eligible adult or (2) finds that the eligible adult is not a Connecticut resident. If the probate court determines there is reasonable cause for the hold, it may order the hold to be modified or continued for up to 30 days from the order's date or until a conservator is appointed for the eligible adult, whichever occurs first.

The act establishes a $250 probate court fee when filing to release a hold. However, upon disposition of a hold petition, the court may order reimbursement of the filing fee as the court deems equitable, so long as no financial agent is made responsible for the reimbursement and a financial institution is only liable if the court finds the financial institution did not have reasonable cause to believe that a transaction or disbursement involving the eligible adult's account may have involved, facilitated, resulted in, or contributed to his or her financial exploitation.

§ 5 — JOINT BANK ACCOUNT OWNERSHIP

By law, there is a rebuttable presumption that creating a joint account at a bank or credit union is evidence of intent by the person creating the account to have it vest, if he or she dies, to any other account holders. Prior law required someone challenging the survivor's right to account ownership to show clear and convincing contrary evidence or that there was fraud or undue influence. The act replaces the clear and convincing evidentiary standard with preponderance of the evidence, which is a lower legal standard.

A "preponderance of the evidence" means that it is more likely than not that the facts asserted are true. It is the burden of proof in most civil trials. "Clear and convincing" means it is highly probable or reasonably certain. Clear and convincing is a greater burden of proof than preponderance of the evidence, but less than evidence beyond a reasonable doubt, which is the standard in criminal trials (Black's Law Dictionary, 11th ed.).

§ 6 — FINANCIAL INSTITUTIONS' PERIODIC STATEMENTS

The act requires financial institutions to comply with certain provisions in three federal and state laws about periodic statements to consumers. Under this provision of the act, "financial institutions" are (1) Connecticut-chartered or -organized bank and trust companies, savings banks, savings and loan associations, and credit unions and (2) federal national banking associations, savings banks, savings and loan associations, and credits unions that have their principal offices in Connecticut (CGS §§ 36a-2 & 36a-316).

Specifically, the institutions must do the following, as required by the federal Electronic Signatures in Global and National Commerce Act:

1. only provide periodic statements in electronic form to consumers after the consumers consent to receive them in that format,
2. allow consumers to withdraw their consents, and
3. provide paper copies of any electronic statements when requested by consumers (15 U.S.C. § 7001 et seq.).

They must also comply with the Connecticut Uniform Electronic Transactions Act (CGS § 1-266 et seq., which

provides uniform rules for electronic commerce transactions) and the federal Truth in Savings Act (12 U.S.C. § 4301 et seq., which, among other things, requires uniform disclosure of interest rate and fee information) before providing consumers with electronic periodic statements.

PA 23-201—sSB 1032
Banking Committee
Judiciary Committee
Appropriations Committee

AN ACT REQUIRING CERTAIN FINANCING DISCLOSURES

SUMMARY: This act requires certain lenders offering specific types of commercial financing to register annually with the Department of Banking (DOB) starting October 1, 2024. Under the act, "commercial financing" is a sales-based financing transaction of $250,000 or less, the proceeds of which are not primarily intended for personal, family, or household purposes. "Sales-based financing" is a transaction that is repaid by the recipient to the provider over time (1) as a percentage of sales or revenue, in which the payment amount may increase or decrease according to the recipient's sales or revenue, or (2) according to a mechanism where the financing is repaid as a fixed payment but provides for a reconciliation process that adjusts the payment to an amount that is a percentage of sales or revenue.

The act further requires these lenders to give applicants for this financing information on, among other things, the financing amount, finance charges, total repayment amount, term, payment amounts, other potential fees, prepayment costs, and collateral requirements. It also prohibits commercial financing contracts entered into on or after July 1, 2024, from having any provision waiving a recipient's right to notice, judicial hearing, or prior court order under Connecticut's prejudgment remedies laws. The act additionally limits lenders' ability to revoke, withdraw, or modify specific offers.

Violations of the act's provisions are subject to the existing civil penalties for other violations of the state's banking laws under which the DOB commissioner may, among other things, impose a fine of up to $100,000 per violation. The act further allows the commissioner to seek injunctive relief or take other enforcement actions if he finds that a provider knowingly violated these laws.

The act also authorizes the DOB commissioner to adopt implementing regulations.
EFFECTIVE DATE: July 1, 2024

§§ 1 & 2 — AFFECTED LENDERS AND FINANCING OFFERS

The act imposes its commercial financing-related disclosure requirements on "providers," defined as any person (natural person or business entity) extending a specific offer of commercial financing to a recipient.

Provider Exclusions

Financial Institutions and Affiliates. Under the act, a "provider" excludes the following entities: (1) Connecticut banks and credit unions; (2) federal banks and credit unions; (3) out-of-state banks and credit unions; (4) bank holding companies; and (5) any of their subsidiaries or affiliates, as all are defined under the state's banking laws (CGS § 36a-2).

Other Lenders. Additionally, a "provider" excludes any lender regulated under the federal Farm Credit Act (12 U.S.C. § 2001 et seq.) or person or provider who extends or brokers the following:

1. a commercial financing transaction (a) secured by real property; (b) entered into through a commercial financing agreement or commercial open-end credit plan of at least $50,000 where the recipient is, generally, an in-state motor vehicle or trailer dealer or a motor vehicle rental company, or their affiliates; or (c) in connection with the sale of products or services that he or she manufactures, licenses, or distributes, or whose parent company, subsidiary, or affiliate manufactures, licenses, or distributes;
2. a lease under the Uniform Commercial Code–Leases (CGS § 42a-2A-102) or purchase-money obligation under the Uniform Commercial Code–Secured Transactions (CGS § 42a-9-103a); or
3. no more than five commercial financing transactions in Connecticut in a 12-month period.

Technology Service Providers. Under the act, "provider" also excludes a person acting as a technology service provider for an exempt entity's commercial financing program so long as he or she does not have an interest, arrangement, or agreement to purchase an interest in the entity's program.

Specific Offer Defined

Under the act, a "specific offer" is the specific terms of commercial financing, including price or amount, that are quoted to a recipient based on information obtained from or about the recipient, which, if accepted, is generally binding on the provider.

Recipient, Commercial Financing Broker, and Financer Defined

Under the act, a "recipient" is a person or a person's authorized representative, but not a commercial financing broker, who applies for commercial financing and is made a specific offer. A "commercial financing broker" is anyone other than a financer who, for compensation or the expectation of compensation, offers commercial financing or offers to obtain it for a recipient from a non-exempt provider. A "financer" is anyone who provides or will provide commercial financing to a recipient.

Commercial Financing Determination

To determine whether financing is commercial, the act allows providers to rely on a recipient's statement of intended purpose. This statement may be any of the following:

1. a separate statement signed by the recipient;
2. a statement contained in the financing application, financing agreement, or other document signed or consented to by the recipient;
3. a statement provided orally by the recipient if it is documented in the recipient's application file by the provider; or
4. a statement given electronically.

Providers are not required to learn whether the recipients used proceeds in line with their statements.

§§ 1 & 3 — INITIAL DISCLOSURES

The act requires providers, when extending a specific offer for sales-based financing, to give recipients certain disclosures in a format prescribed by the DOB commissioner. This includes disclosing the "finance charge," which is the cost of financing expressed as a dollar amount, including (1) any direct or indirect charge payable by the recipient and directly or indirectly imposed by the provider and (2) all finance charges as defined under the federal Truth in Lending Act's Regulation Z (12 C.F.R. § 1026.4).

Additionally, a provider must disclose to the recipient the following information:

1. the total amount of the commercial financing;
2. the disbursement amount (i.e., the amount paid to the recipient or on the recipient's behalf, excluding any finance charges that are deducted or withheld at disbursement);
3. the total repayment amount (i.e., the disbursement amount plus finance charge);
4. the estimated term, which is the period of time required for the periodic payments to equal the total repayment amount;
5. the payment amounts as well as (a) if payments are fixed, their frequency; or (b) if payments are variable, a payment schedule or description of the method used to calculate the amounts and frequency of payments and the amount of average projected payments per month;
6. a description of all other potential fees and charges not included in the finance charge, including draw fees, late payment fees, and returned payment fees;
7. any finance charge the recipient will be required to pay if the recipient elects to pay off or refinance prior to full repayment, other than interest accrued since the recipient's last payment, and the percentage of any unpaid portion of the finance charge and the maximum dollar amount of the finance charge the recipient will be required to pay, as well as any additional fees not already included in the finance charge that the recipient will be required to pay;
8. a description of collateral requirements or security interests, if any; and
9. whether, in connection with the specific offer for sales-based financing, the provider will pay compensation directly to a commercial financing broker out of the financed amount and, if so, the compensation amount.

§ 4 — ADDITIONAL DISCLOSURES FOR RENEWAL FINANCING

If a provider requires a recipient to pay off the balance of existing commercial financing before obtaining additional

financing from the provider, then the act requires the provider to make certain additional disclosures.

New Financing Amount

Specifically, the provider must disclose the amount of the new financing used to pay off the part of the existing financing that consists of (1) prepayment charges and (2) unpaid interest expenses that were not forgiven at the time of renewal.

For financing involving a fixed repayment amount, the prepayment charge is calculated as follows: the original finance charge, multiplied by the amount of the renewal used to pay off existing financing as a percentage of the total repayment amount, minus any portion of the total repayment amount forgiven by the provider at the time of prepayment.

Reductions From Disbursement Amount

If the disbursement amount will be reduced to pay down any unpaid portion of the outstanding balance, then the provider must also disclose the actual dollar amount by which the disbursement will be reduced.

§§ 5-7 — FURTHER DISCLOSURE REQUIREMENTS

The act requires each provider to get a recipient's signature on all of the above disclosures before authorizing the recipient to continue with the commercial financing transaction application. Electronic signatures are allowed (§ 5).

Under the act, providers may provide or disclose additional information on their commercial financing, so long as it is not included as part of the above required disclosures (§ 6).

The act allows the DOB commissioner to accept another state's commercial financing disclosure form used to comply with the act's disclosure requirements if he determines that the laws in the other state meet or exceed the act's requirements (§ 7).

§ 8 — PREJUDGMENT REMEDY WAIVERS

The act prohibits commercial financing contracts entered into on or after July 1, 2024, from having any provision waiving a recipient's right to notice, judicial hearing, or prior court order under Connecticut's prejudgment remedies laws. This prohibition applies to waivers in connection with the provider getting any prejudgment remedy, including attachment, execution, garnishment, or replevin (i.e., generally, possession of personal property) when starting any litigation against the recipient. Under the act, any such waiver in a commercial financing contract entered into on or after July 1, 2024, is unenforceable.

§ 9 — SPECIFIC OFFER CHANGES

The act prohibits providers from revoking, withdrawing, or modifying a specific offer made on or after July 1, 2024, until midnight of the third calendar day after the date of the specific offer. However, the act allows them to be revoked, withdrawn, or modified (1) based on information obtained in the underwriting process, including verification of any information provided by the recipient, or (2) at the recipient's request.

Additionally, a specific offer may state that it is (1) based on the provider's preliminary review of application information only and (2) not a final approval or commitment to provide sales-based financing.

§ 10 — PROVIDER AND COMMERCIAL FINANCING BROKER REGISTRATION

The act requires providers and commercial financing brokers, by October 1, 2024, to (1) register with the DOB commissioner and (2) get authority to transact business in Connecticut unless they are organized under the state's laws or are foreign entities that are not required to do so.

Registration must be done as the commissioner prescribes. Also, applicants must disclose any judgment, memorandum of understanding, cease and desist order, or conviction that involves a crime or an act of fraud, breach of trust, or money laundering by (1) the applicant or (2) any officer, director, manager, operator, or person who otherwise controls the applicant's operations. Applicants must also pay $1,000 for initial registrations and $500 by September 15 annually after. Under the act, registrations automatically expire by operation of law if a provider or commercial financing broker fails to pay its annual registration fee on time.

§§ 11 & 12 — IMPLEMENTING REGULATIONS, PENALTIES, AND ENFORCEMENT

The act authorizes the DOB commissioner to adopt regulations to carry out the act's provisions. It also subjects a provider who violates any of its provisions or the implementing regulations to the existing civil penalties for other violations of the state's banking laws. By law, the commissioner may, after an investigation finding that a person committed a violation, (1) conduct an administrative hearing proceeding on the violation; (2) impose a fine of up to $100,000 per violation; and (3) order restitution or disgorgement. He may also take court action if it appears to him that the person committed a violation, is doing so, or is about to do so. He may seek an injunction or direct compliance, a court order imposing a penalty of up to $100,000 per violation, or an order of restitution (CGS § 36a-50).

In addition to these penalties, if the commissioner finds that a provider has knowingly violated these laws, the act allows him to seek an injunction in a court of competent jurisdiction and take other enforcement actions. These include ordering the provider to make restitution or provide disgorgement on behalf of any recipient affected by the violation.

PA 23-13—SB 928
Committee on Children

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO STATUTES RELATING TO CHILDREN

SUMMARY: This act makes technical changes in statutes relating to the Interstate Medical Licensure Compact and the Psychology Interjurisdictional Compact.
EFFECTIVE DATE: Upon passage

PA 23-66—sHB 6642
Committee on Children

AN ACT CONCERNING A TITLE IX COMPLIANCE TOOLKIT FOR SCHOOL DISTRICTS

SUMMARY: This act requires the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) to convene and lead a working group to identify or develop a Title IX compliance toolkit for use by local and regional boards of education, students, and students' parents and guardians. (Title IX of the federal Education Amendments of 1972 prohibits sex-based discrimination in education programs and activities that receive federal financial assistance.)

By October 1, 2024, the State Department of Education (SDE) must distribute the toolkit to local and regional boards of education and give them technical assistance in implementing it. SDE must also post the toolkit on its website.

Under the act, local and regional boards of education must annually (1) starting with the 2025-2026 school year, implement the toolkit in their efforts to prevent, identify, and respond to reports of child sexual abuse, harassment, and discrimination and (2) beginning with the 2026-2027 school year, submit a report to SDE on their Title IX compliance. SDE must annually review these compliance reports and submit its findings to the Children's Committee and post them on the department's website.
EFFECTIVE DATE: July 1, 2023

TITLE IX COMPLIANCE TOOLKIT

Contents

The Title IX compliance toolkit must include training for school administrators, Title IX coordinators, school personnel, students, and students' parents and guardians that includes the following:

1. information on the prevention, identification, and response to adult sexual misconduct in schools, as described in the U.S. Department of Education's "Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting" and
2. research and data on the prevalence of child sexual abuse, adult sexual misconduct, and the unique risk of sexual abuse for students with disabilities or who are lesbian, gay, bisexual, transgender, queer (LGBTQ), or another sexual orientation or identity.

The toolkit must also include the following:

1. a model antidiscrimination and abuse prevention policy and procedures that include policies addressing the needs of these students with unique risks as described above;
2. a summary of applicable state and federal statutory and regulatory requirements and how they affect the rights of students, including these students with unique risks, to be free from discrimination, harassment, and abuse;
3. the process for reporting an incident of adult sexual misconduct, including documents accessible to students, their parents and guardians, school personnel, and administrators;
4. requirements for investigating reports of adult sexual misconduct, including information on the need to offer safety planning and services to the complainant or victim;
5. an explanation of the Title IX complaint procedures, including the various methods accessible to students, their parents and guardians, school personnel, and administrators for submitting complaints;
6. information explaining a person's right to seek redress from the Commission on Human Rights and Opportunities (CHRO) and the U.S. Department of Health and Human Services' Office for Civil Rights that is accessible to students, their parents and guardians, school personnel, and administrators;
7. procedures for publishing and spreading information to students, their parents and guardians, school personnel,

and administrators from the Connecticut School Health Survey and school climate assessment instruments (see BACKGROUND);
8. information on available personnel and resources at the state and federal level to give ongoing technical assistance and support to local and regional boards of education on their Title IX compliance; and
9. information on available resources to support students, educators, and parents and guardians on preventing, identifying, and responding to child sexual harassment, discrimination, and abuse.

Working Group Membership and Report

Under the act, the working group's members include the CWCSEO and CHRO executive directors or their designees; the commissioners of Children and Families, Education, and Public Health or their designees; and the child advocate or her designee. It also includes a representative from each of the following organizations, designated by each: (1) the Connecticut Alliance to End Sexual Violence, (2) the Connecticut Children's Alliance, (3) Disability Rights of Connecticut, (4) the Connecticut Association of Public School Superintendents, and (5) the Connecticut Association of Boards of Education.

The CWCSEO executive director may also designate more members who have expertise in human resources and internet technology.

The working group must submit the toolkit to the Children's Committee by July 1, 2024. The group terminates on the date it submits its toolkit or July 1, 2024, whichever is later.

ANNUAL REPORT ON TITLE IX COMPLIANCE

Under the act, beginning with the 2026-2027 school year, each local and regional board of education must annually submit a Title IX compliance report to SDE in a way the department determines. The report must include the following:
1. the name and contact information of any person the board designated to serve as the school district's Title IX coordinator, including the dates he or she served;
2. any training the board offered or provided to school personnel on Title IX laws and implementation, including its content and frequency;
3. the Title IX policy and any supplemental misconduct policy for the school district, including a description of where the policies are available to students, parents and guardians, and school personnel; and
4. guidelines or resources, if any, the board used or provided in the implementation to any student, parent, or guardian who makes a complaint concerning a Title IX violation.

The act requires SDE to annually review the compliance reports and develop a report based on its findings. SDE must make the report available on its website and submit it to the Children's Committee.

BACKGROUND

Connecticut School Health Survey

Existing law requires the Department of Public Health, when receiving related funding from the federal Centers for Disease Control and Prevention (CDC), to biennially conduct the Connecticut School Health Survey, an anonymous school-based survey of a representative sample of public high school students, based on the CDC's Youth Risk Behavior Survey. As part of the survey process, parents and guardians are given advanced notice and the option to opt their student out from participating (CGS § 10-217h et seq.).

School Climate Assessment Instruments

By law, schools must conduct school climate assessments, which include surveys to gauge students' perspectives and opinions. The surveys must allow students to complete them anonymously. SDE must (1) use the information collected from the surveys as part of an annual analysis that includes the number of verified acts of bullying in the state, the school districts' responses, and any other recommendations to improve school climate and (2) submit the analysis to legislative leaders and the Children's and Education committees (CGS §§ 10-222d & 10-222h).

PA 23-72—HB 6573
Committee on Children
Government Administration and Elections Committee

AN ACT CONCERNING ACCESS TO DIAPER CHANGING TABLES IN PUBLIC BUILDINGS AND PLACES OF PUBLIC ACCOMMODATION

SUMMARY: This act requires the state building inspector and the Codes and Standards Committee, jointly and with the administrative service commissioner's approval, to include in the next proposed revision to the State Building Code a requirement that certain buildings have at least one safe, sanitary, and convenient baby diaper changing table. The requirement for the next proposed revision applies to the following:

1. certain newly constructed or substantially renovated public buildings (e.g., state, municipal, religious, and educational buildings) and
2. places of public accommodation, resort, or amusement (i.e., those that cater to or offer services, facilities, or goods to the general public).

More specifically, if the building or place of public accommodation, resort, or amusement has at least one public restroom, then on each floor that is open to the public it must have at least (1) one changing table that is accessible to both women and men or (2) two changing tables, one accessible to women and one accessible to men.

With certain exceptions, federal law already requires that public restrooms in federal buildings have safe and sanitary baby changing facilities (40 U.S.C. § 3314).
EFFECTIVE DATE: Upon passage

PUBLIC BUILDING

Under the act, "public buildings" include the following:

1. any statehouse, courthouse, townhouse, arsenal, magazine, prison, community correctional center, almshouse, market, or other building that belongs to the state or any of its towns, cities, or boroughs;
2. any church, chapel, meetinghouse, or other building generally used for religious worship; or
3. any college, academy, schoolhouse, or other building generally used for literary instruction.

PA 23-100—sHB 6718
Committee on Children

AN ACT CONCERNING THE SAFE STORAGE AND DISPOSAL OF CERTAIN PRESCRIPTION DRUGS, ILLEGAL DRUGS AND CANNABIS AND CANNABIS PRODUCTS

SUMMARY: This act generally imposes requirements on pharmacies and certain state agencies about raising the awareness of the dangers that prescription drugs and other substances pose to children.

Beginning January 1, 2024, it requires pharmacies to affix a fluorescent orange sticker or label with black ink that says "DANGER TO CHILDREN KEEP OUT OF REACH" on any container or packaging in which an opioid drug or schedule II, III, IV, or V controlled substance is sold or dispensed. Relatedly, the act requires the Department of Consumer Protection commissioner to create guidance for pharmacies on the optimal size of, and font size used on, the stickers and labels. The commissioner must (1) implement the guidance through policies and procedures by September 1, 2023, and (2) adopt the guidance as regulations by July 1, 2024. Under the act, the policies and procedures are valid until the final regulations are adopted.

The act also requires the Department of Mental Health and Addiction Services (DMHAS) to develop and administer a public awareness campaign about prescription drugs, cannabis, cannabis products, and illegal drugs. Specifically, the campaign must address (1) the safe storage and disposal of them, (2) the dangers they pose to children, and (3) tactics to reduce and eliminate the harm they cause children. At a minimum, the campaign must be delivered statewide to people who are homeless and to people receiving substance use disorder treatment. Under the act, DMHAS must do this (1) by July 1, 2024, until at least June 30, 2026, and (2) in collaboration with substance use disorder treatment service providers and organizations serving the homeless.
EFFECTIVE DATE: Upon passage

PA 23-101—SB 2
Committee on Children
Appropriations Committee

AN ACT CONCERNING THE MENTAL, PHYSICAL AND EMOTIONAL WELLNESS OF CHILDREN

TABLE OF CONTENTS:

§ 16 — DSS HUSKY HEALTH CHILD ENROLLMENT

Requires DSS, for FY 24, to hire temporary and part-time employees to collaborate with nonprofit organizations to identify and enroll eligible children in the HUSKY Health program

§ 17 — SERVICES FOR AT-RISK TEENAGE STUDENTS

Requires SDE, for FY 24, to award a grant to, and collaborate with, a nonprofit organization specializing in identifying and providing services to certain at-risk teenage students; allows SDE, within available appropriations, to hire one full-time employee to implement the act's provisions

§ 18 — LEGAL REPRESENTATION FOR CHILDREN IN CERTAIN SUPERIOR COURT PROCEEDINGS

Requires counsel assigned or appointed by the chief public defender's office or the court to represent a child in a child abuse or neglect case in Superior Court to continue to represent the child for the duration of the court proceedings

§ 19 — STUDY OF COMMUNITY-BASED BEREAVEMENT AND GRIEF COUNSELOR ORGANIZATIONS FOR CHILDREN AND FAMILIES

Requires CWCSEO, in collaboration with the Social and Emotional Learning and School Climate Advisory Collaborative and at least one community-based bereavement and grief counseling resource center serving children and families, to study community-based bereavement and counseling resource centers serving children and families

§ 20 — PLAY-BASED LEARNING

Requires schools to provide play-based learning for kindergarten and preschool students; requires school boards to allow a teacher to use play-based learning for grades one to five; adds it to educator professional development

§ 22 — AUTISM SPECTRUM DISORDER ADVISORY COUNCIL

Allows the Autism Spectrum Disorder Advisory Council's duties to (1) identify strategies and methods of outreach and coordination of services for racial minority groups and (2) identify and recommend updates to existing state guidelines for early screening and intervention

§ 23 — SOCIAL AND EMOTIONAL LEARNING AND SCHOOL CLIMATE ADVISORY COLLABORATIVE

Requires the Social and Emotional Learning and School Climate Advisory Collaborative to include in its annual report to the Children's and Education committees recommendations on ways to promote the social and emotional development of young children

SUMMARY: This act makes various unrelated changes in laws related to children's mental, physical, and emotional wellness. A section-by-section analysis appears below.
EFFECTIVE DATE: July 1, 2023, unless stated otherwise below.

§§ 1 & 12-14 — LICENSURE OF SOCIAL WORKERS AND OTHER PROFESSIONALS

Requires DPH to hire a full-time employee by January 1, 2024, to assist in licensing clinical and master social workers; generally reduces licensing fees for social workers, marital and family therapists, and professional counselors

DPH Staffing (§ 1)

For FY 24, the act requires the Department of Public Health (DPH), by January 1, 2024, to hire a full-time employee to assist in licensing social workers.

Initial and Renewal License Fees (§§ 12-14)

The act reduces the initial licensing fees for social workers, marital and family therapists, and professional counselors as follows:

1. from $315 to $200 for clinical social workers,

2. from $220 to $125 for master social workers,
3. from $315 to $200 for marital and family therapists and professional counselors, and
4. from $220 to $125 for professional counselor associates.

The act also changes the renewal fees for these licenses as follows:

1. increases renewal fees from $195 to $200 for clinical social workers and professional counselors and
2. reduces renewal fees from $195 to $125 for master social workers and professional counselor associates.

License Renewal Frequency for Marital and Family Therapist Associates (§ 13)

Under prior law, a license issued to a marital and family therapist associate was valid for two years and could be renewed once for an additional two years. The act changes the renewal frequency of these licenses as follows:

1. a license issued before July 1, 2023, must expire on or before 24 months after the issue date and may not be renewed more than twice and
2. a license issued after July 1, 2023, may not be renewed more than three times for an additional year.

§ 2 — PRINCIPAL PUBLIC LIBRARY GRANTS

Prohibits any principal public library from receiving state grants if it does not maintain and adhere to certain collection policies approved by the library's governing body; requires a principal public library's collection reconsideration policy to offer residents a clear process to request a reconsideration of library materials; specifies that the reconsideration policy governs if there is a book challenge

The act prohibits any principal public library from receiving a state grant unless it maintains and adheres to collection development, collection management, and collection reconsideration policies approved by the library's governing body. The collection reconsideration policy must offer residents a clear process to request a reconsideration of library materials. The act specifies that if there is a book challenge, these policies must govern.

§§ 3-4 — PAYMENT TO BIRTH-TO-THREE PROGRAM EARLY INTERVENTION SERVICE PROVIDERS

Makes permanent the $200 general administrative payment the OEC commissioner must make to Birth-to-Three program early intervention service providers for each child with an individualized family service plan that accounts for less than nine service hours during the billing month

The act makes permanent the $200 general administrative payment the Office of Early Childhood (OEC) commissioner must make to certain Birth-to-Three early intervention service providers. Under prior law, this payment requirement would have sunset on June 30, 2024.

By law, the commissioner must make these payments to providers for each child (1) with an individualized family service plan on the first day of the billing month and (2) whose plan accounts for less than nine service hours during the billing month, so long as the provider delivers at least one service during the month.

§§ 5-6 — INDIVIDUALIZED FAMILY SERVICE PLANS

Requires individualized family service plans to be translated into and provided in Spanish; requires an eligible child whose primary language is Spanish to receive early intervention services from Spanish-speaking personnel and coordinators; allows the services of Spanish-speaking interpreters or translators to be used under certain circumstances

The act requires that Birth-to-Three program individualized family service plans be translated into and provided in Spanish for any family whose primary language is Spanish.

By law, eligible children in the program (see *Background — Birth-to-Three Program Eligibility*) and their families must generally receive, within set timeframes, a (1) multidisciplinary assessment, (2) written individualized family service plan, and (3) review of the plan.

The act also requires an eligible child whose primary language is Spanish to receive early intervention services from Spanish-speaking personnel and a Spanish-speaking service coordinator. If these individuals are not available within the statewide Birth-to-Three system to provide early intervention services, then a Spanish-speaking interpreter or translator must be used to provide the services to the child. These interpreters or translators must be reimbursed at the same rate as judicial branch court-appointed interpreters and translators.

Background — Birth-to-Three Program Eligibility

By law, an "eligible child" for the Birth-to-Three program is a child up to age 36 months who is not eligible for special education and related services and 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 with a physical or mental condition that has a high probability of resulting in a developmental delay (CGS § 17a-248(4)).

§§ 7-8 — MENTAL HEALTH WELLNESS DAY

Requires certain employers to let their service workers use accrued paid sick leave to take a mental health wellness day to attend to their emotional or psychological well-being

The act requires certain employers to let their service workers use accrued paid sick leave for a "mental health wellness day" to attend to their emotional or psychological well-being. The act applies to specified service worker occupations covered by the existing paid sick day law (e.g., certain food, health care, hospitality, retail, and sanitation industry workers employed by employers with at least 50 employees).

The law already allows these service workers to use paid sick leave for their, or their spouse's or child's, (1) illness, injury, or health condition; (2) medical diagnosis, care, or treatment of a physical or mental illness, injury, or health condition; or (3) preventive care.

EFFECTIVE DATE: October 1, 2023

§ 8 — ELIGIBILITY FOR PAID SICK LEAVE

Extends eligibility for paid sick leave to a service worker who is the parent or guardian of a child who is a victim of family violence or sexual assault, if the worker is not the perpetrator or alleged perpetrator of the violence or assault

The paid sick leave law requires certain employers (see §§ 7-8 above) to provide paid sick leave to a service worker who is a family violence or sexual assault victim to:

1. obtain medical care or psychological or other counseling for physical or psychological injury or disability,
2. obtain services from a victim services organization,
3. relocate due to the violence or assault, or
4. participate in a related civil or criminal legal proceeding.

The act extends this eligibility by requiring employers to also provide it to any service worker who is the parent or guardian of a child who is a victim of family violence or sexual assault, if the service worker is not the perpetrator or alleged perpetrator of the violence or assault.

EFFECTIVE DATE: October 1, 2023

§ 9 — MEDICAID REIMBURSEMENT FOR SCHOOL-BASED MENTAL HEALTH ASSESSMENTS

Requires the DSS commissioner to (1) provide Medicaid reimbursement for certain mental health evaluations and services at school-based health centers or public schools, to the extent federal law allows; (2) amend the Medicaid state plan to do so if needed; and (3) set the reimbursement rate at a level to ensure adequate providers for these evaluations and services

The act requires the Department of Social Services (DSS) commissioner, to the extent allowed under federal law, to provide Medicaid reimbursement for suicide risk assessments and other mental health evaluations and services provided at a school-based health center or public school.

Under the act, the commissioner must also (1) amend the Medicaid state plan if necessary to provide the reimbursement and (2) set the reimbursement at a level that ensures an adequate pool of providers for the assessments, evaluations, and services.

§§ 10-11 & 21 — OFFICE OF THE BEHAVIORAL HEALTH ADVOCATE AND ADVISORY COMMITTEE

Establishes the (1) Office of the Behavioral Health Advocate to advocate for and assist behavioral and mental health care providers and (2) Behavioral Health Advocate Advisory Committee to review and assess the office's performance

Office Purpose and Staffing

The act establishes the Office of the Behavioral Health Advocate to advocate for and assist behavioral health providers. The advocate must be a Connecticut elector who is appointed by the governor and approved by the General Assembly. The advocate must have expertise and experience in mental or behavioral health care, health insurance, and advocacy for parity in mental and behavioral health access and outcomes. The act places the office within the Insurance Department for administrative purposes only and under the Behavioral Health Advocate's direction. The office must be staffed sufficiently as its resources and requirements allow, including at least one attorney and one patient caregiver.

Behavioral Health Advocate Appointment and Confirmation

The act requires the governor to make the initial appointment of the Behavioral Health Advocate from a list of candidates prepared and submitted to him by the Behavioral Health Advocate Advisory Committee by February 1, 2024. (The act establishes the advisory committee; see below for its membership and appointments.) The governor must notify the advisory committee (1) within 90 days before the incumbent Behavioral Health Advocate's term expires or (2) immediately if a vacancy occurs.

The advisory committee must meet to consider qualified candidates and, within 60 days after receiving the notice from the governor, submit a list of up to five candidates, ranked in order of preference, to be considered for the position.

Within 60 days after receiving the list from the committee, the governor must designate one candidate from the list for the Behavioral Health Advocate position. If a candidate withdraws from consideration after the list is submitted to the governor, the governor must designate a candidate from those remaining on the list. If the governor fails to designate a candidate within 60 days after receiving the list, the advisory committee must refer the candidate on the list with the highest ranking to the General Assembly for confirmation.

If the General Assembly is not in session when the governor designates a candidate to serve as advocate, the candidate serves as the acting advocate until the General Assembly meets and confirms the person. The acting advocate is entitled to compensation and has all the powers, duties, and privileges of the advocate.

Under the act, the advocate serves a four-year term that excludes any time he or she served as acting advocate. The governor may reappoint the advocate, or the advocate must remain in the position until a successor is confirmed.

In the case of a vacancy, the office's most senior attorney serves as the acting advocate until the vacancy is filled.

Office Powers

Under the act, the office may do the following:

1. assist state-licensed, -certified, or -registered mental and behavioral health care providers with receiving payments for claims submitted to health carriers (i.e., insurers and HMOs) for services provided to covered patients;
2. help state residents access mental and behavioral health care and related resources;
3. provide information to the public, agencies, legislators, and others on mental and behavioral health care providers' and patients' problems and concerns and make recommendations to resolve them;
4. analyze and monitor the development and implementation of federal, state, and local laws, regulations, and policies on mental and behavioral health care providers and recommend changes as necessary;
5. facilitate public comment by mental and behavioral health care providers and patients on laws, regulations, and policies, including health carrier policies and actions;
6. coordinate services with the Office of the Healthcare Advocate (OHA) to help people obtain access to, and coverage for, mental and behavioral health care services to fulfill OHA's duties;
7. ensure that mental and behavioral health care providers and patients have timely access to the office's services;
8. establish a toll-free number, or other free calling option, that allows access to the office's services;
9. pursue administrative remedies on behalf of, and with the consent of, mental and behavioral health care providers and patients;
10. adopt regulations to implement the act's provisions; and
11. take any other actions needed to fulfill the office's purposes.

Referrals to the Insurance Department

The act requires the Office of the Behavioral Advocate to make a referral to the insurance commissioner if it finds that a health carrier may have engaged in a pattern or practice that violates any of the following insurance laws:

1. compliance with federal Health Insurance Portability and Accountability Act provisions on guaranteed

renewability and certification of insurance coverage; or
2. state coverage requirements for individual policies on autism spectrum disorder therapies, diagnosing and treating mental or nervous conditions, court-ordered substance abuse services, mental health and substance use disorder benefits, mental health wellness examinations, Collaborative Care Model services, acute inpatient psychiatric services, and continued coverage for children with a mental or physical handicap.

Requests for Information

The act requires all state agencies to comply with the office's reasonable requests for information and help in performing its duties.

Reporting Requirements

The act requires the Behavioral Health Advocate, starting by January 1, 2024, to report annually to the Children's, Insurance, Public Health, and Real Estate committees on the office's activities, including the following:
1. the subject matter, disposition, and number of claims the advocate processed on behalf of mental and behavioral health care providers and patients;
2. common problems and concerns the advocate discerned from mental and behavioral health care providers, patients, or other relevant sources; and
3. the need, if any, for administrative, legislative, or executive remedies to assist mental and behavioral health care providers or patients.

Behavioral Health Advocate Advisory Committee (§ 21)

The act creates the Behavioral Health Advocate Advisory Committee and requires it to meet four times a year with the Office of the Behavioral Health Advocate to review and assess the office's performance.

The advisory committee members must be appointed one each by the governor and the six leaders of the General Assembly by October 1, 2023. Each advisory committee member serves a five-year term and may be reappointed.

Starting by January 1, 2025, the advisory committee must annually (1) evaluate the office's effectiveness and (2) submit the evaluation to the governor and the Insurance and Public Health committees.

§ 15 — TASK FORCE TO STUDY CHILDREN'S NEEDS

Expands the duties of the Task Force to Study Children's Needs to include (1) reviewing and analyzing certain programs that received pandemic-related federal funding, (2) making recommendations on which programs should receive a more permanent funding structure and (3) conducting a needs assessment focused on children and individuals who were enrolled in a Connecticut high school and a member of a graduating class from 2020-2023

The act expands the duties of the Task Force to Study Children's Needs (see *Background — Task Force to Study Children's Needs*) to include reviewing and analyzing the efficacy of programs designed to assist and support the needs of children and families that have spent funds they received under the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136); Coronavirus Response and Relief Supplemental Appropriations Act (P.L. 116-260); and American Rescue Plan Act of 2021 (P.L. 117-2).

Based on the analysis, the act requires the task force to make recommendations on which programs should receive a more permanent funding structure from the state.

The act also requires the task force to conduct a needs assessment for children that identifies (1) gaps between existing conditions and desired outcomes and (2) the extent to which gaps are attributable to the COVID-19 pandemic. This assessment must focus on children and individuals who were enrolled in Connecticut high schools and were members of any of the graduating classes from 2020 through 2023.

By law, the task force must also, among other things, (1) recommend new programs or changes to programs run by educators or local or state agencies to better address children's needs; (2) identify and advocate for funds and other resources to meet children's needs in the state; and (3) study the feasibility of adjusting school start times to improve students' mental and physical well-being.

EFFECTIVE DATE: Upon passage

Background — Task Force to Study Children's Needs

PA 21-46 established a task force to study the comprehensive needs of children in the state and the extent to which these needs are being met by educators, community members, and local and state agencies. The task force originally terminated on January 1, 2022, but was reconvened by PA 22-81. It must submit its findings and recommendations to the Children's Committee by January 1, 2024, and it terminates on that date or when it submits the report, whichever is later.

§ 16 — DSS HUSKY HEALTH CHILD ENROLLMENT

Requires DSS, for FY 24, to hire temporary and part-time employees to collaborate with nonprofit organizations to identify and enroll eligible children in the HUSKY Health program

The act requires DSS, for FY 24, to hire temporary and part-time employees responsible for collaborating with nonprofit organizations to identify and enroll eligible children in the HUSKY Health program.

§ 17 — SERVICES FOR AT-RISK TEENAGE STUDENTS

Requires SDE, for FY 24, to award a grant to, and collaborate with, a nonprofit organization specializing in identifying and providing services to certain at-risk teenage students; allows SDE, within available appropriations, to hire one full-time employee to implement the act's provisions

For FY 24, the act requires the State Department of Education (SDE) to award a grant to, and collaborate with, a nonprofit organization specializing in identifying and providing services for at-risk teenage students with depression, anxiety, substance abuse struggles, and trauma and conflict-related stresses. The organization must use the grant to train school behavioral health providers to provide services to these students.

The act allows SDE, within available appropriations, to hire one full-time employee responsible for implementing the act's provisions.

§ 18 — LEGAL REPRESENTATION FOR CHILDREN IN CERTAIN SUPERIOR COURT PROCEEDINGS

Requires counsel assigned or appointed by the chief public defender's office or the court to represent a child in a child abuse or neglect case in Superior Court to continue to represent the child for the duration of the court proceedings

By law, in child abuse or neglect cases in Superior Court, the chief public defender's office must assign counsel to represent the child and act solely as the child's attorney. If there is an immediate need for the appointment during a court proceeding, the court must appoint such counsel.

The act requires the child's appointed or assigned counsel, whichever the case may be, to continue representing the child for the duration of the court proceedings.

EFFECTIVE DATE: October 1, 2023

§ 19 — STUDY OF COMMUNITY-BASED BEREAVEMENT AND GRIEF COUNSELOR ORGANIZATIONS FOR CHILDREN AND FAMILIES

Requires CWCSEO, in collaboration with the Social and Emotional Learning and School Climate Advisory Collaborative and at least one community-based bereavement and grief counseling resource center serving children and families, to study community-based bereavement and counseling resource centers serving children and families

The act requires the Commission on Women, Children, Seniors, Equity, and Opportunity (CWCSEO) to conduct a study of community-based bereavement and grief counseling organizations and services for children and families to determine the following:

1. the extent and availability of these organizations and services statewide and
2. the feasibility of, and recommendations for, implementing a statewide program to deliver these services at no cost to participants.

The commission must do so in collaboration with the Social and Emotional Learning and School Climate Advisory Collaborative and at least one community-based bereavement and grief counseling resource center serving children and families.

The recommendations must include (1) the types of services the program should provide; (2) eligibility criteria for children and families to access these services; (3) the optimal geographic distribution of the services; and (4) opportunities to fund these programs in whole or in part with gifts, grants, or donations from private services and any available federal funding.

The act requires the commission, by January 1, 2024, to give the Children's Committee a report that includes the study's findings and any legislative recommendations for implementing a statewide program.

EFFECTIVE DATE: Upon passage

§ 20 — PLAY-BASED LEARNING

Requires schools to provide play-based learning for kindergarten and preschool students; requires school boards to allow a teacher to use play-based learning for grades one to five; adds it to educator professional development

The act requires each school board to provide play-based learning during the instructional time of each regular school day for students in kindergarten and preschool. This learning must (1) be incorporated and integrated into daily practice; (2) allow for the students' needs to be met through free play, guided play, and games; and (3) predominantly not involve using mobile electronic devices.

The act also requires each school board to allow a teacher to use play-based learning during the instructional time of a regular school day for students in grades one to five, inclusive. This learning may be incorporated and integrated into daily practice, and, as with kindergarten and preschool, must (1) allow for the students' needs to be met through free play, guided play, and games and (2) predominantly not involve using mobile electronic devices.

Under the act, "play-based learning" is a pedagogical approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards. It is not time spent in recess or as part of a physical education course or instruction.

The act requires that any play-based learning comply with a student's individualized education program under special education law or an accommodation plan under Section 504 of the federal Rehabilitation Act of 1973.

Under the act, a school employee may only prevent or otherwise restrict a student's participation in play-based learning if it follows the school board's policy on recess restrictions as a form of discipline.

EFFECTIVE DATE: July 1, 2024

Background — Related Act

PA 23-159, §§ 4 & 5, contains identical provisions on play-based learning.

§ 22 — AUTISM SPECTRUM DISORDER ADVISORY COUNCIL

Allows the Autism Spectrum Disorder Advisory Council's duties to (1) identify strategies and methods of outreach and coordination of services for racial minority groups and (2) identify and recommend updates to existing state guidelines for early screening and intervention

The law requires the Autism Spectrum Disorder Advisory Council to advise the DSS commissioner on all matters relating to autism. Additionally, the council may recommend policy and program changes to the commissioner to improve support services for people with autism spectrum disorder. The act further allows the council to also do the following:

1. identify strategies and methods of improving outreach and coordination of services associated with autism spectrum disorders for racial minority group members and
2. identify and recommend updates to existing state guidelines for early screening and intervention for autism spectrum disorders, including revising best practice protocols to include developmental screening for children under age three.

§ 23 — SOCIAL AND EMOTIONAL LEARNING AND SCHOOL CLIMATE ADVISORY COLLABORATIVE

Requires the Social and Emotional Learning and School Climate Advisory Collaborative to include in its annual report to the Children's and Education committees recommendations on ways to promote the social and emotional development of young children

By law, the Social and Emotional Learning and School Climate Advisory Collaborative must annually report to the Children's and Education committees on its efforts and recommendations to:

1. monitor the school climate improvement efforts of the boards of education,
2. document needs for technical assistance and training to foster positive school climates,
3. identify best practices for promoting positive school climates, and
4. direct resources to support statewide and local initiatives on fostering and improving positive school climates and improving access to social and emotional learning.

The act requires the collaborative to also include in this report any recommendations on ways to promote the social and emotional development of young children, ages birth to five, covered under the state Medicaid program by identifying age-appropriate methods of screening, assessment, diagnosis, treatment, and more.

By law, the collaborative is tasked with, among other things, (1) collecting information on school climate improvement efforts of local and regional boards of education and (2) identifying best practices to promote positive school climates.

PA 23-148—sHB 6643
Committee on Children
Human Services Committee

AN ACT CONCERNING INSURANCE COVERAGE FOR THE PROVISION OF MENTAL HEALTH WELLNESS EXAMINATIONS

SUMMARY: This act eliminates the requirement that commercial health insurance policies cover mental health wellness examinations by a primary care provider. It maintains existing law's requirement that the policies cover the examinations when done by a licensed mental health professional.
EFFECTIVE DATE: Upon passage

INSURANCE COVERAGE FOR MENTAL HEALTH WELLNESS EXAMINATIONS

By law, certain individual and group health insurance policies must cover two mental health wellness examinations per year. Under prior law, the examinations could be done by a licensed mental health professional or primary care provider and had to be covered without preauthorization or patient cost sharing. The act eliminates the option for a primary care provider to do the examinations.

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. (Although the state employee health insurance plan is self-insured, in practice, it adopts enacted benefit requirements.)

PA 23-4—SB 1091
Commerce Committee

AN ACT CONCERNING CERTAIN BUSINESS REPORTING REQUIREMENTS

SUMMARY: This act eliminates certain expanded Department of Labor (DOL) employer data reporting requirements that had yet to take effect and instead authorizes employers to include several more data points in their quarterly wage reports.

Existing law requires employers subject to the state's unemployment law to submit quarterly wage reports to DOL with information about each employee receiving wages, including their names, Social Security numbers, and wages paid during the calendar quarter. Beginning with the third quarter of 2026, the act allows these employers to include (1) each employee's occupation and hours worked and (2) the employer's business mailing address zip code.

The act eliminates provisions in prior law, which would have phased in starting in 2024, requiring these employers to include the following data points for each employee:

1. gender identity, age, race, ethnicity, veteran status, disability status, and highest education completed;
2. home and primary work site addresses;
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 act also makes various conforming changes, including repealing employee data confidentiality and data sharing provisions for the expanded reporting requirements.
EFFECTIVE DATE: Upon passage

PA 23-57—sSB 1042
Commerce Committee

AN ACT AUTHORIZING THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TO PROVIDE CAPACITY BUILDING GRANTS TO CONNECTICUT BROWNFIELD LAND BANKS

SUMMARY: This act expands the scope of the Remedial Action and Redevelopment Municipal Grant Program (i.e., "Brownfield Municipal Grant Program") to include capacity-building grants for Connecticut Brownfield Land Bank (CBLB) operational expenses. It authorizes the Department of Economic and Community Development (DECD) commissioner to award these grants, up to a maximum of $50,000, to any CBLB that (1) matches the funding award and (2) has not previously been awarded a capacity-building grant under the program.

Under the act, a CBLB may apply to the DECD commissioner, as she determines, for a capacity-building grant of any amount up to the maximum. The CBLB must include any information the commissioner needs to determine whether to award the grant in whole or in part, including information to verify that the CBLB has sufficient matching funds and has not previously received a capacity-building grant from the program.

The act also makes numerous conforming changes (§§ 2-5).
EFFECTIVE DATE: October 1, 2023

BACKGROUND

Brownfield Municipal Grant Program

DECD's Brownfield Municipal Grant Program provides grants of up to $4 million to municipalities, CBLBs, and economic development agencies for eligible brownfield remediation or assessment projects and administrative expenses of up to 5% of the grant awarded.

Connecticut Brownfield Land Banks (CBLBs)

The law authorizes DECD to certify Connecticut non-stock corporations as CBLBs. They can be established to, among other things, (1) acquire, retain, remediate, and sell brownfields to benefit municipalities and (2) educate government officials, community leaders, economic development agencies, and nonprofit organizations on best practices for redeveloping brownfields (CGS §§ 32-771 & 32-773).

PA 23-58—sSB 1092
Commerce Committee

AN ACT CONCERNING THE ACQUISITION AND CONVEYANCE OF CERTAIN PROPERTIES BY CONNECTICUT BROWNFIELD LAND BANKS

SUMMARY: This act authorizes Connecticut Brownfield Land Banks (CBLBs) to enter into land banking agreements with regional councils of governments (COGs) to acquire, retain, remediate, and sell property in a COG's planning region. Under prior law, CBLBs could only enter into land banking agreements with municipalities.

The act makes corresponding changes in CBLB laws to generally treat COGs the same as municipalities. Specifically, these changes allow CBLBs to:

1. acquire brownfield sites or nearby properties identified in a land banking agreement with a COG that represents the municipality where the property is located (or convey, exchange, transfer, or sell a property with the COG's approval and pursuant to the terms of the agreement);
2. enter into contracts and agreements with COGs, for COGs to provide staffing to the CBLB, or vice versa; and
3. get grant funds or borrow from COGs for the CBLB's operations.

Under existing law, unchanged by the act, a CBLB's purposes also include (1) acquiring, retaining, remediating, and selling brownfields to benefit municipalities and (2) educating government officials, community leaders, economic development agencies, and nonprofit organizations on best practices for redeveloping brownfields.
EFFECTIVE DATE: July 1, 2023

PA 23-75—SB 869
Commerce Committee

AN ACT CONCERNING ADDITIONAL CAREER TRAINING OPPORTUNITIES OFFERED BY THE OFFICE OF WORKFORCE STRATEGY

SUMMARY: Under existing law, the Office of Workforce Strategy (OWS) must create a career accelerator program to support people pursuing commercial driver's license (CDL) training using income share agreements or equivalent financial instruments. This act postpones prior law's associated program design, implementation, and reporting deadlines, as shown in the following table.

Career Accelerator Program CDL Training Deadlines

Requirement	*Prior Law Deadline*	*Act Deadline*
Program designed	January 1, 2023	July 1, 2024
Program implemented	July 1, 2023	Jan. 1, 2025
Report on the program's design and implementation submitted to the legislative committees of cognizance	April 1, 2023	July 1, 2025
First annual report on the program's status submitted to the legislative committees of cognizance	July 1, 2024	July 1, 2026

The act also requires OWS to plan, by July 1, 2025, an expansion of the program by identifying (1) additional training opportunities for careers requiring a maximum of one year of training and (2) related training providers to use. It further requires OWS, by July 1, 2026, to report on the additional training opportunities and providers it identifies to the Appropriations; Commerce; Education; Finance, Revenue and Bonding; Higher Education and Employment Advancement; and Labor and Public Employees committees.

Under existing law, the program is supported by the Connecticut Career Accelerator Program Account, which is a nonlapsing account within OWS. The act broadens the purpose of this account to include supporting training for additional careers OWS identifies in planning the program expansion.

Lastly, the act makes technical and conforming changes.
EFFECTIVE DATE: Upon passage

PA 23-93—sSB 948
Commerce Committee

AN ACT ADDING CERTAIN MEMBERS TO THE GOVERNOR'S WORKFORCE COUNCIL

SUMMARY: This act expands the Governor's Workforce Council by adding the following three new gubernatorially appointed members: (1) a residential construction expert, (2) a regional-vocational school representative, and (3) a regional agriculture science and technology school representative.

By law, the council consists of stakeholders, legislators, and government agency representatives that advise the governor on workforce development matters. Its statutory duties include, among other things, convening state agencies, educational institutions, business leaders, and others to (1) inform state workforce development policy, (2) help state agencies and educational institutions align with employers' needs, and (3) help businesses understand how to contribute to the state's workforce efforts (CGS § 31-3h).
EFFECTIVE DATE: October 1, 2023

PA 23-96—SB 1027
Commerce Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT'S RECOMMENDATIONS REGARDING THE JOBSCT TAX REBATE PROGRAM AND CERTAIN AEROSPACE MANUFACTURING PROJECTS

SUMMARY: This act eliminates a requirement that the Department of Economic and Community Development (DECD) commissioner enter into a contract with businesses she approves for assistance from the JobsCT tax rebate program. It instead requires that specified terms that were previously part of the contract (e.g., relating to data access by the commissioner as well as certain wage requirements) be incorporated in other program documents.

The act also allows the DECD commissioner to amend the state's assistance agreement with an eligible aerospace company (authorized by PA 22-4) to allow the company one additional year to use the tax benefits provided in the 2022 act (i.e., in the first nine years, rather than the first eight years, of any helicopter production contract between the company and the U.S. government, and no later than June 30, 2033, rather than June 30, 2032). It similarly allows the company one additional year (i.e., until June 30, 2033) to use any carryforward amounts (i.e., corporation business tax credits that exceed the annual maximum).

Lastly, the act makes technical changes.
EFFECTIVE DATE: Upon passage

JOBSCT

The JobsCT tax rebate program allows companies in specified industries to earn rebates against the corporation business, pass-through entity (PE), and insurance premiums taxes for reaching certain job creation targets. The rebate is based on (1) the number of new full-time equivalent employees (FTEs) the business creates and maintains, (2) these FTEs' average wage, and (3) the state income tax that a single filer would pay on this average wage.

Under prior law, the DECD commissioner had to enter into a contract with each business she approved for a rebate. The contract had to at least include the business's consent for DECD to access data from other state agencies for audit and enforcement purposes. Additionally, if the commissioner approved the business for FTEs who earn less than the program's general wage requirements (i.e., "discretionary FTEs"), then the contract had to include the required wage that the business must pay them.

The act eliminates the requirement that DECD enter into a contract with the business and makes conforming changes. Under the act, (1) a business's submission of a program application serves as consent for DECD to access the data from state agencies and (2) discretionary FTEs' wage requirements must be set out in the rebate allocation notice (a notice that the DECD commissioner issues an approved business certifying its eligibility to claim the rebate if it meets the terms stated in the notice).

AEROSPACE MANUFACTURING ASSISTANCE AGREEMENT

PA 22-4 authorized the DECD commissioner to enter into an assistance agreement with an eligible aerospace company that intends to take on a qualifying helicopter production project in Connecticut. By law, the agreement may provide the company with up to $50 million or $75 million in total tax benefits over its term, depending on whether it enters into federal contracts for one or two helicopter programs, respectively. These tax benefits may allow the company to first offset its sales and use tax liability and, if applicable, claim a corporation business tax credit, up to specified limits, for each year from FYs 23 to 32.

Benefit Period

Under prior law, the agreement had to require that the company earn and use the tax benefits during the first eight years of any helicopter production contract it entered into with the U.S. government but no later than the "benefit period." By law, the benefit period runs from the agreement's effective date to June 30, 2032.

The act allows the DECD commissioner to amend the agreement to allow the company one additional year to use the tax benefits. Specifically, the amendment may allow the company to use the tax benefits during the first nine years of a production contract's term but no later than one year after the end of the benefit period (i.e., June 30, 2033). It retains the requirement that the benefits be earned in the contract's first eight years but no later than June 30, 2032.

Carryforwards

By law, the primary form of assistance to the company is a sales and use tax offset. If the company is unable to use all of the offset in a given year, it may claim the excess as a refundable corporation business tax credit of up to $5 million in a given year. If the excess amount exceeds $5 million, the company must carry forward the excess to future years until it is fully used.

Prior law prohibited any carryforwards from extending beyond the end of the benefit period (i.e., June 30, 2032). The act instead allows the company to carry forward the excess amount for one additional year (i.e., to June 30, 2033).

PA 23-183—sSB 1090
Commerce Committee

AN ACT CONCERNING THE EMPLOYMENT OF CERTAIN MINORS AS YOUTH CAMP STAFF MEMBERS AND LIFEGUARDS

SUMMARY: This act (1) expressly allows 15-year-olds to work as youth camp staff members or lifeguards, subject to certain conditions, and (2) requires the labor commissioner to establish a pilot program allowing one amusement establishment to employ 15-year-olds in certain nonhazardous positions.

The act subjects 15-year-old lifeguards and youth camp staff members to existing law's time and hour restrictions applicable to certain other jobs 14- and 15-year-olds can work. These restrictions generally limit 14- and 15-year-olds to working under the following parameters:

1. during school vacations when school is not in session for at least five consecutive days;
2. a maximum of 40 hours per week and eight hours per day; and
3. between 7:00 a.m. and 7:00 p.m., or until 9:00 p.m. from July 1 to the first Monday in September.

Under the act, minors who have reached age 15 and are employed or working as a youth camp staff member or lifeguard must be supervised by someone age 18 or older.

Additionally, the act requires employers of 15-year-olds working as youth camp staff members or lifeguards to get and keep on file a certificate documenting the employee's age (i.e., "working papers") as existing law requires for employers of minors in certain industries or jobs. The act correspondingly requires public school superintendents and supervisory agents of non-public schools to issue working papers to 15-year-old applicants seeking to work in these occupations in the same manner that they do under existing law for other occupations requiring working papers. Municipalities and 15-year-old applicants seeking to work in these occupations for municipalities are exempt from these working paper requirements.

Lastly, the act makes conforming changes.

EFFECTIVE DATE: Upon passage

AMUSEMENT ESTABLISHMENT PILOT PROGRAM

The act requires the labor commissioner, by July 1, 2023, to implement a pilot program authorizing one amusement establishment in the state to employ 15-year-olds in non-hazardous positions, including as cashiers in a ticket booth or food concession stand. She must do so regardless of existing state laws (1) setting the allowable times and hours of work for amusement establishment employees under age 18 and (2) allowing these employees to operate amusement rides or devices under certain circumstances.

Under the act, the amusement establishment and the 15-year-old employees participating in the pilot program are generally subject to the same supervision and working papers requirements and employment restrictions that the act applies to 15-year-olds working as youth camp staff members or lifeguards, except that amusement employees may work until 9:00 p.m. regardless of the calendar date.

Amusement establishments may apply for the program, as the labor commissioner prescribes, and the establishment participating in the program must give the commissioner any information she finds necessary for program evaluation.

The act ends the pilot program on August 27, 2023. It requires the labor commissioner, by February 1, 2024, to submit a report to the Commerce and Labor and Public Employees committees that includes recommendations on the need for a permanent program allowing amusement establishments to employ 15-year-olds in non-hazardous positions.

PA 23-21—SB 1165
Education Committee
Appropriations Committee

AN ACT CONCERNING FINANCIAL LITERACY INSTRUCTION

SUMMARY: This act adds a half-credit of personal financial management and financial literacy to the high school graduation requirements beginning with the graduating class of 2027 (i.e., students who completed eighth grade in the spring of 2023). It also adds personal financial management and financial literacy to the state's required program of instruction for public schools.

The act also makes completion of a one-credit, mastery-based diploma assessment (i.e., a "capstone") optional, rather than mandatory, for graduation at each board of education's discretion.

By law, a school board cannot grant a high school diploma unless the student has completed at least 25 credits total. By making the completion of a one-credit capstone a local option and allowing students to fulfill the half-credit financial literacy requirement either as a humanities credit or as an elective credit, the act reduces the state-prescribed credit requirements from 22 to 21 credits, which increases the minimum potential credits available for electives to a range of three to four. (The exact number of elective credits depends upon the (1) local decision whether to require a capstone and (2) decision to count financial literacy towards the nine-credit humanities requirement or as an elective.)

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except a conforming change is effective July 1, 2025.

§§ 2 & 3 — PERSONAL FINANCIAL MANAGEMENT AND FINANCIAL LITERACY

The act adds personal financial management and financial literacy to the state's required program of instruction for public schools. By law, the required program of instruction includes, among other subjects, the arts; language arts, including reading and writing; mathematics; physical education; science; and social studies, including citizenship, geography, government, history, Holocaust and genocide awareness, African-American and Black studies, and Puerto Rican and Latino studies.

By law, the State Board of Education (SBE) must make available curriculum and materials to help school boards develop their curriculum, including the required program of instruction. Within available appropriations, SBE must also help and encourage school boards to develop instructional programs for a range of topics, including personal financial management as developed under a plan in a separate existing law (see BACKGROUND).

BACKGROUND

Financial Literacy Plan and Definition

Existing law allows the State Department of Education, the Board of Regents for Higher Education, and the UConn Board of Trustees, in consultation with the Banking Department, to develop a plan to give each high school student financial literacy instruction (CGS § 10-16pp). The plan is not a requirement for school districts but an option available to them.

Under this law, "financial literacy" includes banking, investing, savings, handling personal finance matters, and the impact of using credit cards and debit cards.

PA 23-150—HB 6762
Education Committee

AN ACT CONCERNING EARLY CHILDHOOD EDUCATION, AN AUDIT OF THE STATE-WIDE MASTERY EXAMINATION, THE ESTABLISHMENT OF THE CONNECTICUT CIVICS EDUCATION AND MEDIA LITERACY TASK FORCE, THE PROVISION OF SPECIAL EDUCATION, AND A BILL OF RIGHTS FOR MULTILINGUAL LEARNER STUDENTS

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Creates the Connecticut Civics Education, Civics Engagement and Media Literacy Task Force; adds civics and media literacy to the required public school social studies program of instruction

§ 8 — CTECS PROGRAM AND CAREER ALIGNMENT STUDY

Requires the CTECS board to study its programs to determine whether they align with the technical careers available in Connecticut

§§ 9-11 — STATE AID FOR SPECIAL EDUCATION

Prohibits SDE from including specified pandemic relief funds received by school districts when determining their special education excess cost grant amount; revises terminology referenced in calculating state aid for special education

§ 12 — REMOTE LEARNING USING DUAL INSTRUCTION

Allows dual instruction as part of remote learning when (1) needed to implement a student's IEP or 504 plan or (2) part of an intradistrict or interdistrict cooperative learning program for students on school grounds during a regular school day

§ 13 — SPECIAL EDUCATION TASK FORCE

Expands the scope and membership of the task force studying special education services and funding; extends its reporting deadline and termination date

§ 14 — CHARTER SCHOOL ENROLLMENT CRITERIA

Generally prohibits charter schools from asking about or considering an applicant student's need for or receipt of special education and related services, including as part of enrollment lottery criteria

§ 15 — SPECIAL EDUCATION COMPLAINTS FILED WITH SDE

Requires SDE to post online summaries of (1) special education complaints filed with the department and (2) corrective actions the department requires

§ 16 — 504 PLANS AND SCHOOL EMPLOYEES

Prohibits boards of education from disciplining any school employee who discusses or makes recommendations about student services or accommodations during a 504 plan meeting

§§ 17 & 18 — MULTILINGUAL LEARNERS' BILL OF RIGHTS

Changes the term "English learner" to "multilingual learner" in the education statutes; requires SBE to draft a written bill of rights for parents or guardians of multilingual learner students

§§ 19-35 — CONFORMING CHANGES

Makes conforming changes throughout various education statutes regarding multilingual learners

§ 36 — REPEALER

Repeals two obsolete sections related to English learners or bilingual education

SUMMARY: This act makes various changes in the education statutes, described below in a section-by-section analysis.
EFFECTIVE DATE: Various, see below.

§ 1 — SCHOOL READINESS PROGRAM PER CHILD COST

Extends the FY 21 cap on the school readiness program's per child cost rate through FY 24 and increases it beginning in FY 25

The act extends the FY 21 cap on the per child cost (i.e., $9,027) of the Office of Early Childhood (OEC) school readiness program through FY 24. For FY 25 and subsequent fiscal years, the act increases the cap to $10,500.

By law, the OEC "school readiness program" is a nonsectarian program that (1) generally meets the office's standards and program requirements and (2) provides a developmentally appropriate learning experience for at least 450 hours and 180 days for three-, four-, and five-year-old children not eligible to enroll in school.
EFFECTIVE DATE: July 1, 2023

Background — Related Acts

PA 23-204, § 330, makes an identical change regarding the per child cost for school readiness.
PA 23-160, §§ 35 & 37, makes school readiness eligibility begin at birth effective July 1, 2023.

§ 2 — CARE 4 KIDS PROGRAM

Allows OEC to establish a protective service class making certain foster care children, newly adopted children, and homeless children categorically eligible for the Care 4 Kids program

The Care 4 Kids program offers child care subsidies to income-eligible families whose parents or caretakers are working or participating in certain education or job training programs.

The act allows the OEC commissioner to institute a protective service class in which the commissioner may waive current law's Care 4 Kids eligibility requirements for certain at-risk populations, instead applying guidelines that she prescribes and the Office of Policy and Management reviews. Specifically, she can institute this class for (1) children placed in a foster home by the Department of Children and Families and for whom the parent or legal guardian receives foster care payments, (2) adopted children for one year after the adoption, and (3) homeless children and youths as defined in federal law. By instituting the class, as allowed in federal law, these at-risk populations become categorically eligible for Care 4 Kids.
EFFECTIVE DATE: July 1, 2023

§ 3 — EMERGENCY EPINEPHRINE AUTHORIZATION AT CHILD CARE FACILITIES

Authorizes child care providers, under certain conditions, to administer emergency first aid epinephrine to a child experiencing an allergic reaction; includes an option for parents to opt their child out

The act authorizes an OEC-licensed child care provider to administer epinephrine for emergency first aid to a child in the provider's care who has an allergic reaction and does not have a parent's or guardian's prior written authorization or a qualified medical professional's prior written order.

The act requires that the (1) person administering the epinephrine be trained (see below), (2) provider maintain a supply of epinephrine cartridge injectors, and (3) epinephrine cartridge injectors be stored according to state law. Specifically, the administering person must have received training, either through certain first aid courses or from specified health professionals, in (1) recognizing the signs and symptoms of anaphylaxis, (2) using an epinephrine cartridge injector, and (3) following emergency protocols.

The act allows a parent or guardian to give the child care provider a written statement that the child not receive these emergency administrations.

EFFECTIVE DATE: July 1, 2023

§ 4 — RENAMING EARLY CHILDHOOD COUNCILS AS COLLABORATIVES

Changes the name of "local and regional early childhood councils" to "local early childhood collaboratives"

The act changes the name of "local and regional early childhood councils" to "local early childhood collaboratives." By law, OEC must collaborate with and may provide funding to these entities to implement early care and education and child development programs, such as school readiness, at the local level.

EFFECTIVE DATE: July 1, 2023

§ 5 — STATEWIDE MASTERY TEST AUDIT

Requires the education commissioner to audit statewide mastery test and local testing requirements and preparation and administration time

The act requires the education commissioner, by January 1, 2025, and within available appropriations, to audit state and local testing requirements and administration. The commissioner must submit a report on the audit to the Appropriations and Education committees by this date.

The audit must focus on the following:

1. the statewide mastery examination (see *Background — Statewide Mastery Exams*) and local standardized assessments used to monitor student and district academic progress and achievement;
2. the amount of time devoted to student preparation or educator instruction for the exam and assessments, including the amount of time taken away from regular instruction; and
3. recommendations on limiting the amount of time devoted to administering these exams and assessments.

Additionally, the act specifies that if a grant to conduct the audit is available under the federal Every Student Succeeds Act, the commissioner must apply for the grant and the audit must comply with requirements in federal law for grant applications for state assessments and related activities (20 U.S.C. §§ 6361 - 6363).

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-167, § 25, contains nearly identical requirements.

Background — Statewide Mastery Exams

Public school students statewide must take the following State Board of Education (SBE)-approved mastery exams that measure essential and grade-appropriate skills:

1. for grades 3-8, exams measuring reading, writing, and mathematics skills;
2. for grades 5, 8, and 11, exams measuring science skills; and
3. for grade 11, a nationally recognized, SBE-approved college readiness assessment (i.e., the SAT) measuring reading, writing and mathematics skills (CGS § 10-14n(a)).

§§ 6 & 7 — CIVICS AND MEDIA LITERACY EDUCATION

Creates the Connecticut Civics Education, Civics Engagement and Media Literacy Task Force; adds civics and media literacy to the required public school social studies program of instruction

Task Force (§ 6)

Scope. The act creates the 18-member Connecticut Civics Education, Civics Engagement and Media Literacy Task Force to study and develop strategies to improve and promote "civic engagement" (i.e., participation in improving a community's quality of life and developing the knowledge and skills to enable this participation).

The task force also must study and develop strategies to improve instruction on civics, citizenship, media literacy, and American government. Under the act, (1) "civics" is the study of citizens' rights and obligations and (2) "media literacy" is the ability to access, analyze, evaluate, create, and participate with media in all forms by understanding the media's role in society and building inquiry and self-expression skills that are essential to participating and collaborating in a democratic society.

Specifically, the task force's study must at least include the following:

1. a review of existing state and national curricula and standards, classroom practices, and high school and college graduation requirements to identify and publicize best practices in instruction on civics, citizenship, media literacy, and American government;
2. recommendations from educators, administrators, government entities, nongovernmental organizations, and the public;
3. a review of existing civics, citizenship, media literacy, and American government educational opportunities provided throughout Connecticut by governmental entities and nongovernmental organizations; and
4. an exploration of the feasibility of establishing public and private partnerships to fund, coordinate, promote, and support enhancements to engagement and instruction.

Membership. Under the act, the task force consists of seven legislative appointees, shown in the table below, and 11 ex-officio members. Each appointed member may be a legislator.

All initial appointments must be made by July 28, 2023. The appointing authority for each position must fill any vacancy that may arise.

Connecticut Civics Education, Civics Engagement and Media Literacy Task Force Appointed Members

Appointing Authority	*Appointee Qualifications*
House speaker	A certified social studies teacher who is a member of the American Federation of Teachers – Connecticut
Senate president pro tempore	A representative of the Connecticut Education Association
House majority leader	An officer or member of a nongovernmental organization that promotes civic education, civic engagement, or media literacy
Senate majority leader	An officer or member of a nongovernmental organization that promotes civic education, civic engagement, or media literacy
House minority leader	A representative of the Connecticut Association of Public School Superintendents
Senate minority leader	A representative of the Connecticut Association of Boards of Education
Black and Puerto Rican Caucus chairperson	One appointee

Additionally, the task force consists of the following ex-officio members or their designees:

1. secretary of the state;
2. education commissioner;
3. Connecticut State Colleges and Universities president;
4. UConn president;
5. Connecticut Bar Association president;
6. chief court administrator;
7. the two chairpersons of the Connecticut Hate Crimes Advisory Council;
8. Connecticut Humanities Council executive director;
9. Connecticut Democracy Center president; and

10. Commission on Women, Children, Seniors, Equity and Opportunity executive director.

Chairpersons and Staff. Under the act, the House speaker and Senate president pro tempore must select the task force chairpersons from among its members. The chairpersons must schedule the first meeting, which must be held by August 27, 2023.

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

Duration and Final Report. The act requires the task force to submit a report on its findings and recommendations to the Education Committee by January 1, 2025. The task force must terminate when it submits the report or on July 1, 2025, whichever is later.

Required Program of Instruction (§ 7)

Beginning in the 2025-26 school year, the act requires public schools to add to their social studies program of instruction the topics of civics and media literacy. By law, public schools must offer courses of study in social studies, among other subject areas, which includes citizenship, economics, geography, government, history, and Holocaust and genocide education and awareness.

EFFECTIVE DATE: Upon passage, except the provisions adding civics and media literacy to the required public school program of instruction take effect on July 1, 2025.

§ 8 — CTECS PROGRAM AND CAREER ALIGNMENT STUDY

Requires the CTECS board to study its programs to determine whether they align with the technical careers available in Connecticut

The act requires the Connecticut Technical Education and Career System (CTECS) board to study the programs offered at technical education and career high schools to determine whether they align with the technical careers available in the state.

The study must evaluate the following:

1. the skills or certifications required to fill the available jobs in the state,
2. any deficiencies in the training or availability of equipment at the schools to teach the skills required for these jobs, and
3. partnership opportunities with Connecticut employers or labor organizations to provide relevant apprenticeships or internships.

By January 1, 2025, the board must submit a report to the Education Committee on the study with any legislative or policy recommendations for improving technical high school programs to better align with the skills required for available jobs.

EFFECTIVE DATE: July 1, 2023

§§ 9-11 — STATE AID FOR SPECIAL EDUCATION

Prohibits SDE from including specified pandemic relief funds received by school districts when determining their special education excess cost grant amount; revises terminology referenced in calculating state aid for special education

Excluding Pandemic Relief Funds From Excess Cost Grant Calculations (§ 9)

By law, boards of education may receive a special education "excess cost grant" from SBE when a child's reasonable special education costs exceed 4.5 times the board's average per pupil educational costs (CGS § 10-76g(b)).

Beginning in FY 24, the act prohibits the State Department of Education (SDE) from including federal COVID-19 relief funds when calculating a board's "net current expenditures per pupil" (see §§ 10 & 11, below) for determining the amount of its excess cost grant. Specifically, SDE must exclude from the calculation any funds a board received under the following federal acts: the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136); the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act (P.L. 116-260); and the American Rescue Plan Act of 2021 (ARPA) (P.L. 117-2).

Terminology Revisions (§§ 10 & 11)

Beginning in FY 24, the act revises terminology referenced in the state's special education excess cost grant calculations but does not change the essential methodology used to calculate grant amounts. Under prior law, a board qualified for this grant if its special education costs exceeded 4.5 times its "average pupil educational costs," an undefined term. Under the act, a board qualifies if its special education costs exceed 4.5 times its "net current expenditures per pupil," which is the school district's "net current expenditures," divided by its "average daily membership," as these terms are defined in existing law.

Relatedly, the act revises the definition of "per pupil cost" in special education state aid law. Prior law defined the term to mean "net current expenses," an undefined term, divided by the school district's average daily membership. The act instead defines it to mean a district's "net current expenditures," divided by its average daily membership, as these terms are defined in existing law.

It also makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

§ 12 — REMOTE LEARNING USING DUAL INSTRUCTION

Allows dual instruction as part of remote learning when (1) needed to implement a student's IEP or 504 plan or (2) part of an intradistrict or interdistrict cooperative learning program for students on school grounds during a regular school day

Existing law allows local and regional boards of education to authorize remote learning, limited by various conditions, for grades (1) 9-12 in the 2022-23 and 2023-24 school years and (2) kindergarten through 12 beginning in the 2024-25 school year. "Remote learning" is instruction using one or more internet-based software platforms as part of a remote learning model.

Prior law prohibited boards from providing dual instruction to students in all grade levels as part of remote learning, should boards chose to authorize it. Existing law, unchanged by the act, defines "dual instruction" as simultaneous instruction by a teacher to students in-person in the classroom and to students engaged in remote learning. The act adds two exceptions to this prohibition.

First, it allows dual instruction when it is required in, or necessary to implement, a student's individualized education program (IEP) or 504 plan. As required by federal law, these written plans outline educational services and accommodations to help students who are eligible for special education reach their academic achievement goals (i.e., IEPs) or to protect students with mental or physical disabilities from discrimination in public schools (i.e., 504 plans).

Second, the act allows dual instruction when part of an intradistrict or interdistrict cooperative learning program that provides remote learning opportunities to students present in a classroom on school grounds during a regular school day. At least one certified educator must be present in the classroom providing the dual instruction or in the classroom supervising the students receiving the dual instruction. Also, the program must be implemented under an agreement between each local or regional board of education and the exclusive bargaining unit representatives for the certified employees chosen to participate in the cooperative learning program.

EFFECTIVE DATE: July 1, 2023

§ 13 — SPECIAL EDUCATION TASK FORCE

Expands the scope and membership of the task force studying special education services and funding; extends its reporting deadline and termination date

Expanded Scope

Prior law established a task force to study the provision and funding of special education during the 2016-17 through 2020-21 school years. The act specifically requires that the task force focus on special education services delivery and eligibility in addition to funding as under prior law. It also adds the following to the scope of the task force's study:

1. providing services to gifted and talented students;
2. student services or accommodations in 504 plans;
3. the cost of providing gifted and talented services and its effect on a board of education's minimum budget requirement;
4. the level of state reimbursement to boards for gifted and talented services;

5. school districts' methods for identifying students who are gifted and talented, including the criteria they are using and whether they are over- or under-identifying them;
6. the feasibility of authorizing independent special education evaluators, from either SDE or hired by a student's parent or guardian, to observe special education services being provided in the classroom;
7. delaying the age when a child requiring special education and related services receives a classification category for the services;
8. special education student-to-teacher ratios prescribed by case load policies, regulations, and formulas in effect in other states, focusing on the number of students and intensity of services required;
9. prohibiting the use of seclusion and implementing alternative methods to address certain student behavior; and
10. any other issues or topics relating to special education that the task force finds necessary.

Membership

The act also adds the following eight members to the 15-member task force, bringing its total membership to 23:

1. two representatives from Connecticut educator preparation programs, (a) one from a program offered by public higher education institution, appointed by the House minority leader; and (b) another from a program offered at an independent higher education institution, appointed by the Senate minority leader;
2. the Education Committee chairpersons and ranking members, or their designees;
3. the Advisory Council for Special Education chairperson; and
4. a representative of the Connecticut Association of Private Special Education Facilities, designated by the association.

The appointing authorities must appoint the additional members by July 28, 2023, and, as under existing law, must fill any vacancies that may arise.

Reporting and Termination

The act extends the deadline by which the task force must submit its final report to the Education Committee and adds an interim report. Under the act, the task force must submit (1) an interim, rather than a final, report on its findings by January 1, 2024, and (2) a final report on its findings and recommendations by January 1, 2025.

The act also extends the task force's termination date from January 1, 2024, to July 1, 2025, or when it submits the report, whichever is later.

EFFECTIVE DATE: Upon passage

§ 14 — CHARTER SCHOOL ENROLLMENT CRITERIA

Generally prohibits charter schools from asking about or considering an applicant student's need for or receipt of special education and related services, including as part of enrollment lottery criteria

The act prohibits state or local charter schools, beginning July 1, 2023, from asking on their enrollment application about a prospective student's need for or receipt of special education and related services. It also prohibits these schools from considering need for these services as part of their enrollment lottery criteria. The act makes an exception for schools that receive an SBE waiver from the enrollment lottery's requirements because they have a primary purpose of, among other things, serving students who require special education.

The act also makes a conforming change by replacing the term "English language learners" with "multilingual learners" (see §§ 17-35 below).

EFFECTIVE DATE: July 1, 2023

§ 15 — SPECIAL EDUCATION COMPLAINTS FILED WITH SDE

Requires SDE to post online summaries of (1) special education complaints filed with the department and (2) corrective actions the department requires

Beginning July 1, 2023, the act requires SDE to post on its website summaries of the (1) complaints filed with the department about a board of education's or other entity's provision of special education and related services to a student and (2) corrective actions the department requires. Before posting these decisions and documents online, SDE must redact any personally identifiable student information.

EFFECTIVE DATE: July 1, 2023

§ 16 — 504 PLANS AND SCHOOL EMPLOYEES

Prohibits boards of education from disciplining any school employee who discusses or makes recommendations about student services or accommodations during a 504 plan meeting

The act prohibits local or regional boards of education from disciplining, suspending, terminating, or otherwise punishing any school employee who discusses or makes recommendations about the services or accommodations for a student's 504 plan during any meeting held to discuss the plan (see *Background — Related Act*).

Under existing law, similar protections apply to planning and placement team members, birth-to-three services coordinators, and certain qualified personnel.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-167, § 87, repeals the statutory definition of "school employee" to which the act cites.

§§ 17 & 18 — MULTILINGUAL LEARNERS' BILL OF RIGHTS

Changes the term "English learner" to "multilingual learner" in the education statutes; requires SBE to draft a written bill of rights for parents or guardians of multilingual learner students

The act changes the term used in education law for a student whose primary language is not English from "English learner" to "multilingual learner." It defines "multilingual learner" using the federal definition of "English learner," which is an individual who meets the following criteria:

1. is aged 3 through 21;
2. is enrolled or preparing to enroll in an elementary school or secondary school;
3. either (a) was not born in the United States or whose native language is a language other than English; (b) is a Native American or Alaska Native, or a native resident of the outlying areas, and comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or (c) is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
4. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual (a) the ability to meet the challenging state academic standards, (b) the ability to successfully achieve in classrooms where the language of instruction is English, or (c) the opportunity to participate fully in society (20 U.S.C. § 7801).

The act also requires SBE to draft a written bill of rights for parents or guardians of multilingual learner (ML) students to guarantee that their rights are safeguarded and protected when bilingual education is provided as required under state law. The bill of rights must include declarations of 15 rights on topics including (1) attending school regardless of the student's immigration status, (2) having translation services provided by the school district, and (3) participating in a bilingual education program as prescribed by state law. Most of these rights are already provided either in a U.S. Supreme Court ruling (see *Background — Plyler v. Doe, 457 U.S. 202 (1982)*), federal guidance, or a state law or regulation.

Beginning with the 2024-25 school year, the act requires each local and regional board of education (i.e., "school board") that provides bilingual education or English as a new language to (1) give the parents and guardians of eligible students a copy of the bill of rights in the parents' and guardians' dominant language and (2) make the bill of rights available on its website.

EFFECTIVE DATE: July 1, 2023

Definitions

Existing law, unchanged by the act, defines two key terms as follows:

1. "Bilingual education" is a program that: (a) uses both English and an eligible student's native language for instruction; (b) enables the student to achieve English proficiency and subject matter mastery and higher order skills, including critical thinking, to meet appropriate grade promotion and graduation requirements; (c) provides for the continuous increase in the use of English and corresponding decrease in the use of the native language

within each year and from year to year and provides for the use of English for more than half of the instructional time by the end of the first year; (d) may develop eligible students' native language skills; and (e) may include the participation of English-proficient students if the program is designed to enable all students to become more proficient in English and a second language (CGS § 10-17e(2)).

2. "English as a second language" is a program that uses only English as the instructional language for eligible students and enables them to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, to meet appropriate grade promotion and graduation requirements (CGS § 10-17e(3)). (The act refers to these programs as "English as a new language." Presumably, they are the same.)

Components of the Bill of Rights

The act requires the bill of rights to include some components that are already law either by a court ruling, federal guidance interpreting federal law, or under state law. One component, translation services, is not explicitly guaranteed in any ruling or current law, but the federal government interprets certain federal laws to require it. Also, the explicit right to meet with school personnel to discuss the language development matters is not already in law (although the law does require a meeting for staff to explain the benefits of language programs; it is not a right for ongoing meetings (see table below)).

Right to Translation Services

During critical interactions with teachers and administrators, the act requires the bill of rights to include the right to have translation services provided (1) by an interpreter who is present in person or available by telephone or through an online technology platform or (2) through a website or other SBE-approved electronic application. These interactions must at least include (1) parent-teacher conferences, (2) meetings with school administrators attended by the student, and (3) properly noticed regular or special meetings of or with members of the school board responsible for the student's education.

Guidance from the U.S. departments of Education and Justice states that schools must provide language translation or interpretation from appropriate and competent individuals whenever it is needed by a parent or guardian who has limited English proficiency. The school must communicate to the parent or guardian in a language they can understand. The federal guidance cites Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and the Equal Educational Opportunities Act of 1974 (20 U.S.C. §§ 1701-1758) as the legal authority.

Under the act, school boards must provide the services guaranteed by the bill of rights, including the right for translation, to the parents without them requesting it for critical interactions such as parent-teacher conferences and meetings with school administrators attended by the student. However, for properly noticed special or regular meetings of the school board, the parent or guardian must request translation services at least one day in advance of the meeting.

Other Rights. The following table shows the remaining required components in each school board's bill of rights and, if already required by law, which law is relevant.

Minimum Components Required in Bill of Rights

Right of a Multilingual Learner (or Their Parent or Guardian)	***Act Sub-Division (§)***	***Relevant Decision or Law***
Enrollment To enroll in school without being required to submit documentation of immigration or citizenship	17(a)(2)	Supreme Court, *Plyler* v. *Doe* provides same (see *Background — Plyler* v. *Doe, 457 U.S. 202 (1982)*)
Attend School To attend public school regardless of immigration status	17(a)(1)	Supreme Court, *Plyler* v. *Doe* provides same (see *Background — Plyler* v. *Doe, 457 U.S. 202 (1982)*)
Bilingual Education To participate in a bilingual education (or English as a new language) program offered by the school board when there are at least 20 eligible students classified as dominant in a language other than English	17(a)(4) & (9)	For bilingual education, CGS § 10-17f provides same; the law requires boards to provide bilingual education when there are at least 20 students in a school dominant in one language other than English

Right of a Multilingual Learner (or Their Parent or Guardian)	*Act Sub-Division (§)*	*Relevant Decision or Law*
Notice of Eligibility To receive written notice, in both parents' dominant language and English, about student eligibility for bilingual education or English as a new language	17(a)(5)	State law requires school districts to hold a meeting with parents of an eligible student on the benefits of language programs (CGS § 10-17f(e)); state regulation requires any written communication with parents or guardian to be in their dominant language and English (Conn. Agencies Regs., § 10-17h-13)
Orientation To receive a school district-provided, high quality orientation session in the dominant language before starting a bilingual or English as a new language program; session must include information on state standards, tests, expectations, goals, and program requirements	17(a)(6)	State law requires a meeting with parents (as referenced above) to explain the benefits of the language programs; parent may bring an interpreter or advisor to the meeting (CGS § 10-17f(e))
Student Progress Of the parent or guardian to receive information about the progress of the student's English language development	17(a)(7)	Parents or guardians must be notified when the student attains English proficiency level sufficient to leave the program (Conn. Agencies Regs., § 10-17h-10)
Meetings With Staff Of an English learner student and the parent or guardian to meet with school personnel to discuss the student's language development	17(a)(8)	Not specifically addressed in law or regulation
Equal Access School Programming To have equal access to all grade-level school programming and core grade-level subject matter	17(a)(10) & (11)	Requires all public schools to give all age-eligible students an equal opportunity to participate in the activities, programs, and courses of study offered in the public schools without discrimination due to race, color, sex, gender identity or expression, religion, national origin, sexual orientation, or disability (CGS § 10-15c) Federal guidance (similar to that mentioned above regarding translation services) indicates English learners must have equal access to grade-level curricula and equal access to all school programing
Proficiency Testing To receive annual language proficiency testing	17(a)(12)	English language proficiency testing must be done annually (Conn. Agencies Regs., § 10-17h-10)
Intervention Support Services To receive support services aligned with any intervention plan that the school or school district provides to all students	17(a)(13)	No specific requirement in state law or regulations, but may be captured in the broad equal opportunity law mentioned above (CGS § 10-15c); federal guidance says school boards must ensure English learners can participate equally in educational programs
Continuous Enrollment To be continuously and annually enrolled in a bilingual education or English as a new language program while the student remains	17(a)(14)	State law provides for 30 months of bilingual education, and the time may be extended an additional 30 months if the school board asks SDE for the extension or SDE determines it is

Right of a Multilingual Learner (or Their Parent or Guardian)	*Act Sub-Division (§)*	*Relevant Decision or Law*
an eligible student under state law		necessary (CGS § 10-17f(d))
Recourse for Failure to Provide Services For a parent or guardian of an ML student to contact SDE with any questions or concerns about the student's right to receive English learner services or accommodations available to the student or parent or guardian, including information on any recourse for the school board's failure to provide or ensure the services or accommodations	17(a)(15)	Regulations allow a parent or guardian to request a review of any decision related to placing or not placing a student in a program; a parent may also ask for a hearing by the school board and, if the school board decision is not satisfactory to the parent, seek an appeal with the SBE; and, if the parents are aggrieved by the agency decision, they may appeal to Superior Court (Conn. Agencies Regs., § 10-17h-14)

Background — Plyler v. Doe, 457 U.S. 202 (1982)

Under this decision, the Supreme Court ruled that school districts cannot inquire about a potential student's immigration status and cannot use this type of inquiry to refuse to enroll the student. The Court held that a Texas statute violated the Equal Protection Clause of the Fourteenth Amendment because it withheld state funds from local school districts for the education of children who were not "legally admitted" into the United States and authorized local school districts to deny enrollment to these children.

§§ 19-35 — CONFORMING CHANGES

Makes conforming changes throughout various education statutes regarding multilingual learners

The act makes conforming changes throughout various education statutes by changing "English learner" to "multilingual learner." It also makes other conforming and technical changes.
EFFECTIVE DATE: July 1, 2023

§ 36 — REPEALER

Repeals two obsolete sections related to English learners or bilingual education

The act repeals two obsolete sections: one created an English language learner pilot program (CGS § 10-17n), and the other required regional education service centers to conduct a survey on English language learner services and bilingual education provided in their respective regions (CGS § 10-66t).
EFFECTIVE DATE: Upon passage

PA 23-159—sHB 6880
Education Committee
Appropriations Committee

AN ACT CONCERNING TEACHERS AND PARAEDUCATORS

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§ 3 — RAISING THE KINDERGARTEN STARTING AGE

Generally raises the age children can start public school kindergarten from age five by January of the school year to age five by September of the school year

§§ 4 & 5 — PLAY-BASED LEARNING DURING PRESCHOOL, KINDERGARTEN, AND GRADES ONE TO FIVE

Requires play-based learning for preschool and kindergarten students; requires school boards to allow play-based learning for grades one to five; adds play-based learning to educator professional development

§§ 6 & 7 — EXIT SURVEY FOR TEACHERS LEAVING THE PROFESSION AND TEACHER ATTRITION RATES

Requires school boards to (1) develop and conduct exit surveys of teachers voluntarily leaving employment with the board and (2) add teacher attrition rates to their strategic school profile reports

§ 8 — TEACHER PROFESSIONAL STANDARDS ADVISORY COUNCIL

Revises and expands the membership of the Teacher Professional Standards Advisory Council, including adding the Teacher of the Year and the previous year's Teacher of the Year

§ 9 — TEACHERS' RETIREMENT SYSTEM TASK FORCE

Establishes a task force to analyze the per-pupil equity of TRS funding and requires the task force to submit its recommendations to the Appropriations and Education committees by January 1, 2025

§§ 10 & 11 — PARAEDUCATOR PROFESSIONAL DEVELOPMENT

Excludes certain mandated trainings from paraeducator professional development programs; requires annual updates to SDE's guidance and best practices for programs of professional development

§ 11 — PARAEDUCATOR PDEC MEMBERSHIP

Adds a paraeducator to each school district's PDEC

§ 12 — IEP REVIEW BY PARAPROFESSIONALS

Requires paraprofessionals to review a student's IEP with a supervisor as needed

§ 13 — CERTIFICATE ENDORSEMENTS FOR PRESCHOOL AND KINDERGARTEN TEACHING

Allows the education commissioner to allow a teacher with a (1) grade 1 through 6 endorsement to teach kindergarten for a second year without being enrolled in a kindergarten endorsement program or (2) grade 1 through 12 comprehensive special education endorsement to teach preschool

§ 14 — ARC PROGRAM EXPANSION

Requires OHE to expand its ARC program for minority teacher incentive program grant recipients and hire one full-time permanent employee to administer the expanded ARC program

§ 15 — ADJUNCT ARTS INSTRUCTOR PERMIT

Allows SBE to issue adjunct instructor permits in the arts to applicants who hold a degree higher than a bachelor's and meet other requirements in existing law

§ 16 — STUDENT TEACHING EXPERIENCE BY DISTRICT REFERENCE GROUP

Removes the requirement that (1) teacher preparation program participants complete their clinical, field, or student teaching experience in two different types of school districts according to DRG categorization and (2) teachers receive certain performance evaluation ratings to be eligible to participate in student teacher mentorship

§ 17 — INTEGRATED AND CROSS ENDORSEMENTS

Allows SDE, in cooperation with OHE, to authorize two new endorsements affecting early childhood education, special education, and grades kindergarten through three teaching positions

§ 18 — SUBSTITUTE TEACHERS

Allows local or regional boards of education to employ a substitute teacher for up to 60 days in the same assignment without obtaining an SDE-issued substitute authorization

§ 19 — PURCHASING TEACHER RETIREMENT CREDIT

Removes service at SERC from the 10-year aggregate limit on purchases of TRS retirement credit

§§ 20 & 21 — ADDITIONS TO THE TEACHERS' RETIREMENT SYSTEM

Expands the TRS to cover teachers employed by an interdistrict magnet school operated by (1) a private higher education institution's board of governors; (2) an SDE-approved, third-party nonprofit corporation; or (3) Goodwin University Magnet Schools, Inc. and Goodwin University Educational Services, Inc., specifically

§ 22 — TENURE AND ACCUMULATED SICK LEAVE

Maintains a teacher's tenure and accumulated sick leave if a new regional school district is formed

§§ 23-27 — TEACHER PERFORMANCE EVALUATIONS

Requires local and regional boards of education to adopt revised teacher evaluation programs and SBE to adopt revised program guidelines that use new (1) student indicators and assessment methods and (2) teacher feedback mechanisms; removes obsolete language

SUMMARY: This act makes various changes in the education statutes, described below in a section-by-section analysis.
EFFECTIVE DATE: Various, see below.

§ 1 — LIMITATIONS ON USE OF EDTPA

Limits the use of the teacher preservice performance assessment, edTPA, to only as an accountability measure for teacher preparation programs, retroactive to July 1, 2022, and after

In 2016, the State Board of Education (SBE) approved a resolution that required all teacher preparation programs in the state, whether at four-year institutions or alternate route to certification programs, to require satisfactory completion of a preservice performance assessment (edTPA, see *Background — edTPA*) by all teacher candidates in order to complete the program. Retroactively, starting July 1, 2022, the act appears to supersede this resolution by (1) limiting edTPA's use to only as an accountability measure for teacher preparation programs offered at Connecticut higher education institutions or State Department of Education (SDE)-approved alternate route to certification programs and (2) barring SBE from using edTPA assessment results to deny an application for an initial educator certificate.

By law, unchanged by the act, SBE must grant an initial educator certificate to any applicant who (1) holds a bachelor's degree or an advanced degree from an accredited higher education institution; (2) has completed (a) a teacher preparation program approved by SBE or the appropriate governing body in another state or (b) an alternate route to certification program approved by SBE or the appropriate body in another state, and satisfies the requirements for either a temporary 90-day certificate or a resident teacher certificate, both of which are short-term certificates; and (3) satisfies the special education coursework requirement (CGS § 10-145b).
EFFECTIVE DATE: Upon passage

Background — edTPA

The Stanford Center for Assessment, Learning, and Equity created edTPA, and Pearson Assessments, Inc., scores and administers it across the country.

§ 2 — CEASE-AND-DESIST ORDERS FOR PROHIBITED PRACTICES

Allows SBLR to issue a cease-and-desist order for certain violations of the teachers collective bargaining law

By law, boards of education (i.e., "school boards") and employees' representative organizations (i.e., "unions") can file written complaints about prohibited practice violations of the teachers collective bargaining law (e.g., refusal to negotiate in good faith or retaliating against a complainant) with the State Board of Labor Relations (SBLR). Certified teachers and other certified employees may also file written complaints about a violation involving a breach of the duty of fair representation. Initially, SBLR must refer these complaints to an agent for an investigation. Afterwards, among other things, the agent may issue his or her own written complaint charging a violation to SBLR, which must then schedule a hearing on it. (Although, regardless of the agent's action, SBLR retains the option of holding a hearing.)

At this point in the process and when an alleged prohibited practice or breach of duty is ongoing, the act allows SBLR to order the party committing the alleged action to cease and desist from doing it until the board decides on the matter.

Under prior law, SBLR could only issue a cease-and-desist order after holding a hearing on the complaint and making a determination.

EFFECTIVE DATE: July 1, 2023

§ 3 — RAISING THE KINDERGARTEN STARTING AGE

Generally raises the age children can start public school kindergarten from age five by January of the school year to age five by September of the school year

Prior law generally required children to be at least age five by January of the school year in order to enroll in public school kindergarten. The act instead generally requires that the child turn age five by September of the school year in order to enroll in kindergarten.

Under existing law, unchanged by the act, school boards may, by vote at a duly called meeting, admit any child under age five. (However, PA 23-208, § 1, eliminates this exception and instead allows a child under age five as of September 1 of the school year to be admitted if the child's parent or guardian makes a written request to the school principal and the principal and an appropriate certified school staff member conduct an assessment that shows the child is developmentally ready.)

EFFECTIVE DATE: July 1, 2024

§§ 4 & 5 — PLAY-BASED LEARNING DURING PRESCHOOL, KINDERGARTEN, AND GRADES ONE TO FIVE

Requires play-based learning for preschool and kindergarten students; requires school boards to allow play-based learning for grades one to five; adds play-based learning to educator professional development

The act requires school boards to provide all students in their preschool and kindergarten programs with play-based learning during the "instructional time" of each regular school day (i.e., the time of actual school work during a regular school day). This learning must (1) be incorporated and integrated into daily practice; (2) allow for the students' needs to be met through free play, guided play, and games; and (3) not involve, predominantly, using mobile electronic devices.

The act also requires each school board to allow teachers to use play-based learning during the instructional time of a regular school day for students in grades one to five. This learning may be incorporated and integrated into daily practice, and, as with preschool and kindergarten, must (1) allow for the students' needs to be met through free play, guided play, and games and (2) predominantly not involve using mobile electronic devices.

The act further requires that any play-based learning comply with a student's individualized education program (presumably under special education law) or an accommodation plan under Section 504 of the federal Rehabilitation Act of 1973. Additionally, a school employee may only prevent or otherwise restrict a student's participation in play-based learning if the employee follows the school board's policy on recess restrictions as a form of discipline.

The act makes related and other changes to the educator professional development program, which, by law, must annually be provided by school boards to certified employees and include a number of specific topics.

EFFECTIVE DATE: July 1, 2024, except the educator professional development program provision is effective July 1, 2023.

Professional Development

The act immediately requires, for principals and vice principals, that the professional development program's professional learning topics include training on the management of school personnel and methods for engaging them with the school's goals. Beginning July 1, 2024, it also requires, for teachers in preschool or grades kindergarten through five,

that play-based learning be included in the program's topic on refining and improving various effective teaching methods that are shared between and among educators.

Definitions

Under the act, "play-based learning" is a teaching approach that emphasizes play in promoting learning and includes developmentally appropriate strategies that can be integrated with existing learning standards. It is not time spent in recess or as part of a physical education course or instruction. "Recess" is the time during the regular school day for each elementary school student that is devoted to at least 20 minutes of physical exercise as required by law.

"Free play" is unstructured, voluntary, child-initiated activities a child does for self-amusement and that have behavioral, social, and psychomotor rewards; however, it may be structured to promote activities that are child-directed, joyful, and spontaneous. "Guided play" is learning experiences that combine the child-directed nature of free play with a focus on learning outcomes and adult guidance. "Mobile electronic device" is any hand-held or other portable electronic equipment that provides data communication between two or more individuals, including a text messaging or paging device, a personal digital assistant, a laptop computer, equipment that can play a video game or a digital video disk, or equipment on which digital images are taken or transmitted.

Background — Related Acts

PA 23-101, § 20, is identical to this act's provision on play-based learning.

PA 23-167, § 87, repeals the definition of "mobile electronic device" that this act incorporates, effective July 1, 2025.

§§ 6 & 7 — EXIT SURVEY FOR TEACHERS LEAVING THE PROFESSION AND TEACHER ATTRITION RATES

Requires school boards to (1) develop and conduct exit surveys of teachers voluntarily leaving employment with the board and (2) add teacher attrition rates to their strategic school profile reports

The act requires each school board, by January 1, 2024, to develop an exit survey to be completed by a teacher who is employed by the board and voluntarily ceases employment with that board. The survey must include questions addressing (1) why the teacher is ceasing employment, (2) whether the teacher is leaving the profession, (3) the teacher's demographics, and (4) the subject areas the teacher taught.

The act also requires school boards to add teacher attrition rates and the exit survey results to the existing strategic school profile report that they must submit to SDE each year. The profile already includes information on, among other things, student performance, student needs, school resources and resource usage, and student discipline. SDE publishes the reports on its website.

EFFECTIVE DATE: July 1, 2023

§ 8 — TEACHER PROFESSIONAL STANDARDS ADVISORY COUNCIL

Revises and expands the membership of the Teacher Professional Standards Advisory Council, including adding the Teacher of the Year and the previous year's Teacher of the Year

The act revises the membership of the Teacher Professional Standards Advisory Council, including (1) expanding the 17-member council to 19 members by adding the Teacher of the Year and the previous year's Teacher of the Year, (2) adjusting the number of appointments for some of the appointing authorities, and (3) changing the qualifications for several members.

By law, the council advises SBE, the Education Committee, and the governor on teacher preparation, recruitment, retention, certification, professional development, and assessment and evaluation. It must report to them by January 15 each year on its activities and recommendations, if any, about the teaching profession.

The membership changes are shown in the table below.

Teacher Professional Standards Advisory Council Members

Appointing Authority	*Prior Law*	*Act*
	Member Qualifications and Number of Appointments	
Governor	Public member who represents business and industry	No change
SBE	One faculty member or administrator of a state-approved teacher preparation program One public member who represents business and industry	Two who are either faculty members or administrators of a state-approved teacher preparation program
House speaker	One parent of a public school elementary or secondary school student	One parent or guardian of a public school elementary or secondary school student
Senate president pro tempore	One member who represents business and industry	One administrator of a local or regional board of education
House majority leader	One school superintendent	No change
Senate majority leader	One member of a local or regional board of education	No change
House minority leader	One public member One public school administrator	One superintendent of a regional school district
Senate minority leader	One public member One parent of a public school elementary or secondary school student	One parent of a public school secondary school student
Connecticut Education Association	Four classroom teachers at the time of, and during, their appointment; two of whom are elementary school teachers	Four classroom teachers at the time of, and during, their appointment; two of whom are elementary school teachers, one secondary school teacher, and one special education teacher
American Federation of Teachers – Connecticut	Two classroom teachers at the time of, and during, their appointment; one of whom is an elementary school teacher	Four classroom teachers at the time of, and during, their appointment; one of whom is an elementary school teacher, two secondary school teachers, and one special education teacher
N/A	None	The Teacher of the Year and the previous year's Teacher of the Year

The act states that all appointments made on or after July 1, 2023, are for three-year terms. Regardless, by law, appointees' terms are three years.

The act also removes an obsolete provision.

EFFECTIVE DATE: July 1, 2023

§ 9 — TEACHERS' RETIREMENT SYSTEM TASK FORCE

Establishes a task force to analyze the per-pupil equity of TRS funding and requires the task force to submit its recommendations to the Appropriations and Education committees by January 1, 2025

The act establishes a 13-member task force to analyze the per-pupil equity of Teachers' Retirement System (TRS) funding. The task force must develop recommendations on the following:

1. the student equity implications of appropriating funds through the state TRS laws toward the normal cost of teacher pensions and the unfunded liability amortization payments necessary to fully fund the TRS;
2. whether and how much municipalities should contribute to the normal cost of teacher pensions and the unfunded liability amortization payments in order to make the General Assembly's allocations more equitable on a per-pupil basis;
3. whether certain municipalities should be exempted from assuming a percentage of the municipal contributions identified above due to the following factors: (a) economic distress, (b) inability to pay, or (c) low academic performance; and
4. whether and how the General Assembly should direct resources generated through municipal contributions toward (a) reducing educational inequities and (b) promoting TRS sustainability.

EFFECTIVE DATE: Upon passage

Members

The task force includes the following members, by virtue of their positions, or their designees: the governor; education commissioner; TRS executive director; and Commission on Women, Children, Seniors, Equity and Opportunity executive director. It also includes nine appointed members, as shown in the table below.

TRS Task Force Appointees

Appointing Authority (Number of Appointments)	***Member Organization or Other Qualification***
House speaker (one)	American Federation of Teachers-Connecticut representative
Senate president pro tempore (one)	Connecticut Education Association representative
House majority leader (one)	Representative of an advocacy organization focused on educational equity
Senate majority leader (one)	Representative of an organization with national expertise in both teacher pensions and school finance
House minority leader (two)	One Connecticut Association of School Business Officials representative One Connecticut Association of Public School Superintendents representative
Senate minority leader (two)	One Connecticut Conference of Municipalities representative One Connecticut Association of Boards of Education representative
Black and Puerto Rican Caucus chair (one)	(No specific organization or qualification)

Under the act, the appointing authorities must make their appointments within 30 days after the act's passage (i.e., by July 27, 2023) and fill any vacancy. The appointments may be legislators.

The act requires the House speaker and the Senate president pro tempore to select the task force's chairpersons from among its members. The chairpersons must schedule the first meeting of the task force, which must be held within 60 days after the act's passage (i.e., by August 26, 2023).

The administrative staff of the Education Committee serves as the task force's administrative staff.

By January 1, 2025, the task force must submit a report on its findings and recommendations to the Appropriations and Education committees. It terminates on the date the report is submitted or January 1, 2025, whichever is later.

§§ 10 & 11 — PARAEDUCATOR PROFESSIONAL DEVELOPMENT

Excludes certain mandated trainings from paraeducator professional development programs; requires annual updates to SDE's guidance and best practices for programs of professional development

By law, local and regional boards of education must make an annual, free professional development program of at least 18 hours available to any paraeducators they employ. Beginning in the 2023-24 school year, the act prohibits trainings that are otherwise mandated (e.g., training on blood-borne pathogens, sexual harassment, or the Department of Children and Families' policies and procedures) from being part of the 18 hours.

The act also requires SDE to annually collaborate with the School Paraeducator Advisory Council, beginning by January 1, 2025, to develop or update guidance and best practices for paraeducator professional development programs, which SDE must distribute to each board of education. By law, the School Paraeducator Advisory Council advises the education commissioner on professional development, staffing strategies, and other relevant issues for paraprofessionals (i.e., paraeducators) (CGS § 10-155k).

EFFECTIVE DATE: July 1, 2023

§ 11 — PARAEDUCATOR PDEC MEMBERSHIP

Adds a paraeducator to each school district's PDEC

By law, each local and regional board of education must form a professional development and evaluation committee (PDEC) to (1) participate in developing or adopting the district's teacher evaluation and support program and (2) develop, evaluate, and annually update the district's comprehensive local professional development plan for certified employees and paraeducators.

Existing law requires a PDEC's membership to consist of (1) at least one teacher and administrator chosen by the exclusive bargaining representative for certified employees and (2) other personnel the board finds appropriate. The act adds at least one paraeducator, chosen by any exclusive bargaining representative for paraeducators, to the required PDEC membership.

EFFECTIVE DATE: July 1, 2023

§ 12 — IEP REVIEW BY PARAPROFESSIONALS

Requires paraprofessionals to review a student's IEP with a supervisor as needed

By law, any paraprofessionals (i.e., paraeducators) assigned to a student or providing special education or related services to the student must be allowed to view a student's individualized education program (IEP) after a meeting has occurred to develop, review, or revise the document. The act adds the requirement that these paraprofessionals review the IEP with a supervisor, as needed.

EFFECTIVE DATE: July 1, 2023

§ 13 — CERTIFICATE ENDORSEMENTS FOR PRESCHOOL AND KINDERGARTEN TEACHING

Allows the education commissioner to allow a teacher with a (1) grade 1 through 6 endorsement to teach kindergarten for a second year without being enrolled in a kindergarten endorsement program or (2) grade 1 through 12 comprehensive special education endorsement to teach preschool

Elementary Endorsements

By law and unchanged by the act, if a person holds an elementary education endorsement to teach grades 1 through 6, and that endorsement was issued on or after July 1, 2017, then the education commissioner may allow that person to teach kindergarten for one school year. The superintendent for the employing school district must request this permission.

Prior law prohibited the commissioner from granting the endorsement holder a second year to teach kindergarten unless the person demonstrated enrollment in a program to meet the requirements for the appropriate kindergarten endorsement. The act instead allows the employing superintendent to request that the commissioner grant the endorsement holder a second year of kindergarten teaching and removes the requirement that the holder demonstrate kindergarten endorsement program enrollment.

Comprehensive Special Education Endorsements

Under prior law, anyone holding a teaching certificate with an endorsement to teach comprehensive special education in grades 1 through 12 could extend the endorsement to grades kindergarten through 12.

Under the act, anyone who holds this endorsement for grades 1 through 12 may extend it to grades prekindergarten through 12. As under prior law, anyone applying for this endorsement must have earned a satisfactory score on either the SBE-approved reading instruction exam or a comparable exam.

EFFECTIVE DATE: July 1, 2023

§ 14 — ARC PROGRAM EXPANSION

Requires OHE to expand its ARC program for minority teacher incentive program grant recipients and hire one full-time permanent employee to administer the expanded ARC program

For FY 23, the act requires the Office of Higher Education (OHE), within available appropriations, to (1) expand its alternate route to certification (ARC) program that minority teacher incentive program grant recipients attend and (2) hire one full-time permanent employee to administer the expanded program. ARC programs allow participants to attain teacher certification without completing a regular teacher preparation program.

By law, OHE's minority teacher incentive program provides, within available appropriations, up to $5,000 in annual grants for up to two years to minority students taking certain steps toward teaching careers, including enrollment in the ARC program (CGS § 10a-168a).

EFFECTIVE DATE: Upon passage

§ 15 — ADJUNCT ARTS INSTRUCTOR PERMIT

Allows SBE to issue adjunct instructor permits in the arts to applicants who hold a degree higher than a bachelor's and meet other requirements in existing law

By law, SBE may issue part-time adjunct instructor permits to applicants with specialized training, experience, or expertise in the arts if an employing board of education or regional educational service center requests it. The permit authorizes its holder to teach art, music, dance, theater, or any subject related to the holder's artistic specialty for up to 15 hours per week in certain magnet schools.

Prior law generally required applicants for this permit to hold a bachelor's degree from an institution that is regionally accredited or accredited by OHE or the Board of Regents for Higher Education. The act additionally allows applicants with an academic degree that is higher than a bachelor's from a similarly accredited institution to hold the permit. By law and unchanged by the act, applicants must also meet certain work experience requirements.

EFFECTIVE DATE: July 1, 2023

§ 16 — STUDENT TEACHING EXPERIENCE BY DISTRICT REFERENCE GROUP

Removes the requirement that (1) teacher preparation program participants complete their clinical, field, or student teaching experience in two different types of school districts according to DRG categorization and (2) teachers receive certain performance evaluation ratings to be eligible to participate in student teacher mentorship

By law, teacher preparation program participants must complete a clinical, field, or student teaching experience in a classroom during four semesters. The act removes the requirement that this experience occur in two school districts from certain categories of district reference groups (DRG).

SDE created DRGs to group districts with similar needs and socioeconomic characteristics, based on factors including family income, parental education and occupation, family structure, poverty, language spoken at home, and district enrollment. (SDE no longer uses this classification system.) DRGs were labeled "A" through "I," with "A" being the most affluent districts and "I" being the least. The act removes the requirement that program participants complete one student teaching experience in a school district from groups "A" through "E" and another in a district from groups "F" through "I."

The act also removes the requirement that any cooperating teacher who is part of the student teaching experience must have earned a performance evaluation designation of "exemplary" or "proficient" in the prior school year to serve as a mentor to student teachers (which conforms with § 23, see below).

EFFECTIVE DATE: July 1, 2023

§ 17 — INTEGRATED AND CROSS ENDORSEMENTS

Allows SDE, in cooperation with OHE, to authorize two new endorsements affecting early childhood education, special education, and grades kindergarten through three teaching positions

SDE issues endorsements to teachers who hold initial, provisional, or professional level teacher certification, which are added to the certificate to signify expertise in a subject area. SDE refers to additional endorsements received in other subject areas as "cross endorsements."

Beginning on July 1, 2023, the act requires SDE, in cooperation with OHE and within available appropriations, to authorize the following new endorsements: (1) Integrated Early Childhood/Special Education Birth-Kindergarten and (2) Integrated Early Childhood/Elementary Education N-3 and Special Education N-K.

The act specifies that these new endorsements must be added as a cross endorsement instead of requiring full planned program and institutional recommendation.

EFFECTIVE DATE: July 1, 2023

§ 18 — SUBSTITUTE TEACHERS

Allows local or regional boards of education to employ a substitute teacher for up to 60 days in the same assignment without obtaining an SDE-issued substitute authorization

The act allows local or regional boards of education to employ a substitute teacher for up to 60 days without obtaining an SDE-issued substitute authorization, so long as the substitute teacher is in the same assignment for the entire period. By law and unchanged by the act, anyone employed as a substitute teacher must hold a bachelor's degree (which the education commissioner may waive for good cause) and be on a list of substitute teachers maintained by the employing board.

EFFECTIVE DATE: July 1, 2023

§ 19 — PURCHASING TEACHER RETIREMENT CREDIT

Removes service at SERC from the 10-year aggregate limit on purchases of TRS retirement credit

The law allows TRS members to purchase retirement credit for certain service outside the system, such as public school teaching in another state or in a federal Defense Department school for military dependents. These purchases allow TRS members to build additional credit toward their retirement if the purchased service meets certain requirements. TRS members are generally all certified public school teachers and administrators in the state with some additional groups added by statute.

The law generally (1) limits these purchases to a total of 10 years but exempts service as a public school teacher in another state from this limit and (2) allows purchases of retirement credit for service at the State Education Resource Center (SERC) before July 1, 2007. The act (1) makes the SERC service and the out-of-state teaching service, combined, exempt from the 10-year limit and (2) deems SERC service to be Connecticut public school service. By law, credits must be paid for at the present value of the full actuarial cost.

EFFECTIVE DATE: July 1, 2023

§§ 20 & 21 — ADDITIONS TO THE TEACHERS' RETIREMENT SYSTEM

Expands the TRS to cover teachers employed by an interdistrict magnet school operated by (1) a private higher education institution's board of governors; (2) an SDE-approved, third-party nonprofit corporation; or (3) Goodwin University Magnet Schools, Inc. and Goodwin University Educational Services, Inc., specifically

By law, teachers employed at a "public school," as defined in state law, may participate in the TRS. The act adds to the definition of "public school" any interdistrict magnet school that is operated by (1) an independent (i.e., private) higher education institution's board of governors or an equivalent operating on behalf of a board or (2) an SDE-approved, third-party nonprofit corporation, so long as the magnet school is classified as a public school by the Teachers' Retirement Board (TRB).

The act also requires the TRB to (1) classify as public schools all schools operated by Goodwin University Magnet Schools, Inc. and Goodwin University Educational Services, Inc. and (2) admit to the TRS each teacher employed by them.
EFFECTIVE DATE: July 1, 2023

§ 22 — TENURE AND ACCUMULATED SICK LEAVE

Maintains a teacher's tenure and accumulated sick leave if a new regional school district is formed

State law maintains a teacher's tenure and accumulated sick leave when the school district the teacher works for joins a regional school district (essentially giving the teacher a new employer). The law requires that this change is not deemed an interruption of continuous employment, so tenure and accumulated sick leave is preserved.

The act extends this provision to also include when a teacher with these accumulated rights works for a school district or a regional school district and begins working for a new regional school district. As with existing law, the teacher must (1) work for a school district or regional school district during the school year immediately before, or within which, the new regional district is established and (2) continue as an employee of the new regional district.
EFFECTIVE DATE: July 1, 2023

§§ 23-27 — TEACHER PERFORMANCE EVALUATIONS

Requires local and regional boards of education to adopt revised teacher evaluation programs and SBE to adopt revised program guidelines that use new (1) student indicators and assessment methods and (2) teacher feedback mechanisms; removes obsolete language

By law, each public school district's superintendent must annually evaluate each teacher or have each teacher be evaluated. This refers to each professional board of education employee, below the rank of superintendent, who holds an SBE-issued certificate or permit. The superintendent may conduct formative (i.e., continuous diagnostic) evaluations to be used to produce an annual summative (i.e., final) evaluation. Since the 2013-14 school year, state law has required boards of education to use a teacher evaluation program that follows the guidelines adopted by SBE.

The act makes various changes in the teacher evaluation laws, requiring local and regional boards of education to adopt revised teacher evaluation programs and SBE to adopt revised program guidelines that use new (1) student indicators and assessment methods and (2) teacher feedback mechanisms. The act maintains the option for boards of education to adopt SBE's model teacher evaluation and support program, but it requires SBE to ensure that its model program aligns with these revised guidelines.

The act also removes obsolete language, including references to a now obsolete teacher evaluation and support pilot program and a UConn study of the pilot program. It also makes technical and conforming changes.
EFFECTIVE DATE: July 1, 2023

Teacher Evaluation and Support Program (§ 23)

Similar to prior law, the act requires the new evaluation process to follow the teacher evaluation and support program adopted by the district's board of education and be aligned with SBE's guidelines for a model teacher evaluation program. In developing a program, the board of education must attempt to reach a mutual agreement with the district's PDEC. The act imposes new requirements on SBE's guidelines and model program, as well as local and regional boards of education, as described in the timeline below.

SBE Program. By July 1, 2024, the act requires SBE to adopt revised guidelines for a teacher evaluation and support program, in consultation with the Performance Evaluation Advisory Council (PEAC; see § 24 below). It also requires SBE to adopt a revised model teacher evaluation and support program that aligns with these guidelines. The act makes the following changes to revise the guidelines that prior law required SBE to adopt for its model program in 2012:

1. removes the requirement that the guidelines include (a) four performance evaluation designators for teachers (i.e., "exemplary," "proficient," "developing," and "below standard") and (b) references to teacher evaluation "scoring systems" to determine "ratings";
2. requires the guidelines to use student learning, growth, and achievement, rather than student academic growth and development, as indicators in teacher evaluations;
3. requires the guidelines to include methods for assessing student learning, growth, and achievement rather than student academic growth and development;
4. requires the guidelines to use an evaluator-provided annual summary of teacher growth, rather than a scoring system with performance evaluation designators, for the minimum requirements for teacher evaluation instruments and procedures;
5. requires the guidelines to address creating individual improvement and remediation plans for teachers who need additional support, rather than for teachers who have a rating of "developing" or "below standard";
6. removes the requirement that these individual improvement and remediation plans include a summative rating of proficient or better as success indicators at the plan's conclusion; and
7. requires the guidelines to include a validation procedure for SDE or a third party to audit remediation plans, rather than audit evaluations with a rating of "exemplary" or "below standard" as prior law required.

District Program. The act requires each local and regional board of education, beginning with the 2024-25 school year, to adopt and implement a revised teacher evaluation and support program that follows SBE's revised guidelines.

Similar to prior law, the program must be developed through mutual agreement between the board of education and the school district's PDEC. If the board and PDEC cannot reach a mutual agreement, then both parties must consider SBE's model program and may adopt that if they mutually agree. If both parties still cannot reach an agreement, then the board must adopt and implement the program it has developed, so long as it is consistent with SBE guidelines. The act allows the education commissioner to waive the requirement that a board adopt a program consistent with SBE's revised guidelines for any board that has expressed an intent by July 1, 2024, to adopt a program that requires a waiver from these requirements.

Other Evaluation Process Changes (§§ 23 & 25)

The act also makes the following changes in the laws governing the state's teacher evaluation process:

1. requires teachers who do not receive a summative evaluation during the school year to be recorded as "not evaluated" rather than "not rated" as prior law required;
2. removes the requirement that superintendents report aggregate evaluation ratings to the education commissioner by September 15 each year; and
3. requires, beginning with the 2023-24 school year, that boards of education hold evaluation training programs and orientation for their teachers and evaluators at least annually, rather than biennially.

PEAC (§ 24)

Under existing law, PEAC is a council within SDE, led by the education commissioner with members from various education interest groups. The act maintains PEAC's responsibility for (1) assisting SBE with developing guidelines for a teacher evaluation and support program and developing a model program and (2) overseeing the data collection and evaluation support system. However, it removes the requirement that PEAC assist SBE with developing a teacher evaluation and support program implementation plan.

PA 23-160—sHB 6882
Education Committee

AN ACT CONCERNING EDUCATION MANDATE RELIEF AND OTHER TECHNICAL AND ASSORTED REVISIONS AND ADDITIONS TO THE EDUCATION AND EARLY CHILDHOOD EDUCATION STATUTES

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§ 1 — EDUCATION MANDATE WORKING GROUP

Requires CABE to convene an 11-member working group to recommend to the legislature repealing or amending obsolete or duplicative education mandates; sets January 1, 2025, deadline for the recommendations

The act requires the Connecticut Association of Boards of Education (CABE) executive director or the director's designee to convene a working group to review mandates on the State Department of Education (SDE) and local or regional boards of education in the state's statutes and regulations and federal law and report its findings and recommendations to the legislature.

The group must identify mandates that are overly burdensome or limit or restrict providing student instruction or services. For these mandates, it must give a detailed analysis and indicate the specific statutory or regulatory citation and

how it is imposed on the department or board. It must also make recommendations on (1) developing a biennial review process to examine the education statutes and state agency regulations to identify obsolete or duplicative mandates on SDE or boards of education and (2) repealing or amending any statutes or regulations.
EFFECTIVE DATE: July 1, 2023

Working Group Membership

The 11-member working group includes the Education Committee chairpersons and ranking members, or their designees, and the education commissioner, or her designee. Additionally, the group includes a representative from each of the following organizations, designated by each organization:

1. CABE,
2. the Connecticut Association of Public School Superintendents,
3. the Connecticut PTA,
4. the American Federation of Teachers-Connecticut,
5. the Connecticut Education Association, and
6. the Connecticut Association of School Business Officials.

All initial appointments to the working group must be made by July 31, 2023. Any vacancy is filled by the appointing authority.

The CABE executive director, or the executive director's designee, serves as the working group chairperson. The chairperson must schedule the first meeting of the working group, to be held by August 30, 2023.

Public Input

The act permits the working group to provide an opportunity for public comment or seek input from students, parents, educators, boards of education, and other education stakeholders while conducting the review and developing its recommendations.

Reporting

By January 1, 2025, the working group must submit to the Education Committee its (1) mandate review and (2) recommendations to either repeal or amend any mandates and on developing a biennial review process. The working group terminates on the date it submits its report or July 1, 2025, whichever is later.

§ 2 — IN-SERVICE TRAINING

Requires the existing school district in-service training on school violence prevention to be aligned with DESPP school security and safety plan standards; adds a new training requirement on emergency responses to students who have seizures; requires boards to allow paraeducators and other noncertified employees to voluntarily participate in in-service training programs for certified employees

The act requires the in-service training on school violence prevention, which boards of education must provide to teachers, administrators, and other certified school employees, to be in a manner set forth in the board's school security and safety plan, which by law must be based on standards developed by the Department of Emergency Services and Public Protection (DESPP) (see *Background — School Security and Safety Plans*).

It also requires in-service trainings for the same groups of employees to include emergency responses to students who have seizures in school. This training must include (1) the recognition of the signs and symptoms of seizures; (2) appropriate steps for seizure first aid; (3) information about student seizure action plans; and (4) for those authorized to administer medication under state law, the administration of seizure rescue medication or prescribed electrical stimulation using a vagus nerve stimulator magnet.

The act also requires boards to allow paraeducators and other noncertified employees to voluntarily participate in their in-service training programs for certified employees. Under prior law, boards had discretion whether to allow these noncertified employees or paraprofessionals to attend. (A separate law requires school districts to provide professional development training for paraeducators.)
EFFECTIVE DATE: July 1, 2023

Background — School Security and Safety Plans

The law requires DESPP, in consultation with SDE, to develop standards for school security and safety plans and reevaluate and update them every three years. SDE must distribute these standards to all public schools. Each board of education must annually develop and implement a school security and safety plan for each school within its district based on these standards (CGS §§ 10-222m & 10-222n).

§ 3 — ACCESS TO CURRICULUM

Requires boards of education to make curriculum and associated materials available to parents and guardians under the requirements of the federal Protection of Pupil Rights Amendment

The act requires local and regional boards of education to make all curriculum approved by their school district curriculum committee, and all associated curriculum materials, available to parents and guardians under the requirements of the federal Protection of Pupil Rights Amendment (PPRA). PPRA, in part, gives parents and guardians the right to inspect instructional material used by the school district as part of their student's educational curriculum (excluding academic tests and assessments) (20 U.S.C. § 1232h).
EFFECTIVE DATE: July 1, 2023

§ 4 — ACCESS TO ADULT EDUCATION

Allows any parent under age 17 to request permission from the board of education to attend adult education classes

Prior law allowed only mothers under age 17 to request permission from the local or regional board of education to attend adult education classes. The act extends eligibility to any parent under age 17.

By law and unchanged by the act, a majority vote of present board members is required to assign the requesting student to adult education.
EFFECTIVE DATE: July 1, 2023

§ 5 — ELIGIBILITY FOR STATEWIDE REMOTE LEARNING SCHOOL

Narrows enrollment eligibility for the statewide remote learning school for which existing law requires SDE to develop a creation and implementation plan; extends the deadline to submit the plan for the school to legislative committees

By law, SDE must develop a plan to create and implement a statewide remote learning school for grades kindergarten to 12. Prior law required the department, when developing the plan, to estimate the number of Connecticut students who could be eligible to enroll but it did not prescribe the eligibility requirements other than residency. The act limits eligibility to those Connecticut students who are unable to attend school in-person due to a health care provider-documented (1) medical diagnosis, including a psychological or physical condition or restriction, or (2) medical exemption to required immunizations.

The act also extends the deadline for submitting the plan, draft requests for proposals, and any legislative recommendations on plan implementation from July 1, 2023, to January 1, 2024. By law, SDE must submit these items to the Appropriations and Education committees.
EFFECTIVE DATE: July 1, 2023

§ 6 — BOARD MEETING AGENDA AND DOCUMENT POSTING

Requires boards of education conducting a board meeting to make the agenda or any associated documents that members may review at the meeting available for public inspection and post them on the board's website

The act requires each local or regional board of education conducting a regular or special board meeting to make available for public inspection (1) the meeting agenda or (2) any associated documents that board members may review at the meeting. The board must also post these items on its website. The act's requirements appear to be in addition to those of the Freedom of Information Act (FOIA, see *Background — FOIA*).
EFFECTIVE DATE: July 1, 2023

Background — FOIA

Generally, requirements for noticing and conducting public agency meetings are governed by FOIA (CGS § 1-225 et seq.). Among other things, FOIA requires that the agenda for a regular meeting be available at least 24 hours beforehand. However, only state agencies must post the agenda online (CGS § 1-225(c)).

Under FOIA, 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. Among other things, FOIA generally requires that notice of a special meeting be given 24 hours prior and specify the business to be transacted. The notice must be posted on the public agency's website if available (CGS § 1-225(d)).

For both types of meetings, additional requirements apply if the meeting is held solely or partially by electronic equipment (e.g., the meeting notice must have information on how the public may attend) (CGS § 1-225a).

§ 7 — FAMILY AND COMMUNITY ENGAGEMENT IN EDUCATION COUNCIL

Requires the SDE commissioner to convene a family and community engagement in education council

The act requires the SDE commissioner to convene a family and community engagement in education council and sets the council's duties, membership, and reporting requirements.

EFFECTIVE DATE: July 1, 2023

Duties

Under the act, the council must meet at least quarterly and has the following responsibilities:

1. advise the commissioner on issues and policies related to family and community engagement in education;
2. give parent and community feedback on SDE products and initiatives;
3. review and make recommendations on the State Board of Education's (SBE) five-year comprehensive plan, specifically on school-family-community partnership initiatives; and
4. review and make recommendations on effective practices to increase (a) school and district capacity to develop successful partnerships and (b) families' capacity to support their children's education.

Membership

The act requires the SDE commissioner to choose the council's members. The membership must balance representation from the following groups: (1) school and district staff; (2) students' parents and guardians; and (3) community members who reflect the state's geographic, economic, ethnic, and racial diversity and bring an authentic parent and community voice to the council.

Reporting

The act requires the council to report to SBE and the Education Committee annually, beginning by January 1, 2025, about its review and recommendations on the five-year plan's school-family-community partnership initiatives.

§ 8 — SUPPORT FOR AFTER-SCHOOL GRANT RECIPIENTS

Requires SDE to support after-school grant recipients in new, specified ways; increases the amount SDE may retain from the grant program appropriation to provide program support

By law, SDE may administer an after-school grant program to support programs for students in grades kindergarten to 12 offering educational, enrichment, and recreational activities and that have a parent involvement component. Local and regional boards of education, municipalities, and nonprofit organizations are eligible recipients (CGS § 10-16x(a)).

Prior law required SDE to give after-school grant recipients technical assistance, evaluation, program monitoring, professional development, and accreditation support. The act instead requires the department to collaborate with regional educational service centers (RESC) to give the recipients (and, in some cases, applicants) more specific and targeted forms of support by doing the following:

1. monitoring and evaluating programs and activities,
2. conducting a comprehensive evaluation of programs' effectiveness,

3. implementing risk assessments,
4. providing technical assistance and training to eligible applicants, and
5. ensuring that program activities align with state academic standards.

The act also increases, from 4% to 7.5%, the percentage of the appropriated grant funds SDE may retain to provide this support.

EFFECTIVE DATE: July 1, 2023

§ 9 — STATE EDUCATION RESOURCE CENTER REAL ESTATE AND CONTRACTING

Removes SERC from state oversight relating to specified real estate and contracting transactions

The State Education Resource Center (SERC) is a quasi-public agency empowered to, among other things, provide (1) professional development services; (2) technical assistance and evaluation activities; and (3) policy analysis and other assistance to boards of education, SDE, and other educational entities and providers (CGS §§ 10-357a to -357g).

The act removes from state law provisions that did the following:

1. required that certain SERC real estate transactions (e.g., investment, purchase, and disposition) be subject to any state agency's approval, review, or regulation under the laws governing state real property or any other laws and
2. subjected SERC to rules, regulations, and restrictions on purchasing, procurement, personal service agreements, and asset disposition that generally apply to state agencies under state law.

EFFECTIVE DATE: July 1, 2023

§ 10 — FREE MENSTRUAL PRODUCTS IN SCHOOL RESTROOMS

Extends the deadline for boards of education to begin providing free menstrual products in school restrooms by one year to September 1, 2024

By law, each local and regional board of education must provide free menstrual products in the following areas accessible to students in grades 3-12 in district schools: women's restrooms, all-gender restrooms, and at least one men's restroom. The act extends the deadline by which boards must begin providing these products by one year, from September 1, 2023, to September 1, 2024.

EFFECTIVE DATE: July 1, 2023

§§ 11-28 — LCO TECHNICAL REVISIONS

Makes technical, grammatical, and conforming changes in the education and early childhood statutes

The act makes technical, grammatical, and conforming changes in the education and early childhood statutes. Among the conforming changes is the addition of a definition for "reading" in the law on the required public school program of instruction (§§ 18 & 19). It aligns with the term's definition in other education statutes governing public school reading instruction and assessments (CGS §§ 10-14t, -14u, -14hh & -14ii).

EFFECTIVE DATE: Upon passage, except that the reading definition additions take effect on July 1, 2023 (§ 18), and on July 1, 2025 (§ 19), respectively.

§§ 29 & 32 — MAGNET SCHOOL ENROLLMENT REQUIREMENTS AND REVISING REDUCED ISOLATION STANDARDS

Makes permanent existing magnet school enrollment requirements; extends by two years a provision barring the SDE commissioner from awarding grants to magnet schools that do not comply with these requirements; requires the education commissioner to revise the magnet school reduced isolation standards as needed; requires the standards to comply with the Sheff decision and related stipulations and orders

The act makes permanent the requirements that a magnet school's total enrollment (1) have no more than 75% of students from one school district and (2) meets the reduced isolation setting (i.e., desegregation) standards developed by the education commissioner. These requirements were set to expire after the 2023-2024 school year. It also extends the law barring the commissioner from awarding grants to magnet schools that do not comply with these enrollment standards. This ban was set to expire after the 2022-2023 school year; the act extends it to the 2024-2025 school year.

The act leaves unchanged an exception that allows the commissioner to award a grant for an additional year or years to a noncompliant school if she finds it appropriate and approves a plan to bring the school into compliance with the residency or reduced isolation setting standards as existing law requires. (Reduced-isolation standards consider the racial composition of the school's student body.)

The law sets minimum criteria for the commissioner to use in setting the reduced isolation standards, including (1) at least 20% of a magnet school's enrollment must be reduced isolation students and (2) a school's enrollment may have up to 1% below the minimum percentage if she approves a plan for the school to reach the 20% minimum or the percent she established in the standards. It also requires the commissioner to define "reduced isolation student."

The act requires the commissioner to revise the standards as needed and adds the requirement that they comply with the *Sheff* v. *O'Neill* state Supreme Court decision (see *Background — Sheff v. O'Neill State Supreme Court Decision*) and any related stipulations or orders. (It also allows the commissioner to revise, as needed, the alternative reduced-isolation enrollment percentages for the 2018-2019 school year. Those percentages expired in 2019, so it is unclear whether this has any legal effect.)

EFFECTIVE DATE: July 1, 2023

Background — Sheff v. O'Neill State Supreme Court Decision

In this 1996 decision, the state's Supreme Court ruled that the state had a constitutional obligation to remedy the educational inequities in Hartford schools caused by racial and ethnic isolation (238 Conn. 1 (1996)). The court ordered the state legislature and the governor to craft a solution, and legislation was passed to create voluntary desegregation in Hartford by creating magnet schools and using programs such as Open Choice.

Background — Related Act

PA 23-204, § 333, includes the same provisions requiring the commissioner to revise the reduced isolation standards as needed to comply with the *Sheff* decision.

§ 30 — SUNSETS TARGETED MAGNET SCHOOL GRANT

Sunsets an obsolete, targeted RESC-magnet school grant

The act retroactively sunsets a targeted magnet school grant at the end of FY 22 (June 30, 2022). The grant applies to a magnet school operated by a RESC that (1) began operations in the 2001-2002 school year and (2) for the 2008-2009 school year enrolled at least 55% but not more than 80% of the school's students from a single town. (The school, Edison Magnet School in Meriden, no longer exists in that form; it was moved to Waterbury, reconstituted as ACES at Chase, and is eligible for other magnet grants.)

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-204, § 341, also repeals the same obsolete magnet school grant.

§ 31 — REINSTATES BAN ON MAGNET SCHOOL TUITION

Reinstates the ban on Sheff host K-12 magnet schools charging tuition to sending school districts

The act reinstates for the 2023-24 school year the prohibition on *Sheff* K-12 magnet schools operated by local or regional boards of education charging tuition to school districts sending students to the magnets. The ban had expired after the 2018-19 school year (although in practice, none of these schools had begun charging tuition). *Sheff* magnet schools are schools operating under the *Sheff* v. *O'Neill* state Supreme Court decision and related stipulations and orders (see *Background — Sheff v. O'Neill State Supreme Court Decision* above for §§ 29 & 32).

The act, as under existing law, (1) applies the ban to preschool programs and kindergarten through grade 12 and (2) includes an exception that allows the Hartford school district to charge tuition for any student enrolled in the Great Path Academy, which it operates in Manchester.

EFFECTIVE DATE: July 1, 2023

§ 33 — GRANTS TO ASSIST SHEFF PROGRAMS

Allows the SDE commissioner to award grants from existing Sheff settlement funds for four specific purposes

The act allows the SDE commissioner, to help the state meet its *Sheff* desegregation obligations, to award grants from funds appropriated for the *Sheff* settlement for academic and social student support programs offered by (1) magnet schools, (2) the Open Choice program, (3) the interdistrict cooperative program, and (4) the state technical education and career high schools.

By law, unchanged by the act, the commissioner can transfer *Sheff* money for grants for unspecified purposes for the same programs, including grants to state charter schools.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-204, § 334, makes the same change regarding the grants.

§ 34 — TECHNICAL CHANGES TO THE EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN COMPACT

Makes technical changes to the Compact on Educational Opportunities for Military Children

The act makes two technical changes in the statute on the Interstate Compact on Educational Opportunities for Military Children.

EFFECTIVE DATE: July 1, 2023

§§ 35 & 37 — LOWERING ELIGIBILITY AGE FOR SCHOOL READINESS

Lowers the eligibility age of children for the school readiness preschool program to birth, rather than age three

The act lowers the eligibility age of children for the Office of Early Childhood's (OEC) school readiness preschool program. Under prior law, eligible children were those aged three or four, and children aged five who were not eligible to enroll in kindergarten (by law a child must reach age five before January of the school year to attend kindergarten that year; PA 23-159 changes this to age five by September of the school year on July 1, 2024). The act lowers the entry age to birth.

The school readiness program is a nonreligious, state-funded program that (1) meets OEC standards and (2) provides at least 450 hours and 180 days of developmentally appropriate learning per year.

EFFECTIVE DATE: July 1, 2023

§§ 36 & 38 — SCHOOL READINESS AND CHILD CARE GRANTS

Removes requirements that certain excess funds be used exclusively to increase early childhood educators' salaries; changes awarding of a school readiness grant in priority school districts from annual to biennial

Excess Grant Award Flexibility

Under prior law, state-licensed school readiness programs that operate full-day, year-round programs and receive school readiness per-pupil state grants had to use any grant amount exceeding $8,927 per child exclusively to increase salaries of individuals directly responsible for teaching or caring for children in school readiness program classrooms.

Similarly, prior law also had an excess-funds salary provision for state-contracted child care facilities that was set to begin in FY 24. This applied to child care facilities' contracts with the state for a grant of (1) an amount at least equal to the per-child cost set in state law for each child ages three to five and not yet eligible to enroll in kindergarten and (2) a $13,500 per-child grant for children ages three and younger who are in toddler or infant care and not in a preschool program. The amount per child exceeding the amount of the per-child cost stated in the FY 23 contract had to be used exclusively to increase salaries of early childhood educators employed at these child care facilities.

The act repeals both excess-funds salary provisions.

Biennial Grant Award

The act also changes school readiness grants for priority school districts from an annual to a biennial award beginning in FY 25. Unchanged by the act, awards depend on available funding and a satisfactory annual evaluation.
EFFECTIVE DATE: July 1, 2023

§ 39 — SMART START COMPETITIVE GRANT PROGRAM

Removes the FY 24 sunset date for the smart start competitive grant, making the program permanent; eliminates a grant prioritization requirement based on allocation of preschool program spaces to children who are eligible for free and reduced price lunch

The act removes the FY 24 sunset date (i.e., June 30, 2024) for the smart start competitive grant program, which provides funds for capital and operating expenses for school districts to expand or establish preschool programs. Consequently, it makes the program permanent.

Prior law required the OEC commissioner to prioritize school boards (1) that demonstrated the greatest need to establish or expand a preschool program and (2) whose plan allocated (a) at least 60% of the preschool program spaces to children from families at or below 75% of the state median income or (b) 50% of the spaces to children eligible for free and reduced price lunches (FRPL). The act eliminates the prioritization requirement for boards that reserve spaces for FRPL-eligible children.
EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-204, § 332, makes the same change to the smart start program.

§ 40 — PARENT CABINET

Requires OEC to establish a parent cabinet to advise the agency

The act adds establishing a parent cabinet to OEC's statutory duties. The cabinet must advise OEC on ways to:

1. strengthen partnership and communication with families,
2. bring awareness to gaps and barriers to services,
3. increase access to services for families, and
4. help improve the lives of young children and families in the state.

EFFECTIVE DATE: July 1, 2023

§ 41 — CARE 4 KIDS INCOME LEVEL ELIGIBILITY

Requires the OEC commissioner to establish a two-tiered income eligibility limit for Care 4 Kids that conforms with federal regulations

Existing law generally sets the family income eligibility limit for Care 4 Kids child care subsidies at 50% of the statewide median income (SMI) and additionally allows the OEC commissioner to increase the family income eligibility limit up to 85% of SMI, the maximum level allowed under federal law. (In practice, OEC has set the eligible income level at 60% of SMI.) The act requires the commissioner to establish a two-tiered income eligibility limit to conform with federal regulations (45 C.F.R. § 98.21(b)).

The regulations require that if the state's maximum income level is set at less than 85% SMI, then OEC must provide a two-tiered income limit for new applicants and current recipients by implementing (1) the original eligibility tier plus (2) a second tier set between the agency's initial eligibility threshold (for Connecticut 60%) and 85% SMI, accounting for the typical household budget of a low-income family. It must also provide a justification that the second tier threshold (1) is sufficient to accommodate increases in family income over time and promotes and supports family economic stability and (2) reasonably allows a family to continue accessing child care services without unnecessary disruption. The second tier must be used when the recipient is considered for redetermination.

The act also eliminates a provision requiring the commissioner to set the maximum income eligibility at 55% of SMI for applicants and recipients who qualify based on their loss of eligibility for temporary family assistance.

EFFECTIVE DATE: July 1, 2023

§ 42 — PUBLIC SCHOOL OPERATOR DEFINITION FOR INSURANCE PURPOSES

Expands the types of public school operators that can join in health care benefit agreements with other school operators or municipalities

Prior law allowed a school board or a municipality to join with other school boards or municipalities through a written agreement to form a single entity to provide medical or health care benefits for their employees. The act expands what kinds of entities can participate by allowing a broader range of "public school operators" to be part of these agreements. Under the act, a "public school operator" is a local or regional board of education, a RESC, the governing council of a state or local charter school, or an operator of an interdistrict magnet school program.

The act makes conforming changes to specify that the agreement is subject to (1) any applicable collective bargaining agreement and (2) the approval of the municipality's legislative body in cases where (a) there is an existing agreement between a school operator and a municipality or (b) the municipality and the school operator have separate plans.
EFFECTIVE DATE: July 1, 2023

§§ 43 & 44 — CHARTER SCHOOLS AND THE EDUCATIONAL INTERESTS OF THE STATE

Explicitly places charter schools under the educational interests of the state law that includes a complaint process if a party believes the school is not meeting the educational interests of the state

By law, charter schools must follow all federal and state laws governing public schools, with limited exceptions (see *Background — Charter School Exemptions)*. The act explicitly requires charter schools to uphold the educational interests of the state. In doing so, it also allows residents or parents to bring a complaint to SBE if they feel the charter school has failed, or is unable, to implement the educational interests of the state. These provisions already applied to local and regional boards of education.

Educational Interests of the State and Complaint Process

By law, the educational interests of the state include the requirement to implement the educational state mandates and that each:

1. child must have equal opportunity to receive a suitable program of educational experiences as prescribed in law;
2. school district must finance, at a reasonable level at least equal to the minimum budget requirement required by state law, an educational program designed to provide suitable educational experiences; and
3. school district must provide educational opportunities for its students to interact with students and teachers from other racial, ethnic, and economic backgrounds and may provide these opportunities with students from other communities (CGS § 10-4a).

District residents or parents and guardians of enrolled students who have been unable to resolve a complaint with a school board may make a complaint to SBE in writing, or SBE may initiate a complaint on its own. After an investigation during which the school board presents its case, SBE may require the school board to develop a plan to address the situation or take other reasonable steps. If the board fails to address the situation, SBE can seek a court order to compel the board to act (CGS § 10-4b).
EFFECTIVE DATE: July 1, 2023

Background — Charter School Exemptions

By law, charter schools are exempted from certain standards that apply to public schools. The exemptions allow (1) charter schools to seek an enrollment lottery waiver from SBE to pursue a school that has a special student body such as (a) students with a history of behavioral and social difficulties, (b) English language learners, or (c) students of a single gender and (2) the commissioner to waive certain teacher certification requirements for charter school staff (CGS §§ 10-66bb(j) & 10-66dd(b)).

§ 45 — SDE CURRICULUM COORDINATOR

Requires the education commissioner to employ at least one curriculum coordinator

The act requires the education commissioner to employ at least one curriculum coordinator. The coordinator must provide curriculum materials and help local and regional boards of education develop certain instructional programs.

The act requires the coordinator to assist with subject areas in existing law, including:

1. financial literacy in high school (CGS § 10-16pp);
2. cardiopulmonary resuscitation (CPR) as part of the health and safety curriculum (CGS § 10-16qq);
3. African American and black studies and Puerto Rican and Latino studies as part of the curriculum (CGS § 10-16ss);
4. black and Latino studies course offered in high school (CGS § 10-16uu);
5. Native American studies as part of the social studies curriculum (CGS § 10-16vv);
6. Asian American and Pacific Islander studies as part of the social studies curriculum (for school years beginning on or after July 1, 2025) (CGS § 10-16ww); and
7. Holocaust and genocide education and awareness as part of the social studies curriculum (CGS § 10-18f).

These subject areas overlap with many of the subjects in the statutorily required program of instruction that all districts must provide.

EFFECTIVE DATE: July 1, 2023

PA 23-167—sSB 1
Education Committee
Appropriations Committee

AN ACT CONCERNING TRANSPARENCY IN EDUCATION

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§§ 20-23 & 86 — IMPLEMENTATION OF READING MODELS OR PROGRAMS

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§§ 28 & 33 — AEROSPACE AND AVIATION TRAINING

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§ 29 — MODEL PARAEDUCATOR TRAINING PROGRAM FOR HIGH SCHOOL STUDENTS

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§ 30 — DISSEMINATING INFORMATION ON SCHOOL OPTIONS

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§ 31 — HIGH SCHOOL PRE-APPRENTICESHIP GRANT PROGRAM

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§ 32 — EXPANSION OF DUAL CREDIT AND DUAL ENROLLMENT PROGRAMS

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§§ 34 & 35 — SCHOOL NURSES AND NURSE PRACTITIONERS

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Requires SDE to create a grant for new or expanded pathways in technology early college high school programs in alliance districts

§§ 47-71, 74 & 87 — CHANGES TO SCHOOL CLIMATE DUTIES AND PROCEDURES

Makes various changes to school climate duties and procedures, including defining "school climate" and related terms; requires (1) the Social and Emotional Learning and School Climate Advisory Collaborative to develop school climate standards based on national guidelines; (2) each school district to have a school climate coordinator and each school to have a school climate specialist and a school climate committee; (3) each school climate committee to biennially administer a school climate survey; and (4) the creation of a school climate improvement plan that aligns with the state's school climate standards

§§ 72 & 73 — SCHOOL RESOURCE OFFICERS

Requires that the MOU that assigns an SRO to schools specify the SRO's duties and procedures; requires school boards to post the MOUs on their website and in the SRO's assigned school; requires each SRO to submit a report for each investigation or behavioral intervention the SRO conducts

§ 75 — SCHOOL DISCIPLINE PRACTICES WORKING GROUP

Requires the SDE commissioner to establish a working group, under the Connecticut School Discipline Collaborative, to study current school discipline practices and report the study's results to the Education Committee

§§ 76-82 — SCHOOL SUSPENSION AND EXPULSION

Makes various changes in the education statutes governing suspension and expulsion

§§ 83 & 84 — GRANTS FOR HIRING VARIOUS SCHOOL MENTAL HEALTH PERSONNEL

Removes in two SDE grant programs for hiring school mental health personnel the requirement that grant recipients refund unexpended grant amounts; delays by one year the dates when SDE must administer the school mental health therapist grant program; adjusts education commissioner reporting dates

§ 85 — GRANT FOR DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Delays by one year the dates when SDE must administer a grant program for boards of education and youth camp and summer program operators to provide mental health services; removes the requirement that grant recipients refund unexpended grant amounts to SDE

§ 87 — REPEALER

Repeals laws containing school climate requirements for school boards and SDE that conflict with the act's provisions

§ 1 — PUBLISHING SCHOOL DISTRICT RECEIPTS, EXPENDITURES, AND STATISTICS

Requires SDE, starting by February 15, 2024, to annually publish each school district's receipts, expenditures, and statistics for the previous fiscal year; requires SDE, starting by February 15, 2025, to prepare and publish the same data in a format that allows financial comparisons between school districts and schools

By law, school superintendents must report returns of the school district's receipts, expenditures, and statistics to the education commissioner by September 1 of each year while allowing for revisions up to December 31. The returns must be certified by an independent public accountant by December 31. The act requires that the returns be filed according to the commissioner's instructions, rather than made under those instructions as under prior law.

The act also requires the State Department of Education (SDE), by February 15, 2024, and each following year, to publish on its website the data in the required reports and returns by education program type, expense function, expense object, and funding source. Sources must include federal, combined state and local, and combined private and other sources for the school and district level. SDE must also develop and publish a guide with definitions for each category of expenditure and funding source.

Additionally, the act requires SDE, beginning by February 15, 2025, and each following year, to develop and publish (presumably, on its website) the data mentioned above in a format that allows financial comparisons between school districts and schools, including student enrollment and demographic statistics as of October 1 of the school year in which the reports and returns were filed.

EFFECTIVE DATE: July 1, 2023

§§ 2 & 3 — NEW BOARD OF EDUCATION MEMBER REQUIRED TRAINING

Requires SDE to provide, and newly elected school board members to take, training on the responsibilities and obligations of being a school board member

The act requires SDE to develop an annual training program for newly elected school board members that at least includes a school board member's role and responsibilities, a board of education's duties and obligations, and school district budgeting and education finance. When developing and providing the training, SDE may collaborate with an association that represents Connecticut boards of education and accept gifts, grants, and donations, including in-kind donations.

The act requires SDE to begin offering the annual training on and after July 1, 2023. First-time elected school board members must complete the training at a time and in a way SDE determines, but within one year after assuming office.
EFFECTIVE DATE: July 1, 2023

§§ 4 & 5 — ALLIANCE DISTRICTS

Expands allowable alliance district funding uses to include establishing a family resource center in each elementary school in the district; requires SDE to publish each alliance district's improvement plan

The act expands the items that alliance district funding may be spent on to include establishing a family resource center in each elementary school under the school board's jurisdiction. (PA 23-208, § 3, repeals this provision.) Family resource centers provide child care services, remedial educational and literacy services, families-in-training programs, and support services to parents getting temporary family assistance or to other parents in need.

By law, alliance districts must spend their alliance funds (1) according to the plan submitted with the application; (2) on the minority candidate certification, retention, and residency program; (3) on Education Cost Sharing (ECS) spending requirements; and (4) on any other items allowed under SDE guidelines. The act specifies that the plan is an "improvement plan" (see *Background — Alliance Districts*).

The act requires SDE to publish on its website the improvement plan that each alliance district must submit with its application for the alliance portion of its ECS aid. It also requires school boards for alliance district towns to annually submit these improvement plans to SDE.
EFFECTIVE DATE: July 1, 2023

Background — Alliance Districts

By law, there are currently 36 alliance districts that have been designated for five years. The designation applies to (1) the 33 school districts with the lowest accountability index scores and (2) 3 districts that were designated in previous years but that may not now be among the 33 with the lowest scores (see below). State law allows the education commissioner to withhold some of an alliance district's ECS aid until the district has submitted a satisfactory application and improvement plan.

Background — Accountability Index Scores

By law, the "accountability index score" 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., 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)).

§ 6 — WHOLESOME SCHOOL MEALS PILOT PROGRAM

Requires SDE to administer a wholesome school meals pilot program to award five grants to alliance districts to embed a professional chef in the district to assist school meal programs

For FYs 24 to 26, the act requires SDE to administer a wholesome school meals pilot program that awards five grants to embed a professional chef in five alliance districts. The chef must help school meal programs build food service staff capacity, improve meal quality, increase diner satisfaction, streamline operations, and establish a financially viable school meal program.

The act requires SDE to partner with an organization that specializes in placing chefs for the pilot program's purposes.

Under the act, an alliance district may apply for the grant by October 1, 2023, on an application the department establishes. SDE must review each application and award five grants. Each grant recipient must receive an annual $150,000 grant in each year of the pilot.

By January 1, 2027, SDE must report on the school meals pilot program to the Appropriations and Education committees.

EFFECTIVE DATE: July 1, 2023

§ 7 — VIRTUAL REALITY STUDY

Requires SDE to study the use of virtual reality in grade 9-12 classroom instruction

The act requires SDE to study the use of virtual reality as part of grade 9-12 classroom instruction. The study must include at least the following: (1) a review of best practices for using virtual reality in the classroom, (2) appropriate safety measures for its use, and (3) ways that local or regional boards of education may responsibly invest in and purchase virtual reality equipment and programs. SDE must report its findings and any recommendations to the Education Committee by January 1, 2025.

EFFECTIVE DATE: Upon passage

§ 8 — EDUCATOR APPRENTICESHIP PROGRAM

Requires SDE to establish an educator apprenticeship initiative to enable students in teacher preparation programs to gain paid classroom teaching experience

The act requires SDE to establish an educator apprenticeship initiative starting in FY 24 to enable students enrolled in educator preparation programs, residency programs, or alternate route to certification (ARC) programs to get classroom teaching experience while working towards becoming full-time, certified teachers after successfully completing the programs.

The act also requires SDE to develop (1) participation guidelines for educator preparation programs, residency programs, and ARC programs included under the initiative; (2) administrative implementation guidelines that are consistent with federal laws and regulations; and (3) compensation levels for students enrolled in any of the three types of programs included under the educator apprenticeship initiative. Under the act, SDE must seek state Department of Labor certification for the initiative to leverage federal grants and funding.

By law, participants in an apprenticeship must be paid (CGS § 31-22m). Teacher residency program participants were paid prior to the act (CGS § 10-156gg), but the educator preparation and ARC program participants were not.

EFFECTIVE DATE: July 1, 2023

Residency Programs and Apprenticeship Participation

Under the act, the education commissioner may permit a student enrolled in a residency program to participate in the apprenticeship program upon the request of the superintendent for the school district where the student is assigned for the residency program. Upon successfully completing a residency program and with the superintendent's recommendation, the State Board of Education (SBE) must issue an initial educator certificate to the student, and the student is exempted from the statutory teacher subject area assessment requirements.

§§ 9 & 10 — SDE REVIEW OF SCHOOL BOARDS' INCREASING EDUCATOR DIVERSITY PLANS

Requires each school board to (1) submit its increasing educator diversity plan (referred to in prior law as the minority educator recruitment plan) to the education commissioner by March 15, 2024, for review and approval and (2) implement its approved plan beginning with the 2024-25 school year

Prior law required every local and regional board of education (i.e., school board) to develop and implement a "minority educator recruitment" plan for each school district to give its students opportunities to interact with teachers from other racial, ethnic, and economic backgrounds to reduce racial, ethnic, and economic isolation. The act changes the plan's name to the "increasing educator diversity" plan and requires each school board to submit its plan to the education commissioner by March 15, 2024, for review and approval.

The act requires the commissioner to review each increasing educator diversity plan. She may approve it or return the plan to the school board with instructions to revise it, in which case the school board must revise the plan according to the instructions by May 15, 2024, and resubmit the plan for approval.

Under the act, beginning with the 2024-25 school year, school boards must implement their commissioner-approved plans and post them on their websites. SDE must also posts the plans on its website.

EFFECTIVE DATE: July 1, 2023

§§ 11 & 18 — ASPIRING EDUCATORS DIVERSITY SCHOLARSHIP PROGRAM

Changes the name of the "minority teacher candidate" scholarship program to the "aspiring educators diversity" scholarship program; reduces the maximum annual grant amount from $20,000 to $10,000; requires SDE to hire four staff members to administer the program

Under prior law, SDE administered a minority teacher candidate scholarship program to award an annual scholarship to "minority" students who met the following criteria:

1. graduated from a public high school in a "priority school district" (i.e., generally, districts whose students receive low standardized test scores and have high levels of poverty (CGS § 10-266p(a))) and
2. were enrolled in a teacher preparation program at a four-year higher education institution.

The act renames the program as the "aspiring educators diversity" scholarship program. It also makes a conforming change by replacing references to "minority" students with references to "diverse" students. (The terms have the same meaning under prior law and the act.)

The act makes other changes affecting the program, such as (1) reducing the maximum annual scholarship and (2) requiring SDE to hire four staff members to administer the program.

EFFECTIVE DATE: July 1, 2023

Scholarship Grant Changes

The act reduces the maximum annual scholarship amount that a student may receive from $20,000 to $10,000. It adds the requirement that scholarship recipients be in good standing in their teacher preparation programs.

It also requires the education commissioner to develop scholarship repayment criteria for recipients who are not employed as certified teachers by a local or regional board of education after graduating from a teacher preparation program. Any amounts repaid to the department must be deposited in the General Fund.

Scholarship Administration Policy

The act modifies the scholarship administration policy that prior law required SDE to develop by January 1, 2023. But the act does not specify a deadline for SDE to update the policy. By law, the policy must address the payment and distribution of the scholarships. The act specifies that the policy must include payment and distribution through the teacher preparation programs the recipients are enrolled in.

Existing law also requires that the policy address notifying high school students in priority school districts about the scholarship program. The act adds that this must include the opportunity to apply for the program's scholarship while enrolled in high school and before graduation if the student will be enrolled in a teacher preparation program during the following fall semester at a four-year higher education institution.

Reporting Requirement

The act requires SDE, starting by January 1, 2024, to annually develop a report that includes data on the race and ethnicity of the scholarship recipients and the teacher preparation programs in which they are enrolled. SDE must submit the report to the Education Committee.

Program Staff (§ 18)

The act requires the Office of Policy and Management, in consultation with SDE, to reclassify at least four existing unfilled positions at SDE to administer the aspiring educators diversity scholarship program and implement recruitment and retention programs for diverse educators. Under the act, the reclassification is for FY 24, and SDE must use the funds appropriated to its personal services account to fill four reclassified staff positions.

The act specifies that one reclassified position must require experience in communications, be placed in the Talent Office, and be responsible for marketing the scholarship program and the recruitment and retention programs.

§§ 12-14 — EDUCATOR DIVERSITY POLICY OVERSIGHT COUNCIL

Changes the name of the Minority Teacher Recruitment Oversight Council to the Increasing Educator Diversity Policy Oversight Council and the term "minority" to "diverse" regarding students and educators

The act renames the Minority Teacher Recruitment Oversight Council as the Increasing Educator Diversity Policy Oversight Council. Under existing law, unchanged by the act, the council is a seven-member body within SDE charged with advising the education commissioner on ways to encourage minority students and professionals from other fields to pursue teaching careers. The act makes related changes by replacing the term (1) "minority" with "diverse" (without changing its underlying meaning) and (2) "teachers" with "educators."
EFFECTIVE DATE: July 1, 2023

§ 15 — ADJUNCT PROFESSOR PERMIT

Allows SBE to issue adjunct professor permits to allow part-time, nontenured college instructors to work part-time for a school district; establishes employment limits and criteria

Under existing law, SBE may issue adjunct instructor permits allowing a person with specialized training, experience, or expertise in the arts to teach in certain interdistrict arts magnet high schools (CGS § 10-145n). Beginning with the 2023-24 school year, the act allows SBE to issue adjunct professor permits to allow part-time, nontenured college instructors to be employed by a school board and work part-time for a school district.

The act limits eligibility to instructors who work at either a public or independent higher education institution in Connecticut. It allows permit holders to teach in public high schools for up to 25 classroom instructional hours per week as part of college and career readiness programming, including advanced placement classes, career and technical education, and International Baccalaureate, dual enrollment, dual credit, apprenticeship, and early college experience programs.

Under the act, the adjunct professor permit is valid for three years, and the education commissioner may renew it for good cause upon the request of the employing district's superintendent.

While working, permit holders must be under the supervision of the superintendent or a principal, administrator, or supervisor designated by the superintendent who must regularly observe, guide, and evaluate the permit holder's performance. Additionally, school boards that employ the permit holders must provide a program to assist them, including academic and classroom support services.

The act also requires permit holders to join the applicable exclusive bargaining unit for certified employees and be subject to the same bargaining contract unless the employing school board and the union agree otherwise. The act prohibits permit holders from filling a position that would displace a certified teacher already employed at the school.

Finally, the act makes these permit holders ineligible for membership in the Teachers' Retirement System (TRS) solely due to the permit; however, if permit holders already have regular SBE-issued teacher's certificates, then they cannot be excluded from the TRS.
EFFECTIVE DATE: July 1, 2023

§ 16 — ADDING CURSIVE WRITING AND WORLD LANGUAGES TO THE MODEL CURRICULUM

Adds cursive writing and world languages to the kindergarten to grade eight model curriculum that SDE must develop

The law requires SDE to develop a model kindergarten to grade eight curriculum by January 1, 2024, that school boards may use. The model curriculum must be rigorous, age-appropriate, meet state content standards, follow the state's required program of instruction, and integrate several specific additional topics throughout the curriculum (see *Background — Required Program of Instruction and Kindergarten to Grade Eight Model Curriculum Additional Topics*).

The act adds cursive writing and world languages beginning in kindergarten to the list of additional topics that must be included. It also specifies that school boards may choose to use all or parts of the curriculum. (State law does not mandate that districts use a specific curriculum.)
EFFECTIVE DATE: July 1, 2023

Background — Required Program of Instruction and Kindergarten to Grade Eight Model Curriculum Additional Topics

By law, the required program of instruction includes, among other subjects, the arts; career education; consumer education; health and safety; language arts; mathematics; physical education; science; and social studies, including citizenship, geography, government, history, Holocaust and genocide awareness, African American and Black studies, Puerto Rican and Latino studies, Native American studies, computer programing, world languages for secondary education, vocational education, and (as of July 1, 2025) Asian American and Pacific Islander studies (CGS § 10-16b).

The additional topics that the model kindergarten to grade eight curriculum must already include are 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 citizenship, including instruction in digital citizenship and media literacy;
8. the principles of social-emotional learning; and
9. racism.

§ 17 — HIGH SCHOOL GRADUATION CREDIT FOR CREDIT RECOVERY PROGRAMS

Allows school boards to award high school graduation credit for completing an approved credit recovery program

The act allows local and regional school boards to award high school graduation credit for completing an education commissioner-approved credit recovery program.

EFFECTIVE DATE: July 1, 2023

§ 19 — USE OF CERTAIN OPEN CHOICE FUNDS

Changes terminology describing excess Open Choice funds from "nonlapsing" to "additional," limits the amount of these funds for one earmarked use, and allows any remaining funds to lapse

By March 1 each year, existing law requires the education commissioner to determine whether the number of students enrolled in the Open Choice program (see *Background — Open Choice)* is lower than the number used to set the appropriated funds for the program. If the enrollment is below this number, then she must use the additional funds in specific ways, such as to fund wrap-around services (e.g., academic tutoring, family support, and experiential learning opportunities).

The act limits the earmark for these services to $2 million a year. It also eliminates terms and phrasing that describe the program's excess funds as "nonlapsing" or "not lapsing" and instead refers to the funds as "additional." By replacing these terms, the act allows any funds remaining after any mandated spending to lapse back into the General Fund.

EFFECTIVE DATE: July 1, 2023

Background — Open Choice

Open Choice is a voluntary interdistrict attendance program that allows students from large 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 (CGS § 10-266aa).

Background — Related Act

PA 23-204, § 313, requires the education commissioner to expend $500,000 of any remaining Open Choice funds in FYs 24 and 25 for a grant to The Legacy Foundation of Hartford, Inc. to provide wrap-around services for Open Choice students.

§§ 20-23 & 86 — IMPLEMENTATION OF READING MODELS OR PROGRAMS

Requires a school board that received a waiver from using one of the state-approved reading models to implement its alternative model under the waiver by the 2024-25 school year; allows school boards without a waiver, but that have not adopted a state-approved model, to partially implement a state-approved model over time; eliminates a provision that allowed the commissioner to grant a school board more time for implementation due to insufficient resources or funding; extends a notification deadline

The law requires SDE's Center for Literacy Research and Reading Success director to review and approve at least five reading curriculum models or programs for boards by July 1, 2022. The 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. By law, beginning with the 2023-24 school year, each school board generally must implement one of five approved reading curriculum models or programs for grades pre-kindergarten to three. The act removes pre-kindergarten from the grades subject to this requirement.

Waiver Implementation

By law, school boards may request a waiver from the SDE commissioner to use an alternative reading curriculum model or program instead of an approved one. The act specifies that school boards that receive a waiver must implement their alternative models or programs according to their waivers' provisions starting in the 2024-25 school year.

It also eliminates a provision that allowed the commissioner to grant more time for implementation to a school board that (1) showed it had insufficient resources or funding for implementation and (2) demonstrated ongoing efforts to implement a model or program.

Partial Implementation for School Boards Without Waivers

The act requires boards that have not been granted a waiver and have not fully implemented one of the SDE-approved reading models or programs by the 2023-24 school year to begin partially implementing one of the models or programs so long as the board fully implements it by the 2025-26 school year.

Notice to SDE on Chosen Model or Program

Beginning July 1, 2023, prior law required each school board to notify the literacy center every two years about which model or program it is implementing. The act extends this deadline to July 1, 2025. It correspondingly extends the deadline, from September 1, 2023, to September 1, 2025, for (1) school boards to report to the literacy center on the models and programs they have implemented and (2) the literacy center to publish these choices.

Elimination of Director of Reading Initiatives Position

The act eliminates the requirement that SDE have a director of reading initiatives (§ 86) and makes conforming and technical changes (§ 23).

EFFECTIVE DATE: Upon passage

§ 24 — REVIEW OF ISSUES RELATED TO IMPLEMENTING THE READING MODEL OR PROGRAM

Requires SDE's literacy center to review issues related to implementation of the reading curriculum models and programs

The act requires SDE's literacy center, in consultation with the Reading Leadership Implementation Council, to review issues related to the school boards' implementation of the comprehensive reading curriculum models or programs. The review must include the following:

1. an examination of technical assistance provided to boards that have been denied a waiver;
2. an examination of the impact of SDE's science of reading master class (see *Background — Science of Reading Master Class*) that uses all the components of reading such as phonics, phonemic awareness, fluency, vocabulary, and comprehension; and

3. upon completion of SDE's independent impact evaluation, a determination of how to scale it for use to develop educators who are ready and able to support individual student learning and the science of reading.

EFFECTIVE DATE: Upon passage

Background — Science of Reading Master Class

SDE's science of reading master class offers professional learning for educators from participating districts. The first master class began in 2022 with 11 participating districts and was funded with federal American Rescue Plan Act (P.L. 117-2) funds. The master class is a statewide professional learning program co-created with the Connecticut Association of Public School Superintendents to develop local capacity for the science of reading and components of comprehensive kindergarten to grade three literacy instruction. Components include phonics, phonemic awareness, fluency, vocabulary, and comprehension.

§ 25 — STATEWIDE MASTERY TEST AUDIT

Requires the education commissioner to audit statewide mastery test and local testing requirements along with the preparation and administration time associated with them

The act requires the education commissioner, by January 1, 2025, and within available appropriations, to audit state and local testing requirements and administration. The commissioner must submit a report on the audit to the Appropriations and Education committees by this date.

The audit must focus on the following:

1. the statewide mastery examination (see *Background — Statewide Mastery Exams*) and local standardized assessments used to monitor student and district academic progress and achievement;
2. the amount of time devoted to student preparation or educator instruction for the exam and assessments, including the amount of time taken away from regular instruction; and
3. recommendations on limiting the amount of time devoted to administering these exams and assessments.

Additionally, the act requires that the audit be done in a way that complies with certain requirements in federal law (e.g., including in the audit information on how teachers, principals, and other school leaders use assessment data to improve and differentiate instruction (20 U.S.C. § 6362(e))) so that the commissioner may apply for a grant to do the audit and related activities under the federal Every Student Succeeds Act.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-150, § 5, contains substantially similar requirements.

Background — Statewide Mastery Exams

Public school students statewide must take the following SBE-approved mastery exams that measure essential and grade-appropriate skills:

1. for grades three through eight, exams measuring reading, writing, and mathematics skills;
2. for grades 5, 8, and 11, exams measuring science skills; and
3. for grade 11, a nationally recognized, SBE-approved college readiness assessment (i.e., the SAT) measuring reading, writing and mathematics skills (CGS § 10-14n(a)).

§§ 26 & 27 — LOCAL FOOD FOR SCHOOLS INCENTIVE PROGRAM

Creates in DoAg the local food for schools incentive program to reimburse eligible school boards for buying locally or regionally sourced food for school meal programs; sets reimbursement rates for locally- and regionally-sourced food; outlines the grant process and requires DoAg to develop guidelines; redirects unexpended CT Grown for CT Kids Grant Program funds to the new program

Beginning FY 24 and each year after, the act requires the Department of Agriculture (DoAg), in consultation with SDE, to administer the local food for schools incentive program to reimburse school boards for the purchase of locally sourced or regionally sourced food that may be used in an eligible school meal program.

The act entitles an eligible school board to reimbursement payments in (1) accordance with the guidelines the act requires to be developed and (2) amounts equal to (a) one-half of the board's expenditures for locally sourced foods and (b) one-third of the board's expenditures for regionally sourced foods. An "eligible board of education" is a board of education participating in the National School Lunch Program.
EFFECTIVE DATE: July 1, 2023

Definitions

Under the act, an "eligible meal program" is a meal program provided by an eligible school board to its students or a meal provided as part of the board's participation in the National School Lunch Program, School Breakfast Program, Seamless Summer Option, After School Snack Program, Summer Food Service Program, or the At-Risk Afterschool Meals component of the Child and Adult Care Food Program that the United States Department of Agriculture administers.

"Locally sourced food" is produce and other farm products that have a traceable point of origin within Connecticut that are grown or produced at, or sold by, a local farm. It includes value-added dairy, fish, pork, beef, poultry, eggs, fruits, vegetables, and minimally processed foods. A "local farm" is a farm, farmers' cooperative, food hub, or wholesale distributor located in Connecticut.

"Regionally sourced food" is produce and other farm products that have a traceable point of origin within New York, Massachusetts, Rhode Island, Vermont, New Hampshire, or Maine that are grown or produced at, or sold by, a regional farm. It includes value-added dairy, fish, pork, beef, poultry, eggs, fruits, vegetables, and minimally processed foods. A "regional farm" is a farm, farmers' cooperative, food hub, or wholesale distributor located in one of the six states mentioned above.

Program Reimbursement Grant Process

Under the act, DoAg must receive food reimbursement payment requests from eligible school boards, similar to how the department receives applications under the existing law for school meal programs.

Each eligible school board must keep its expenditure records for all locally or regionally sourced food, as well as documentation, as DoAg requires, confirming the food's origin. Boards must also submit these records and the documentation when DoAg requires it for review.

To be eligible for reimbursement, the locally or regionally sourced food must comply with the existing school meal nutrition standards.

Guidelines

The act requires DoAg to develop guidelines that (1) set a maximum reimbursement amount based on total student enrollment for each eligible school board; (2) help eligible school boards participate in the program; and (3) promote geographic, social, economic, and racial equity, which may include a preference for socially disadvantaged farmers, as defined in federal law.

Program Survey

The act requires DoAg to develop a survey to be distributed annually to any school board that gets reimbursement payments under the program. The survey must be designed to collect information to help the department implement and improve the program.

Supplemental Grants

The act allows DoAg, within available appropriations, to give supplemental grants to eligible school boards in addition to the reimbursement payments. The supplemental grant funds may be used for buying kitchen equipment; engaging with school nutrition or farm-to-school consultants; or training on processing, preparing, and serving locally and regionally sourced food. When awarding supplemental grants, DoAg must give priority to an eligible school board for a town designated as an alliance district.

Related Provisions

Beginning with FY 24, the act requires that the reimbursement payments be reduced proportionately if the total amount for reimbursement payments calculated in that year exceeds the amount appropriated for reimbursements for that year. Additionally, any unexpended funds appropriated for the reimbursement grants do not lapse at the end of the fiscal year; they instead remain available for expenditure during the next fiscal year.

DoAg may accept gifts, grants, and donations, including in-kind donations, for administering the local food for schools incentive program and implementing the act's requirements.

Reporting Requirement

Beginning by January 1, 2025, DoAg must annually submit a report on the local food for schools program to the Education Committee. The report must include an accounting of the funds appropriated to and received by the department for the program, descriptions of the reimbursement payments made, and an evaluation of the program.

Remaining Funds From the CT Grown for CT Kids Program (§ 27)

Beginning with FY 24, the act also requires that any unexpended funds from the CT Grown for CT Kids Grant Program be used to administer the local food for schools incentive program created under the act. The CT Grown for CT Kids Grant Program helps school boards develop farm-to-school programs to increase the availability of local foods in child nutrition programs and encourages educators to use hands-on educational techniques to teach students about nutrition and farm-to-school connections.

§§ 28 & 33 — AEROSPACE AND AVIATION TRAINING

Allows school boards to partner with local businesses to provide aerospace and aviation apprenticeship training programs to students; requires creation of a working group to study the feasibility of an aviation and aerospace high school

The act allows a board of education to partner with local employers in the aviation or aerospace industry to develop and offer an apprenticeship training program for students within its school district. The program must give students (1) on-site training where they learn immediate job skills and earn course credits, (2) information on the CT Aero Tech School for Aviation Maintenance Technicians' educational programs, and (3) help completing the school's admissions application.

The act requires a school board that offers this apprenticeship program to start annually reporting to the Education Committee within 60 days after the first student cohort completes the program. The report must include the number of students who (1) participated in and completed the program and (2) enrolled in the CT Aero Tech School for Aviation Maintenance Technicians after doing so.

Aerospace Advanced Manufacturing High School Working Group (§ 33)

The act requires the Connecticut Technical Education Career System executive director to convene a working group to determine the feasibility, cost, and plan to develop an aerospace advanced manufacturing high school.

It requires the executive director to serve as the working group's chairperson and appoint its members, which must at least include representatives of (1) the Governor's Workforce Council, (2) the Department of Economic and Community Development, and (3) business and community organizations related to the aerospace industry.

The act requires the executive director to report the working group's conclusions and recommendations to the Education Committee by January 1, 2025.

EFFECTIVE DATE: July 1, 2023, except that the provision convening the working group takes effect upon passage.

§ 29 — MODEL PARAEDUCATOR TRAINING PROGRAM FOR HIGH SCHOOL STUDENTS

Requires the education commissioner, by January 1, 2024, and in consultation with the School Paraeducator Advisory Council, to develop a model paraeducator training program for high school students

The act requires the SDE commissioner, by January 1, 2024, and in consultation with the School Paraeducator Advisory Council, to (1) develop a model program for paraeducator training for students in grades 9-12 that would qualify them to work as paraeducators after graduating from high school and (2) distribute the program to each board of education.

The act allows school boards to adopt the program. After doing so, they must annually report to the Education Committee, beginning within one year after adoption, on the number of students who (1) participated in and completed the program by grade and (2) found employment as a paraeducator after graduation.

EFFECTIVE DATE: July 1, 2023

§ 30 — DISSEMINATING INFORMATION ON SCHOOL OPTIONS

Requires school boards to annually distribute information on vocational, technical, technological, and postsecondary education school options to middle school students

By law, each local and regional school board must require its school counselors to give middle and high school students and their parents information on the availability of (1) vocational, technical, technological, and postsecondary education and training at technical education and career schools and (2) agricultural science and technology education at regional agricultural science and technology education centers.

The act also requires each school board to annually distribute this information to middle school students.

EFFECTIVE DATE: July 1, 2023

§ 31 — HIGH SCHOOL PRE-APPRENTICESHIP GRANT PROGRAM

Requires SDE, by January 1, 2024, to establish a pre-apprenticeship grant program for boards of education that have DOL-registered pre-apprenticeship programs in their high school curriculum

The act requires SDE, by January 1, 2024, to establish a pre-apprenticeship grant program within available appropriations. Under the program, the department must award grants to any local or regional board of education that incorporates a pre-apprenticeship program in its curriculum for grades 9-12, so long as the program is registered with the Department of Labor (DOL) and meets any related criteria SDE establishes. Under the act, SDE must award grants of at least $1,000 for each student who completes the program.

The act requires SDE, starting by January 1, 2025, to annually report to the Education Committee on the grant program, including the amount of grants awarded and types of pre-apprenticeship programs students completed during the prior year.

EFFECTIVE DATE: July 1, 2023

§ 32 — EXPANSION OF DUAL CREDIT AND DUAL ENROLLMENT PROGRAMS

Requires SDE, in partnership with boards of education and public higher education institutions, to expand opportunities for dual credit and dual enrollment for high school students, including courses required for health care occupations

The act requires SDE, by January 1, 2024, to expand dual credit and dual enrollment opportunities for students in grades 9-12 in various subject areas, including courses required to pursue health care occupations. The department must do this (1) within available funding limits and (2) in partnership with local and regional boards of education and public and independent higher education institutions.

Under the act, SDE must include the following in the expanded opportunities:

1. new resources, such as an online inventory of dual credit and dual enrollment programs, and model agreements to promote information sharing between boards of education and higher education institutions;
2. support for curriculum development and teacher and faculty professional development to create new career pathways for in-demand industries, such as health care; and
3. tuition assistance for students who enroll in dual credit and dual enrollment programs.

The act requires SDE to report to the Education Committee on its efforts to expand dual credit and dual enrollment opportunities by January 1, 2024.

EFFECTIVE DATE: July 1, 2023

§§ 34 & 35 — SCHOOL NURSES AND NURSE PRACTITIONERS

Exempts school nurses and nurse practitioners from the work experience requirement in state regulations; requires employing boards of education to provide 15 hours of professional development biennially to school nurses and nurse practitioners beginning with the 2024-25 school year

Appointment Qualifications (§ 34)

Prior law required all school nurses and nurse practitioners who local or regional boards of education appoint to meet the qualifications set in state regulations, which SBE adopted in consultation with the Department of Public Health (see Conn. Agencies Regs., § 10-212-2). The act creates an exception to the work experience requirement in state regulation, specifically by exempting appointed or contracted school nurses or nurse practitioners from having at least the equivalent of one year of full-time work experience as a registered nurse in the five years immediately before their appointment or employment in the position.

Professional Development (§§ 34 & 35)

Beginning with the 2024-25 school year, the act requires each school nurse or nurse practitioner appointed by or under contract with a board of education to complete at least 15 hours of professional development programs or activities biennially. The employing board must annually approve and provide these programs or activities, which must include training and instruction in implementing individualized education programs (IEP) and 504 plans (see *Background — IEPs and 504 Plans*).

Additionally, for any new school nurse or nurse practitioner, the board must provide the IEP and 504 plan training within 30 days after the person is appointed by or begins a contract with the board.

EFFECTIVE DATE: July 1, 2023

Background — IEPs and 504 Plans

An IEP is a written statement detailing the student's academic achievement level, goals for future achievement, and specialized educational services needed to reach the goals. Federal law requires school boards to develop IEPs for students eligible to receive special education and related services (Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.).

Section 504 of the federal Rehabilitation Act of 1973 protects students with mental or physical disabilities from discrimination in public schools (29 U.S.C. § 794). Students who receive school accommodations under this law have them memorialized in a written plan, commonly known as a "504 plan."

§ 36 — COMMISSION TO STUDY EDUCATION FUNDING AND ACCOUNTABILITY MEASURES

Creates a new commission to study various educational issues, including funding for local school districts, charter schools, and magnet schools, and related accountability measures

The act creates the Building Educational Responsibility with Greater Improvement Networks Commission to study various educational issues, including (1) funding for local school districts, charter schools, and magnet schools and (2) accountability measures for alliance districts (educational reform districts and legacy alliance districts, under the act), charter schools, and magnet schools.

It must also study the adequacy of financial reporting by (1) school boards, including the reporting associated with participation in the Open Choice program; (2) the governing councils of state and local charter schools and charter management organizations; and (3) operators of interdistrict magnet school programs. Additionally, the study must include the financial impact of interdistrict magnet school programs, charter schools, and the Open Choice program on school boards, including Education Cost Sharing (ECS) grant amounts; transportation costs; special education services; and other general educational costs for children who live in the school district but do not attend a school under the school board's jurisdiction.

The act specifies four parts of the study. The first part examines school district, charter school, and magnet school funding entitlements and must at least include the following:

1. the compensation, benefits, retention, and recruitment of teachers, paraprofessionals, and social workers;
2. restrictions on the use of, and reporting requirements for, any additional funds received under the act (both ECS

funds and the new grants);
3. optimal class sizes; and
4. the inclusion of special education as a need factor in the ECS grant formula.

The second part focuses on alliance districts and must at least include (1) an analysis of how school boards develop alliance district plans and how the education commissioner reviews and approves the plans and (2) recommendations for narrowing the focus of or replacing the plans. The study must also consider the following:

1. whether to eliminate SDE's authority to withhold a portion of an alliance district's ECS grant for failing to comply with specified requirements,
2. the feasibility of creating independent financial audits of the expenditures under the entire budget of an alliance district's school board,
3. the feasibility of requiring alliance district school boards to hold hearings on interventions and annually evaluate any new programming established in the school district,
4. guidelines for hiring non-classroom personnel, and
5. interventions that SDE may take regarding an alliance district's operations.

The third part addresses charter schools and must include the following:

1. the feasibility of a full grade expansion of existing charters, including grade expansion;
2. an examination of the impact of moratoriums on any new charter school approval, as well as new magnet school program approval; and
3. a consideration of the duration of a charter's validity and SBE's standards used to determine whether to renew a charter.

The fourth part of the study looks at magnet schools and must include oversight policies on tuition increases, enrollment, and funding caps for magnet school programs operated by regional education service centers (RESC).
EFFECTIVE DATE: Upon passage

Commission Membership

Under the act, the House speaker, Senate president pro tempore, education commissioner, and Office of Policy and Management secretary, or their respective designees, are commission members. The table below shows the 16 additional members, their appointing authorities, and any required organizational affiliations.

Commission to Study Education Funding Membership and Appointing Authority

Appointing Authority (Appointments)	*Member Organization or Position*
House speaker (two)	• Connecticut Association of Public School Superintendents representative • RESC Alliance representative
Senate president pro tempore (two)	• Special Education Equity for Kids representative • Center for Children's Advocacy representative
House majority leader (three)	• Connecticut School Counselor Association representative • Connecticut Education Association representative • Connecticut Voices for Children representative
Senate majority leader (three)	• American Federation of Teachers-Connecticut representative • ConnCAN representative • School and State Finance Project representative
House minority leader (three)	• Connecticut Association of School Administrators representative • Connecticut Association of School Business Officials representative • Local or regional board of education member for an alliance district, selected in consultation with the Connecticut Association of Boards of Education
Senate minority leader (three)	• Connecticut Charter School Association representative • Executive director of an agricultural science and technology education center • Connecticut Council of Administrators of Special Education representative

Organizational Matters and Report Deadline

Under the act, appointing authorities must make all initial commission appointments by July 28, 2023, and fill any vacancies. The House speaker and Senate president pro tempore, or their designees, serve as the chairpersons. They must schedule and hold the commission's first meeting by August 27, 2023. The Education Committee's administrative staff must serve as the commission's administrative staff.

The commission must submit the part of its study on funding for local and regional boards of education, charter schools, and magnet schools, with findings and recommendations, to the Appropriations and Education committees by February 1, 2024. It must submit the remaining parts to the Education Committee by January 15, 2025. The commission terminates when it submits the last report or on July 1, 2025, whichever is later.

§ 37 — ANNUAL ENROLLMENT REPORTS

Requires local and regional boards of education, magnet school operators, and charter school governing councils to annually report enrollment data as of April 1 to SDE

The act requires each local and regional board of education, interdistrict magnet school operator, and state or local charter school governing council to submit to SDE by May 20 each year the number of students enrolled in their schools (as of April 1).

The act also imposes an additional reporting requirement on any local or regional board of education that (1) is a sending district or receiving district participating in the statewide interdistrict public school attendance program (i.e., Open Choice) or (2) operates an interdistrict magnet school program or an agricultural science and technology educator center. These boards must annually submit to SDE the number of students participating in the applicable program as of April 1. The data must be reported separately for in-district and out-of-district students.

EFFECTIVE DATE: July 1, 2023

§§ 38-40 — RENAMING AND REVISING THE ALLIANCE DISTRICTS

Renames the alliance districts as the educational reform districts and reduces the number of these designated districts to 20; makes conforming changes in ECS and tiered PILOT grants law

Beginning in FY 25, the act renames the alliance districts as "educational reform districts" and revises the alliance district program. The act reduces the number of districts with this designation from 36 to 20. It also defines a "legacy alliance district" as a school district for a town that was designated as an alliance district for FYs 13-24. This means the legacy alliance districts include all the educational reform districts and the 16 other districts that are no longer designated alliance districts. (PA 23-208, § 12, repeals these changes.)

By law (and now unchanged due to PA 23-208), an alliance district is a school district that (1) is among the towns with the 33 lowest accountability index (AI) scores as calculated by SDE or (2) was previously designated as an alliance district from FYs 13-22. Additionally, the law requires the education commissioner to designate 36 alliance districts for the five-year period from FYs 23-27.

The act requires the education commissioner to designate as educational reform districts the districts among the towns with the 20 lowest AI scores for a two-year period beginning with FY 25. It also repeals the definition of "educational reform district," which is an alliance district that is among the 10 lowest AI scores in the state.

Under prior law, the state comptroller must withhold from an alliance district town any increase in ECS funds that exceeds the amount the town received in FY 12 (the year the alliance district program began). But, for districts designated as alliance districts for the first time for FY 23, the comptroller must withhold ECS funds over the FY 22 amount. The comptroller must transfer the money to the education commissioner to withhold until she approves the district's alliance district application and plan to improve academic performance.

Under the act, beginning with FY 25, the amount that must be withheld for the 20 educational reform districts is the amount of ECS funds they are entitled to that exceeds the amount the town received in FY 12.

By law, the alliance districts must spend their alliance funds (1) according to the plan submitted with the application; (2) on the minority candidate certification, retention, and residency program; (3) on ECS spending requirements; and (4) for any other items allowed under SDE guidelines. The act refers to the plan specifically as an "improvement plan."

The act requires each participating school board to submit the improvement plan to SDE. Under prior law, this was just referred to as a plan, but it is the same requirement.

The act also allows a school district that has not been designated an educational reform district, but is among the 50 towns with the lowest AI scores, to request technical assistance or other interventions from SDE to provide student academic support services. (PA 23-208, § 12, repeals the changes made in § 38.)

Conforming Changes for ECS and Payment in Lieu of Taxes (PILOT) Funds (§§ 39 & 40)

The act makes conforming changes in two laws that reference alliance districts.
EFFECTIVE DATE: July 1, 2024

Background — Related Act

PA 23-208, § 12, repeals the changes made in §§ 39-40, except the language specifying the alliance district plan is an "improvement" plan.

§ 41 — ALLIANCE DISTRICT HOLDBACK FOR MINORITY TEACHER PROGRAM FUNDING

Requires SDE to calculate alliance districts' funding holdback for minority teacher residency candidates using a new formula for FY 24; limits this formula to FY 24 only

Existing law requires each alliance district to partner with a minority teacher residency program operator to enroll minority candidates and place them in the district for a 10-month residency. SDE withholds from each alliance district 10% of an increase in alliance aid for grant payments to cover costs associated with these candidates' (1) enrollment in a residency program, (2) teacher certification process, (3) hiring after successful program completion, or (4) retention as certified employees (CGS § 10-156gg).

Prior law required the education commissioner, beginning in FY 23, to withhold 10% of any increase in funds that the district receives for that FY that exceeds the amount of funds it received in FY 20. The act instead (1) limits this withholding requirement to FY 24 only and (2) for FY 24, requires the commissioner to calculate the withheld amount as 10% of any increase in funds the alliance district received in FY 21 over the amount of funds it received in FY 20.
EFFECTIVE DATE: July 1, 2023

Background — Alliance Districts

By law, alliance districts are the 36 school districts that have the lowest achievement, as rated by the state's accountability index (CGS § 10-262u(b)(3)). Calculated by SDE, the accountability index ranks school districts by combining various measures of student performance, primarily standardized assessment scores, into a single score (CGS § 10-223e).

§ 42 — INDOOR AIR QUALITY WORKING GROUP

Expands the school indoor air quality working group's charge and extends its reporting deadline

PA 22-118 created a 23-member working group on school indoor air quality to study and make recommendations on various related issues, such as (1) optimal temperature ranges to ensure healthy air and promote student learning; (2) emergency air quality conditions that warrant temporary school closures; and (3) best practices for properly maintaining school heating, ventilation, and air conditioning system (HVAC) systems. For the third issue, the act specifies that the group's recommendations must also include the frequency and scope of the maintenance.

The act also requires the working group to study and recommend (1) a needs-based system for equitably distributing funds under the HVAC system grant program for schools and (2) ways to make accessible and searchable the reports and results of the uniform inspections and evaluations of the indoor air quality and HVAC systems.

The act extends, from January 4, 2023, to July 1, 2024, the deadline by which the working group must report to the Education, Labor and Public Employees, and Public Health committees.
EFFECTIVE DATE: Upon passage

§§ 43 & 44 — SCHOOL INDOOR AIR QUALITY PROGRAM

Requires more frequent indoor air quality inspections; requires the inspection reports to be submitted to DAS on a form the agency creates

The act requires school districts to do more frequent inspections and evaluations of public school indoor air quality and to submit the inspection results to the Department of Administrative Services (DAS), which must post them on its website. Prior law required these inspections every three years for any school constructed, extended, renovated, or replaced on or after January 1, 2003. The act instead requires them annually beginning January 1, 2024.

It also gives school districts more time to have a less frequent HVAC inspection that must be done by a certified technician, certified industrial hygienist, or a mechanical engineer. Prior law required these inspections to be done before January 1, 2024, and every five years after that. The act moves the deadline to January 1, 2025, and creates a waiver process for certain situations.

Annual Air Quality Inspection or Evaluation

Prior law required school districts to do uniform indoor air quality inspections and evaluations every three years for any school built or renovated on or after January 1, 2003. It allowed them to do so using the federal Environmental Protection Agency's (EPA) Indoor Air Quality Tools for School Program (see *Background — Tools for Schools*). The act instead makes the inspections annual and requires the inspections to use this EPA program.

By law, unchanged by the act, the inspection or evaluation must cover the following, among other things: HVAC systems; radon levels; potential for exposure to microbiological airborne particles, including fungi, mold, and bacteria; chemical compounds of concern to indoor air quality, including volatile organic compounds; pest infestation, including insects and rodents; the degree of pesticide usage; plumbing, including water distribution and drainage systems; and indoor air quality maintenance training for staff.

By law, the inspection results must be made public at a school board meeting and posted online.

HVAC Inspection by Certified Technician or Hygienist or Mechanical Engineer

The act extends, from January 1, 2024, to January 1, 2025, the deadline for school districts to start having five-year HVAC inspections done by a certified testing, adjusting, and balancing technician; industrial hygienist certified by the American Board of Industrial Hygiene or the Board for Global EHS Credentialing; or a mechanical engineer.

By law, a "certified testing, adjusting and balancing technician" is (1) a technician certified to do testing, adjusting, and balancing of HVAC systems by the Associated Air Balance Council, the National Environmental Balancing Bureau, or the Testing, Adjusting and Balancing Bureau (TABB) or (2) someone training under the supervision of a (a) TABB-certified technician or (b) person certified to do ventilation assessments of HVAC systems through a certification body accredited by the American National Standards Institute.

Waiver

The act creates a process for DAS to grant one-year waivers for the January 1, 2025, deadline.

Upon a school board's request, DAS may waive the deadline if it finds that:

1. there are not enough certified testing, adjusting, and balancing technicians; certified industrial hygienists; or mechanical engineers to do the inspection and evaluation or
2. the board scheduled the inspection and evaluation for a date after January 1, 2025.

The act also allows school boards that had an inspection done in a different format that DAS deems equivalent to use the inspection instead of the uniform inspection and evaluation required under the law.

School Indoor Air Quality and HVAC Reporting Forms (§ 43)

The act requires DAS to develop standard school building indoor air quality reporting forms for boards of education to use when conducting either the annual air quality inspection or five-year HVAC inspection. DAS must make the forms available on its website, and it may consult with representatives from the indoor air quality and HVAC industry to develop them.

The act requires that school boards submit the report and results for both inspections to DAS using these standard forms.

EFFECTIVE DATE: July 1, 2023

Background — Tools for Schools

The EPA's Tools for Schools program helps schools identify and address indoor air quality issues, including by using its action kit, which has guidance for existing school staff to do practical inspections and take other steps at little or no cost.

§ 45 — OPTIMAL TEMPERATURE COMFORT RANGE GUIDELINES

Requires DPH to develop temperature comfort range guidelines for school buildings

The act requires the Department of Public Health (DPH), by July 1, 2024, to develop guidelines for an optimal temperature comfort range of 65 to 80 degrees Fahrenheit in school buildings and facilities. It allows gymnasiums and natatoriums to have a larger range.
EFFECTIVE DATE: July 1, 2023

§ 46 — PATHWAYS IN TECHNOLOGY EARLY COLLEGE HIGH SCHOOL PROGRAM GRANT

Requires SDE to create a grant for new or expanded pathways in technology early college high school programs in alliance districts

The act requires SDE to create a grant for new or expanded pathways in technology early college high school programs in alliance districts. Under the act, a "pathways in technology early college high school program" is an instructional program in which students in grades 9-12, inclusive, complete high school and college-level coursework while also engaging in industry-guided workforce development.

Starting with FY 2024, SDE must annually issue a request for proposals to alliance district school boards to (1) enhance an existing pathways in technology early college high school program or (2) establish a new public-private partnership (i.e., a relationship between an alliance district board of education, a community college, and a private entity to create a pathways in technology early college high school program). (PA 23-208, § 6, changes the program start date to FY 2025.)

The department must review the proposals and award a grant to two school boards for the costs associated with establishing a new public-private partnership or enhancing a pathways in technology early college high school program.
EFFECTIVE DATE: July 1, 2023

§§ 47-71, 74 & 87 — CHANGES TO SCHOOL CLIMATE DUTIES AND PROCEDURES

Makes various changes to school climate duties and procedures, including defining "school climate" and related terms; requires (1) the Social and Emotional Learning and School Climate Advisory Collaborative to develop school climate standards based on national guidelines; (2) each school district to have a school climate coordinator and each school to have a school climate specialist and a school climate committee; (3) each school climate committee to biennially administer a school climate survey; and (4) the creation of a school climate improvement plan that aligns with the state's school climate standards

The law imposes various duties and procedures on school employees, local and regional boards of education, SDE, and other entities aimed at creating safe school climates and preventing and investigating bullying. The act changes these duties and procedures by, among other things, requiring (1) the Social and Emotional Learning and School Climate Advisory Collaborative to develop school climate standards based on national guidelines, (2) the creation of a school climate improvement plan to enhance classroom safety, (3) each school district to have a school climate coordinator and each school to have a school climate specialist and school climate committee, and (4) the SDE commissioner to establish a working group to study current school discipline practices.
EFFECTIVE DATE: July 1, 2023, except the provisions modifying or repealing existing statutes (§§ 56-70 & 87) are effective July 1, 2025.

Connecticut School Climate Policy and the Social and Emotional Learning and School Climate Advisory Collaborative (§§ 47-49, 65-66 & 87)

Under the act, the "Connecticut school climate policy" is the school climate policy developed, updated, and approved by a Connecticut association representing boards of education. Also, the policy must (1) be adopted by the collaborative; (2) have a framework for an effective and democratically informed school climate improvement process that implements the Connecticut school climate standards; and (3) include a continuous cycle of planning and preparation, evaluation, action planning, and implementation (§ 47).

The act creates a transition period before its new provisions are required to be implemented. Over the next two school years (2023-24 and 2024-25), the act allows local and regional boards of education to adopt and implement the Connecticut school climate policy. Under the act, boards that do so are no longer required to, among other things:

1. implement a safe school climate plan and administer school climate assessments (CGS § 10-222d);
2. use bullying and teen dating violence prevention and intervention strategies (CGS §§ 10-222d & 10-222g); and
3. appoint a district safe school climate coordinator to work with safe school climate specialists and safe school climate committees for the schools in their respective districts (CGS § 10-222k).

By the 2025-26 school year, the act requires, rather than allows, all boards of education to adopt and implement the Connecticut school climate policy, since the act repeals the above statutes effective July 1, 2025 (§§ 49 & 87).

Relatedly, the act requires the Social and Emotional Learning and School Climate Advisory Collaborative to convene a subcommittee to do the following:

1. provide guidance to local and regional boards on implementing the Connecticut school climate policy;
2. develop Connecticut school climate standards based on nationally recognized school climate research and best practices by February 1, 2024; and
3. create a uniform bullying complaint form for SDE and local and regional boards of education to include on their websites and student handbooks (§ 48).

The act also makes minor and conforming changes to the collaborative's statutes to reflect other changes in the act (§§ 65 & 66).

Definitions. Under the act, "school climate" is the quality and character of the school life, with a particular focus on the quality of the relationships within the school community, which is based on patterns of people's experiences of school life, reflecting the school community's norms, goals, values, interpersonal relationships, teaching, learning, leadership practices, and organizational structures. The "school community" is the (1) people, groups, businesses, public institutions, and nonprofit organizations invested in the school system's welfare and vitality; (2) students and their families; (3) board of education members; and (4) school volunteers and employees (§ 47). This school climate definition is similar to the one under current law that the act repeals (see § 87 and CGS § 10-222d(a)(9)).

"Bullying" is unwanted and aggressive behavior among children in grades kindergarten to 12, inclusive, that involves a real or perceived power imbalance. This definition is different from the one under law that the act repeals. Under current law, "bullying" is a severe, persistent, or pervasive direct or indirect act that (1) causes physical or emotional harm to an individual, (2) places an individual in reasonable fear of physical or emotional harm, or (3) infringes on an individual's rights or opportunities at school. It includes a written, oral, or electronic communication or a physical act or gesture based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability; or by association with an individual or group who had or was perceived to have one or more of these characteristics (see § 87 and CGS § 10-222d(1)).

School Climate Personnel (§§ 47, 50-52 & 87)

Current law establishes a hierarchy of people within schools and school districts responsible for developing and implementing safe school climate plans, biennial school climate assessments, and other reporting requirements (CGS § 10-222k). The act sunsets this hierarchy (§ 87), and beginning with the 2025-26 school year, requires district- and school-level administrators and staff to assume similar roles to implement the act's replacement provisions (§§ 50-52).

District School Climate Coordinator (§ 50). Under the act, each school district's superintendent, or an administrator appointed by the superintendent, must serve as the district's school climate coordinator. This differs slightly from current law, which requires the superintendent to appoint a district safe school climate coordinator from among existing school district staff (see § 87 and CGS § 10-222k(a)). Under the act, the school climate coordinator's duties include the following, which are similar to those for district safe school climate coordinators under current law:

1. giving all schools district-level leadership and support for implementing their school climate improvement plans (see § 54 below);

2. collaborating with each school's school climate specialist to (a) develop a continuum of strategies to prevent, identify, and respond to challenging behavior, including alleged bullying and harassment in the school environment, and (b) communicate the strategies to the school community, including through publishing them in the district student handbook;
3. collecting and maintaining data about school climate improvement, including school discipline records, school climate assessments, attendance rates, social and emotional learning assessments, academic growth data, types of bullying complaints submitted by school community members, types of challenging behavior addressed using the restorative practices response policy (see § 74 below), and data on the implementation of restorative practices; and
4. meeting at least semiannually during the school year with each school's school climate specialist to (a) identify strategies to improve "school climate" (see above), including by responding to challenging behavior and implementing evidence and research-based interventions, such as restorative practices; (b) propose revisions to the school climate improvement plan; and (c) help complete the school climate survey (see § 53 below).

Under the act, "challenging behavior" is behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee (§ 47). This term is somewhat similar to "hostile environment" under current law that the act repeals, which is a situation in which bullying among students is sufficiently severe or pervasive to alter the conditions of the school climate (see § 87 and CGS § 10-222d).

The "school environment" under the act is a school-sponsored or school-related activity, function, or program done on or off school grounds, including at a school bus stop or on a school bus or other vehicle owned, leased, or used by a local or regional board of education. It may also include other activities, functions, and programs that occur outside of a school-sponsored or school-related activity, function, or program if the bullying done at it negatively impacts the school environment (§ 47). Current law does not have an equivalent definition.

School Climate Specialist (§ 51). Under the act, each school's principal must serve as the school climate specialist for the school unless he or she designates a professionally certified school employee trained in school climate improvement or restorative practices to be the specialist. This is similar to current law, which requires each principal to be the safe school climate specialist unless he or she designates someone else (see § 87 and CGS § 10-222k(b)). Under the act, the school climate specialist's duties include the following, which are similar to those for safe school climate specialists under current law:

1. leading in the prevention, identification, and response to challenging behavior, including reports of alleged bullying and harassment;
2. implementing evidence- and research-based interventions, including restorative practices;
3. scheduling meetings for and leading the school climate committee; and
4. leading the school climate improvement plan's implementation.

School Climate Committee (§ 52). The act requires each school to have a school climate committee with racially, culturally, and linguistically diverse members who are appointed by the school climate specialist and representative of various roles in the school community. The specialist, in coordination with the school climate coordinator, must annually review and approve the committee's membership, which must consist of the following people:

1. the school climate specialist;
2. a teacher selected by the certified employees' union;
3. a group of students (of an unspecified number) that is demographically representative of the school, as developmentally appropriate;
4. enrolled students' families; and
5. other school community members whom the school climate specialist wishes to appoint.

Current law requires schools to have similar committees, although the act does not continue the current requirement that the school's medical and mental health personnel serve on the committee (see § 87 and CGS § 10-222k(c)).

Under the act, the school climate committee's responsibilities include the following, which are similar to those for committees under current law:

1. helping with the annual school climate survey's development, scheduling, and administration;
2. reviewing and using school climate survey data to identify strengths and challenges to improve school climate;
3. creating or proposing revisions to the school climate improvement plan;
4. helping with the school climate improvement plan's implementation;
5. advising on strategies to improve school climate and implementing evidence and research-based interventions, including restorative practices, in the school community;
6. annually notifying the school community about the uniform bullying complaint form or a similar form used by the school; and
7. engaging the school community in the school climate improvement plan's implementation at meetings during the school year held at least semiannually.

Among other differences, the act does not continue the following duties for committees under current law:

1. receiving copies of completed reports after bullying investigations and
2. implementing the school security and safety plan's provisions that govern the collection, evaluation, and reporting of information on instances of disturbing or threatening behavior that may not meet the definition of bullying (see § 87 and CGS § 10-222k(c)).

School Climate Survey (§§ 47, 53 & 87)

The act requires each school's school climate committee, beginning in the 2025-26 school year, to biennially administer a school climate survey to students, their families, and school employees. Students' parents or guardians must (1) receive prior written notice that the survey is being administered and about its content and (2) have a reasonable opportunity to opt students out of the survey (§ 53).

Under the act, a "school climate survey" is a research-based, validated, and developmentally appropriate survey administered to students, their families, and school employees in the predominant languages of the school community, that measures and identifies school climate needs and tracks progress through a school climate improvement plan (see § 54 below) (§ 47).

The surveys under the act replace the requirements on school climate assessments and related analyses under current law that the act repeals. Among other things, current law requires SDE to distribute department-approved school climate assessments to all public schools, schools to biennially administer the assessments, and SDE to analyze district efforts to prevent and respond to bullying in schools and annually report on this analysis to the Education and Children's committees (see § 87 and CGS §§ 10-222d & 10-222h).

School Climate Improvement Plan (§§ 47, 54, 71 & 87)

Beginning in the 2025-26 school year, the act requires each school's school climate specialist, in collaboration with the district's school climate coordinator, to develop a school climate improvement plan and update it as needed (§ 54).

Under the act, "school climate improvement plan" is a building-specific plan developed by the school climate committee, in collaboration with the school climate specialist, using school climate survey data and other relevant information through a process that engages and involves all school community members in a series of overlapping systemic improvements, schoolwide instructional practices, and relational practices that prevent, identify, and respond to challenging behavior, including alleged bullying and harassment in the school environment (§ 47).

The plans under the act replace the requirement for schools to develop safe school climate plans, which the act repeals. Among other things, current law requires:

1. local and regional boards of education to develop and implement safe school climate plans that generally address the existence of bullying and teen dating violence in their schools;
2. district safe school climate coordinators to implement their district's safe school climate plan; and
3. SDE to review safe school climate plans submitted by boards of education for approval or rejection (see § 87 and CGS §§ 10-222d, 10-222k & 10-222p).

The act requires each school climate improvement plan to align with the Connecticut school climate standards and be based on (1) the results of its school climate survey, (2) any recommendations from its school climate committee, (3) certain protocols and supports, and (4) any other data its school climate specialist and school climate coordinator consider relevant (§§ 54 & 71). The plan must be submitted to the school climate coordinator by December 31 each year for review and approval. Once approved, the plan must be made available to the school community in written or electronic form and be used to prevent, identify, and respond to challenging behavior (§ 54). (The act does not give a deadline for the climate coordinator to act on the submitted plan and does not indicate what happens if the plan is not approved.)

School Climate Improvement Plans' Protocols and Supports. Under the act, school climate improvement plans' protocols and supports must enhance classroom safety and address challenging behavior. They must also at least include the following:

1. contact information for (a) the administrator the school climate specialist designates to be notified by school employees about any challenging behavior incidents that result in student discipline or removal from the classroom and (b) any other administrator or school employee to be notified of these incidents in the designated administrator's absence;
2. the process the designated administrator will use to assess the facts, severity, and intentionality of a challenging behavior incident;
3. each designated location where a student may be sent when he or she is temporarily removed from a classroom, and the supports the student may receive there, including (a) intervention from a trained school employee, (b)

therapeutic resources, (c) available mental health supports, (d) instructional materials, and (e) technology or other resources to address the student's temporary needs;

4. ways to address challenging behavior, enhance resiliency, increase the use of de-escalation strategies, and improve social and emotional skills, including training, therapeutic mental health supports, restorative practices, or trauma-informed instructional strategies;
5. the safeguards established to ensure that any supports, services, or interventions given to any student who receives special education or accommodation for a disability comply with the student's individualized education program under state special education law or an accommodation plan under federal law; and
6. a prohibition on discriminating or retaliating against anyone who reports or assists in the investigation of a challenging behavior incident.

Protocols and Supports Tiered Responses. The act further requires the protocols and supports to specify tiered responses to challenging behavior incidents, based on their level of impact or frequency, that:

1. require temporarily clearing a classroom or removing a majority of students to reduce likelihood of injury;
2. indicate credible intention to cause bodily harm to self or others; or
3. result in an injury that requires medical attention beyond basic first aid, or less severe injuries caused by the same person on more than one occasion, verified by the school nurse or other medical professional.

These tiered responses must include at least the following:

1. for a single incident, the school principal must notify the parents or guardians of each student involved in a way that complies with the federal Family Educational Rights and Privacy Act (FERPA);
2. for each following incident, the school principal must invite the parents or guardians of each student involved to a meeting (either in person at the school or virtually) to discuss the specific supports or interventions that are applicable to the student, including restorative practices; and
3. for multiple incidents, or a single incident that causes severe harm, the school principal must give notice to the parents or guardians of each student involved about other resources for supports and interventions, including the 211 Infoline program, Behavioral Health Partnership services or programs, or other resources for professional services, support, or crisis intervention.

Protocols and Supports Reports and Meetings. Relatedly, the act requires the protocols and supports to also have a requirement for the superintendent to, at least annually, report the number of challenging behavior incidents that occurred the previous year to the school board. This report must also include the grade level of each student involved and the supports, services, or interventions given in response to address the needs of the students and school employees. The report must be made in a way that does not result in the disclosure of identifiable student data in keeping with FERPA and federal Department of Education data suppression guidelines.

Lastly, for challenging behavior incidents, the act requires the protocols and supports to require a meeting, within two days after the incident, between an administrator and the school employee who witnessed the incident to determine the supports and interventions required to address the students' and school employees' needs. If a student who receives special education is involved, notice about the incident must be submitted to the student's planning and placement team within two days after the incident and the student's supports and interventions must be determined by his or her team. The protocols and supports must also specify a process for a teacher to request a behavior intervention meeting with the school's crisis intervention team (§ 71).

Comparison to Current Law. Among other things, the act's school climate improvement plans do not continue the following elements that current law explicitly requires for safe school climate plans:

1. enabling students to anonymously report, and parents or guardians to report in writing, acts of bullying to school employees;
2. including language about bullying in student codes of conduct;
3. establishing a procedure for each school to maintain a list of the number of verified acts of bullying in the school, make this list available for public inspection, and annually report this number to SDE; and
4. requiring the principal of a school, or the principal's designee, to notify the appropriate local law enforcement agency when the principal, or the principal's designee, believes that any bullying is criminal conduct (see § 87 and CGS § 10-222d(b)).

Training Resources (§§ 47, 55 & 87)

Beginning in the 2024-25 school year, the act requires each local and regional board of education to provide training and resources to school employees on (1) school climate and culture; (2) social and emotional learning; and (3) evidence- and research-based interventions, including restorative practices (see § 74 below). The act allows the resources and training to be made available at each school under the board's jurisdiction and to include technical assistance for implementing a

school climate improvement plan. The school climate coordinator must select and approve the training providers, and any school employee may participate in the training (§ 55).

Under the act, a "school employee" is any of the following people:

1. a teacher, substitute teacher, administrator, school superintendent, school counselor, school psychologist, social worker, school nurse, physician, paraeducator, or coach employed by a local or regional board of education or
2. anyone else who, under contract with a board of education, (a) has duties that bring them in regular contact with students and (b) provides services to, or on behalf of, students enrolled in a public school.

"Social and emotional learning" is the process by which children and adults achieve emotional intelligence through self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. Under the act, "emotional intelligence" is the ability to do the following:

1. perceive, recognize, and understand emotions in oneself or others;
2. use emotions to facilitate cognitive activities, including reasoning, problem solving, and interpersonal communication;
3. understand and identify emotions; and
4. manage emotions in oneself and others (§ 47).

These definitions are substantially similar to ones under current law that the act repeals (see § 87 and CGS § 10-222d). The act also relatedly repeals from current law the statewide safe school climate resource network, which SDE had to establish to make available to all schools information, training opportunities, and resource materials to improve the school climate and diminish bullying and teen dating violence (see § 87 and CGS § 10-222i).

Restorative Practices Response Policy (§ 47 & 74)

Beginning with the 2025-26 school year, the act requires each local and regional board of education to adopt a restorative practices response policy to be implemented by school employees for challenging behavior incidents or nonviolent student conflict that does not constitute a crime. The act prohibits the policy from including the involvement of a school resource officer or other law enforcement official unless the challenging behavior or conflict escalates to violence or constitutes a crime (§ 74).

Under the act, "restorative practices" are evidence and research-based system-level practices that focus on the following:

1. building high-quality, constructive relationships among the school community;
2. holding the student accountable for challenging behavior; and
3. ensuring the student has a role in repairing relationships and reintegrating into the school community (§ 47).

Minor, Conforming, and Technical Changes (§§ 47, 56-64, 67-70 & 87)

The act makes minor, conforming, and technical changes in the education laws relating to statutes the act repeals and the new school climate personnel and plans the act creates. These include the following:

1. carrying forward definitions for "cyberbullying," "teen dating violence," "mobile electronic device," and "electronic communication" under current law that the act repeals (see §§ 47 & 87 and CGS § 10-222d);
2. revising the school climate personnel for purposes of training by SDE and the Department of Mental Health and Addiction Services (§§ 61 & 70);
3. replacing the safe climate plan that provides the basis for the bar on damage claims against school employees and others for responding to bullying or teen dating violence (§ 62); and
4. prohibiting parents and guardians serving as school security and safety committee members from accessing information reported to the committee that would violate FERPA (§ 63).

§§ 72 & 73 — SCHOOL RESOURCE OFFICERS

Requires that the MOU that assigns an SRO to schools specify the SRO's duties and procedures; requires school boards to post the MOUs on their website and in the SRO's assigned school; requires each SRO to submit a report for each investigation or behavioral intervention the SRO conducts

By law, each local and regional board of education that assigns a school resource officer (SRO; i.e., sworn police officer) to its schools must have a memorandum of understanding (MOU) with the SRO's local law enforcement agency. The MOU must address the SRO's role and responsibility in the school, including the officer's interactions with students and staff, and training requirements.

Starting July 1, 2023, the act requires that these MOUs also include provisions that specify the SRO's duties and procedures for restraining students, using firearms, making school-based arrests, and reporting on investigations and behavioral interventions. It also requires school boards to (1) post their MOU on their website and in the school where the SRO is assigned and (2) maintain the MOU in a central location in the school district.

The act additionally requires each SRO to give his or her agency's police chief a report for each investigation or behavioral intervention the SRO conducts within five days after doing so. Under the act, an "investigation or behavioral intervention" is a circumstance in which an SRO is conducting (1) a fact-finding inquiry on student behavior or school safety, including emergency circumstances, or (2) an intervention to resolve violent or nonviolent student behavior or conflicts. The report must include at least the following:

1. the date, time, and location of the investigation or behavioral intervention;
2. the SRO's name and badge number;
3. the race, ethnicity, gender, age, and disability status for each student involved in the investigation or intervention;
4. the reason for and nature and disposition of the investigation or intervention; and
5. whether any student involved in the investigation or intervention was (a) searched; (b) informed about their constitutional rights; (c) issued a citation or a summons; (d) arrested; or (e) detained, including the duration of the detainment.

Police chiefs must submit SROs' reports to their school districts' superintendents at least monthly. Superintendents must submit them to their school districts' local or regional board of education.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-208, §§ 9 & 10, limit this act's SRO reporting provisions to just investigations and behavioral interventions that involve challenging behavior or conflict that escalates to violence or constitutes a crime. It also requires that the MOU provisions on SRO duties be in keeping with any laws or policies concerning police officer duties.

§ 75 — SCHOOL DISCIPLINE PRACTICES WORKING GROUP

Requires the SDE commissioner to establish a working group, under the Connecticut School Discipline Collaborative, to study current school discipline practices and report the study's results to the Education Committee

The act requires the SDE commissioner to establish a working group under the Connecticut School Discipline Collaborative to study current school discipline practices, including those that lead to students becoming "justice-involved" (i.e., involved with the juvenile justice system due to being accused of a delinquent or criminal act).

Under the act, the working group's members must be appointed by the commissioner and representative of students, educators, community members, child welfare and development experts, mental health care providers, and restorative practices experts. The working group must submit a report to the Education Committee on the study's results and any recommendations for school discipline reform by July 1, 2024.

EFFECTIVE DATE: July 1, 2023

§§ 76-82 — SCHOOL SUSPENSION AND EXPULSION

Makes various changes in the education statutes governing suspension and expulsion

The act makes various changes in the education statutes governing suspension and expulsion. Specifically, it requires the following:

1. school districts with high rates of in- and out-of-school suspension and expulsion to (a) develop strategies to reduce suspensions and expulsions and (b) submit these strategies to SDE (§§ 76 & 77);
2. SDE to report to the Juvenile Justice Policy and Oversight Committee (JJPOC; see *Background — JJPOC*) on expulsions and related alternative education program placements (§ 81); and
3. SDE to provide, and allows school boards to use, recommended assessments for screening students who exhibit mental health distress or who have been identified as at risk for suicide (§§ 79 & 80).

EFFECTIVE DATE: January 1, 2024, except the provisions on (1) expulsion and alternative education reporting and the Connecticut School Discipline Collaborative's duties take effect upon passage and (2) student mental health assessments take effect July 1, 2023.

Strategies to Reduce Suspensions and Expulsions (§§ 76-78)

By law, local and regional boards of education must annually submit certain data on each of their schools to SDE in their strategic school profile report. This data includes the number of in-school and out-of-school suspensions and expulsions (CGS § 10-220(c)(3)).

Beginning July 1, 2024, the act requires districts with a rate of suspensions and expulsions that is high or disproportionate, as determined by the education commissioner, to (1) develop strategies to reduce the number of suspensions and expulsions, and (2) submit these strategies to SDE in the form and manner the commissioner prescribes. Starting that same date, SDE must, within available appropriations, provide support, on-site monitoring, and oversight of schools implementing these strategies.

By law, SDE must annually examine the suspension and expulsion data submitted as part of the strategic school profile report, disaggregate the data, and submit a report to the State Board of Education (SBE). The act requires SDE to post this report on its website and include the above strategies and the results from them.

Assessments Addressing Suicide Risks (§§ 79 & 80)

Under the act, by January 1, 2024, SDE must give local and regional boards of education a list of recommended assessments for determining the suicide risk of students who (1) exhibit mental health distress, (2) have been identified as at risk of suicide, or (3) are considered to be at an increased risk of suicide based on certain risk factors. The risk factors must be based on the state-wide strategic suicide prevention plan developed by the Connecticut Suicide Advisory Board, and must include at least youth who are:

1. bereaved by suicide;
2. disabled or have chronic health conditions, such as mental health or substance use disorders;
3. involved in the juvenile justice system;
4. experiencing homelessness or placed in an out-of-home setting, such as foster care; or
5. lesbian, gay, bisexual, transgender, or questioning.

The list may include the Columbia Suicide Severity Rating Scale (see *Background — Columbia Suicide Severity Rating Scale*).

Relatedly, the act allows boards to use an assessment from the SDE-provided list to screen identified students beginning July 1, 2023. The act requires students who are assessed based on the risk factors based on the suicide prevention plan developed by the Connecticut Suicide Advisory Board to receive heightened consideration during their mental health assessment.

Student Expulsion and Alternative Educational Opportunities Reporting (§ 81)

The act requires SDE, by January 1, 2025, to report to JJPOC on the educational experiences and outcomes of students who are expelled and placed in alternative educational opportunities, and how these opportunities compare to the standards adopted by SBE. The report must include at least the following:

1. the number of students who were expelled and placed in alternative educational opportunities during the previous school year,
2. the types of alternative educational opportunities in which the students were placed, and
3. any engagement and outcome measures for these students.

Connecticut School Discipline Collaborative Advisement on Suspensions and Expulsions (§ 82)

The act requires SDE's Connecticut School Discipline Collaborative to advise the SDE commissioner and SBE on strategies to reduce the overall and disproportionate use of out-of-school suspensions and expulsions. Beginning by October 1, 2023, the act makes the collaborative responsible for the following duties concerning grades preschool through two:

1. developing guidance to reduce the number of out-of-school suspensions and expulsions in these grades;
2. providing evidence-based and developmentally appropriate definitions and examples of conduct that is violent or sexual in nature that may allow an out-of-school suspension for students in these grades; and
3. recommending developmentally appropriate interventions for students in these grades as an alternative to out-of-school suspension.

Background — JJPOC

State law charges JJPOC with evaluating policies related to the juvenile justice system and the expansion of juvenile jurisdiction to include 16- and 17-year-olds. Its members include legislators, judicial branch leaders, state agency heads, and child and victim advocates, among others (CGS § 46b-121n).

Background — Columbia Suicide Severity Rating Scale

According to the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, the Columbia Suicide Severity Rating Scale is a short questionnaire that can be administered quickly in the field by responders with no formal mental health training, and it is relevant in a wide range of settings and for people of all ages.

§§ 83 & 84 — GRANTS FOR HIRING VARIOUS SCHOOL MENTAL HEALTH PERSONNEL

Removes in two SDE grant programs for hiring school mental health personnel the requirement that grant recipients refund unexpended grant amounts; delays by one year the dates when SDE must administer the school mental health therapist grant program; adjusts education commissioner reporting dates

Prior law required SDE, for FYs 23 to 25, to administer grant programs for local and regional boards of education to (1) hire and retain more school social workers, school psychologists, school counselors, nurses, and licensed marriage and family therapists and (2) hire additional school mental health specialists.

School Social Workers, School Psychologists, School Counselors, Nurses, and Licensed Marriage and Family Therapists Grant Program (§ 83)

For the grant program to hire and retain school social workers, school psychologists, school counselors, nurses, and licensed marriage and family therapists, the act removes the requirement that grant recipients refund the unexpended amounts to SDE. However, by law and unchanged by the act, recipients must refund amounts not spent according to the plan in the board's approved grant application.

School Mental Health Specialists Grant Program (§ 84)

For the grant program to hire additional school mental health specialists, the act delays by one year the dates when SDE must administer the program from FYs 23-25 to FYs 24-26. It correspondingly delays by one year the requirements that the commissioner must follow in each of these fiscal years when determining grant award amounts.

The act also makes corresponding changes to reporting deadlines for the education commissioner. Under the act, the commissioner must report to the Children's and Education committees on each grant recipient's utilization rate and the grant program's return on investment beginning by January 1, 2025, rather than 2024, and then annually through January 1, 2027, rather than 2026. Additionally, the commissioner must develop recommendations by January 1, 2027, rather than 2026, on (1) whether the grant program should be extended further and (2) the grant award amount under the program.

Additionally, the act removes the requirement that grant recipients refund the unexpended amounts to SDE. However, by law and unchanged by the act, recipients must refund amounts not spent according to the plan in the board's approved grant application.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 23-204, §§ 335 & 336, are identical to these provisions.

§ 85 — GRANT FOR DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Delays by one year the dates when SDE must administer a grant program for boards of education and youth camp and summer program operators to provide mental health services; removes the requirement that grant recipients refund unexpended grant amounts to SDE

Prior law required SDE to administer a program to award grants in FYs 23-25 to local and regional boards of education, youth camp operators, and other summer program operators for delivering mental health services to students. It also required grant recipients to refund to the department any unspent grant amounts at the end of the fiscal year when it was awarded.

The act (1) delays by one year the dates when SDE must administer the grant program, from FYs 23-25 to FYs 24-26, and (2) removes the requirement that grant recipients refund the unexpended amounts. It correspondingly delays by one year the requirements that the commissioner must follow in each of these fiscal years when determining grant award amounts.

The act also makes corresponding changes to reporting deadlines for the education commissioner. Under the act, the commissioner must report to the Children's and Education committees on each grant recipient's utilization rate beginning by January 1, 2025, rather than 2024, and annually through January 1, 2027, rather than 2026. Additionally, the commissioner must develop recommendations by January 1, 2027, rather than 2026, on (1) whether the grant program should be extended further and (2) the grant award amount under the program.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 23-204, § 337, is identical to this provision.

§ 87 — REPEALER

Repeals laws containing school climate requirements for school boards and SDE that conflict with the act's provisions

Prior law required local and regional boards of education to follow various provisions for creating a safe school climate and preventing and investigating bullying, cyberbullying, and teen dating violence. The act creates new provisions and repeals, effective July 1, 2025, laws with the following requirements for boards of education:

1. implementing a safe school climate plan and submitting it to SDE for approval and administering school climate assessments (CGS § 10-222d);
2. using bullying and teen dating violence prevention and intervention strategies (CGS § 10-222g); and
3. appointing a district safe school climate coordinator, safe school climate specialists, and safe school climate committees for the schools in their respective districts (CGS § 10-222k).

It also repeals laws containing the following requirements for SDE:

1. analyzing district efforts to prevent and respond to bullying in schools and annually reporting on this analysis to the Education and Children's committees (CGS § 10-222h),
2. disseminating grade-level-appropriate school climate assessments to all public schools (CGS § 10-222h),
3. establishing and maintaining the statewide safe school climate resource network (CGS § 10-222i), and
4. reviewing safe school climate plans submitted by boards of education for approval or rejection (CGS § 10-222p).

EFFECTIVE DATE: July 1, 2025

PA 23-208—sHB 5003
Education Committee

AN ACT CONCERNING CERTAIN REVISIONS TO THE EDUCATION STATUTES

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§ 1 — KINDERGARTEN ENTRANCE AGE

Changes the waiver process to the rule that, beginning with the 2024-25 school year, a child must be age five by September of the school year to start kindergarten.

This act changes the waiver process to the rule that, beginning with the 2024-25 school year, children must be age five by September 1 of the school year in order to start public school kindergarten. (PA 23-159, § 3, raises the age children can start kindergarten from age five by January 1 of the school year to age five by September 1 of the school year, effective July 1, 2024.)

This act allows a child under five as of September 1 to be admitted to kindergarten if (1) the parent or guardian makes a written request to the school principal and (2) the principal and an appropriate staff person conduct an assessment that shows the child is developmentally ready. Under prior law, a child under age five could only be admitted by a vote of the board of education at a duly called meeting.

EFFECTIVE DATE: July 1, 2024

§ 2 — ALLIANCE DISTRICT EFFECTIVENESS REPORT

Requires the education commissioner to (1) develop a report on the effectiveness of the alliance district program, including recommendations for changing the program, and (2) submit the report to the Appropriations and Education committees by January 1, 2026

The act requires the education commissioner to develop a report on the effectiveness of the alliance district program, including recommendations for changing the program. The commissioner must submit the report to the Appropriations and Education committees by January 1, 2026.

The report must include at least the following:

1. an analysis of the program's effectiveness for improving student academic achievement and school district performance;
2. the oversight and accountability metrics and standards used to (a) measure student academic achievement and district performance and (b) conduct the analysis; and
3. a financial accounting of the funding provided to each alliance district, how the funds have been spent, and whether (a) the funds have been spent in accordance with the required alliance district improvement plans and (b) there is a causal link between how the funds are used and an improvement in student achievement and district performance.

The recommendations must include, at a minimum, an implementation plan, developed with stakeholders, for decreasing the number of alliance districts on or before July 1, 2027, and how resources and funding may best be used to assist districts in improving student achievement and district performance.

An alliance district is a school district that is among the towns with the 33 lowest accountability index (AI) scores as calculated by the State Department of Education (SDE) or was previously designated as an alliance district from FYs 13-22. (The AI score measures school district performance based on student standardized test scores plus additional measures such as student growth over time.) Existing law requires the education commissioner to designate 36 alliance districts (which counts the previously designated districts) for the five-year period from FYs 23-27. Alliance districts must receive SDE approval for their improvement plan before the agency will release the alliance portion of the district's ECS (Education Cost Sharing) funds (CGS § 10-262u).

EFFECTIVE DATE: July 1, 2023

§§ 3 & 4 — FAMILY RESOURCE CENTER COST STUDY

Eliminates the requirement that each alliance district use part of its alliance funding to establish family resource centers in each of its elementary schools; requires each alliance district to report to SDE on the cost of creating these centers in each elementary school

The act eliminates the requirement in PA 23-167, § 4, that each alliance district use part of its alliance funding to establish a family resource center in each of its elementary schools. It also requires each alliance district to develop a report on the cost of creating a family resource center in each of its elementary schools. The reports must be submitted to SDE by February 1, 2024.

By law, family resource centers provide comprehensive child care services, remedial educational and literacy services, families-in-training programs, and supportive services to parents who receive temporary family assistance and other parents in need of the services (CGS § 10-4o).

EFFECTIVE DATE: July 1, 2023

§ 5 — MINORITY TEACHER RESIDENCY PROGRAM FUNDING

Requires SDE to withhold a revised percentage of state aid to alliance districts beginning in FY 25, instead of FY 24, to fund minority teacher residency programs that partner with alliance districts

By law, each alliance district must partner with a minority teacher residency program operator to enroll candidates and place them in the district for a 10-month residency (CGS § 10-156gg). To fund this program, SDE withholds from each alliance district a percentage of its state aid. PA 23-167, § 41, required the education commissioner, in FY 24, to withhold 10% of any increase in funds the alliance district received in FY 21 over the amount of funds it received in FY 20, rather than 10% of any increase the district received in FY 25 that exceeds the amount received in FY 20. The act amends this to require that the funds be withheld for FY 25 rather than FY 24.

EFFECTIVE DATE: July 1, 2023

§ 6 — PATHWAYS IN TECHNOLOGY EARLY COLLEGE PROGRAM

Changes the start year from FY 24 to FY 25 for a new pathways in technology early college high school program for alliance districts

PA 23-167, § 46, requires SDE to create a grant for new or expanded pathways in technology early college high school programs in alliance districts starting in FY 24. SDE must issue requests for proposals and award grants to two school boards for the costs associated with establishing a new public-private partnership or enhancing a pathway in technology early college high school program.

This act delays the start year for the program by one year, from FY 24 to FY 25.

EFFECTIVE DATE: July 1, 2023

§ 7 — PRIORITY SCHOOL DISTRICT FUNDING

Requires that any district in its first year as a former PSD receive a full, rather than reduced, grant; repeals the creation of a fourth grant year for former PSDs

Existing law requires that districts that no longer qualify as priority school districts (PSD; i.e., "former PSDs") receive a progressively reduced PSD "phase-out" grant over three years as described below.

For FY 24, the act requires that any school district that is in its first year as a former PSD receive the same grant amount that it did in FY 23 during its last year as a PSD, rather than a reduced PSD phase-out grant. Under prior law, the first-year grant for former PSDs was calculated as follows: the grant amount from the district's final year of PSD status, minus 25% of the difference between that final grant amount and $250,000.

The act also repeals the provision in PA 23-204, § 325, that would have made any former PSD that received its final, third-year PSD phase-out grant during FY 23 eligible to receive a fourth grant in FY 24 in the same amount as its third-year phase-out grant.

EFFECTIVE DATE: July 1, 2023

§ 8 — BOARD MEMBER ELECTIONS FOR REGIONAL SCHOOL DISTRICT 20

Revises the elections for, and terms of, the Regional School District 20 board of education members

The act revises the elections for, and terms of, the regional board of education members for Regional School District 20. Under the act, each member town elects one member in June of 2024, another in June of 2025, and a third in June of 2026. All members serve four-year terms. Region 20 includes the towns of Goshen, Litchfield, Morris, and Warren.

The act specifically supersedes the statutes related to the formation of a regional school district, including the requirement that the regional school study committee's plan determines the number of regional board of education members. (The school study committee is a required part of how school districts take steps to form a regional district.)

EFFECTIVE DATE: Upon passage

§§ 9-10 — SCHOOL RESOURCE OFFICERS

Narrows the circumstances when an SRO must file a report to those in which an investigation or intervention of behavior or conflict (1) escalates to violence or (2) constitutes a crime; requires that MOUs between school boards and law enforcement agencies conform with any laws or policies concerning police officer duties

By law, each local and regional board of education that assigns a school resource officer (SRO; i.e., sworn police officer) to its schools must have a memorandum of understanding (MOU) with the SRO's local law enforcement agency to address the SRO's role and responsibility in the school, including the officer's interactions with students and staff.

PA 23-167 adds the requirement that, as of July 1, 2023, these MOUs specify the SRO's duties and procedures for restraining students, using firearms, and making school-based arrests. The act also requires that the MOU provisions on SRO duties align with any laws or policies governing police officer duties.

PA 23-167 additionally requires each SRO to submit to his or her agency's police chief a report for each investigation or behavioral intervention the SRO conducts within five days of doing so.

The act narrows the situations under which an SRO must file a report to those in which an investigation or intervention is of challenging behavior or conflict that escalates to violence or constitutes a crime. Under PA 23-167 and unchanged by

the act, "investigation or behavioral intervention" is when an SRO conducts (1) a fact-finding inquiry about student behavior or school safety, including emergency circumstances, or (2) an intervention to resolve violent or nonviolent student behavior or conflicts.

As required by PA 23-167, and unchanged by this act, the report must include at least the following:

1. the date, time, and location of the investigation or behavioral intervention;
2. the SRO's name and badge number;
3. the race, ethnicity, gender, age, and disability status for each student involved in the investigation or behavioral intervention;
4. the reason for and nature and disposition of the investigation or behavioral intervention; and
5. whether any student involved in the investigation or behavioral intervention was (a) searched; (b) informed of their constitutional rights; (c) issued a citation or a summons; (d) arrested; or (e) detained, including the amount of time of the detainment.

Police chiefs must submit SROs' reports to their school districts' superintendents at least monthly. Superintendents must submit them to their school districts' local or regional board of education.

EFFECTIVE DATE: July 1, 2023

§ 11 — ROBERTA B. WILLIS SCHOLARSHIP PROGRAM

Makes various changes to the Roberta B. Willis Scholarship program, including requiring FY 24 awards to use ARPA funds by December 31, 2024, and excluding regional-community technical colleges from the program

There are three types of awards under the Roberta B. Willis Scholarship Program: (1) need- and merit-based, (2) need-based, and (3) the Charter Oak grant. The act makes various changes to the scholarship program, including the following:

1. limiting the program by excluding the regional-community technical colleges, making their students ineligible to receive an award;
2. replacing "full-time or part-time undergraduate student" with "eligible student";
3. changing how scholarship funds are used, including requiring the Office of Higher Education (OHE) to use the federal American Rescue Plan Act of 2021, P.L. 117-2 (ARPA) allocations by December 31, 2024; and
4. allowing the program to use a student aid index as an alternative to family contribution when determining student eligibility.

The act also makes many technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

Regional-Community Technical Colleges

The act excludes the regional-community technical colleges from the scholarship program, which makes students at these institutions ineligible to receive an award. It makes a conforming change by eliminating the requirement that at least 2.5% of the annual appropriation be allocated to the regional-community technical colleges to be used for financial aid purposes. It also makes additional conforming changes.

Eligible Students

The act substitutes "eligible student" for "full-time or part-time undergraduate student" throughout the law and specifies that the eligible student is a resident of the state. Otherwise, the definition is the same: a student enrolled at an institution of higher education in studies leading to the student's first associate or bachelor's degree who is carrying a courseload of 12 or more credits (full-time) or between 6 and 11 credits (part-time).

Allocation of Roberta B. Willis Scholarship Program Funds

By law, the General Assembly must allocate funds to OHE for the Roberta B. Willis Scholarship program. The act requires OHE, for FY 24, to make awards for the program from any funds allocated to the office from federal ARPA funding until they are exhausted before making any awards or allocating any funds from General Fund appropriations.

Under prior law, at least 20% but no more than 30% of available appropriations were allocated to the need- and merit-based grant. The act maintains the 20% minimum but caps the maximum allocation at 30% of available funds or $10 million, whichever is greater. The act requires that the program's funding allocations across its three award types be made within available funds, rather than available appropriations as prior law required. Correspondingly, it requires that the

administrative allowance be based on one-fourth of a percent of available funds, rather than available appropriations.

The act requires OHE to use the funds appropriated or allocated for the program for FY 24 to (1) make its awards for the need- and merit-based grant and (2) allocate funds for the 2023-24 and 2024-25 academic years for the need-based and Charter Oak grants. Additionally, it requires all ARPA funds allocated for the program to be used by December 31, 2024.

Award Distribution and Student Eligibility

Under existing law and unchanged by the act, the need- and merit-based grants are available to state residents who are enrolled full- or part-time as an undergraduate student at any Connecticut public or independent college or university.

Prior law required OHE to make the determination of financial need based on the family contribution for educational costs as computed from the student's Free Application for Federal Student Aid (FAFSA). Beginning July 1, 2024, the act replaces statutory references to "family contribution" in the Roberta B. Willis Scholarship program with "student aid index" to reflect changes in federal law. (The federal FAFSA Simplification Act, part of the Consolidated Appropriations Act of 2021, P.L. 116-260, phases out the "Expected Family Contribution" and replaces it with "Student Aid Index"). Under the act, "student aid index" is the index used to determine financial aid eligibility as computed from a student's FAFSA.

By law, OHE makes awards on a sliding scale up to a maximum federal family contribution set annually by OHE and based on funding levels and the number of eligible applicants. Under the act, as an alternative to family contribution, OHE can also use student aid index when making need- and merit-based awards.

The act makes a similar change with the need-based grant. By law, the amount of annual funds allocated for each institution of higher education is determined by its full-time equivalent student enrollment by family contribution. The act allows either family contribution or student aid index to be used.

EFFECTIVE DATE: July 1, 2023

§ 12 — ALLIANCE DISTRICT PROGRAM REVISION REPEAL

Repeals the revisions to the alliance district program made in PA 23-167

The act repeals the provisions in PA 23-167, §§ 38-40, that renamed alliance districts "educational reform districts" and reduced the number of these districts from 36 to 20. Relatedly, it repeals the provision that defined a "legacy alliance district" as a school district for a town that was designated as an alliance district for FYs 13-24.

EFFECTIVE DATE: July 1, 2023

§ 13 — ROBERTA B. WILLIS SCHOLARSHIP AND FREE SCHOOL MEAL ELIGIBILITY REPEALS

Repeals (1) PA 23-204, § 135, which contains similar provisions to § 11 above regarding the Roberta B. Willis scholarship program and (2) the extension of free school meal eligibility to otherwise ineligible low-income families in the 2023-24 school year

The act repeals PA 23-204, § 135, which contains similar provisions to § 11 (above) regarding the Roberta B. Willis scholarship program.

It also repeals PA 23-204, §§ 311 & 312, which would have extended free school meal eligibility to students with a family income below 200% of the federal poverty level who are otherwise ineligible in the 2023-24 school year.

EFFECTIVE DATE: July 1, 2023

PA 23-64—HB 6496 **(VETOED)**
Energy and Technology Committee
Government Administration and Elections Committee

AN ACT CONCERNING TEST BED TECHNOLOGIES

SUMMARY: This act would have required each state agency's commissioner to administer pilot test programs for using technologies, products, or processes (i.e., "test subjects") that promote operational cost reduction. It would have created a Test Bed Technologies Advisory Board to recommend test subjects to be used in the operations of state agencies on a trial basis and specifies certain criteria for the test subjects (e.g., the subject's manufacturer or marketer must pay the agency's costs for testing it and show that it will not adversely affect safety). The act also would have established a process for the state to procure for state agencies test subjects that had been successfully shown to promote operational cost reduction. This process would have allowed certain competitive bid or proposal requirements in existing law to be waived.
EFFECTIVE DATE: July 1, 2023

OPERATIONAL COST REDUCTION PILOT PROGRAMS

The act would have required each state agency's commissioner to administer pilot test programs for using test subjects that promote operational cost reduction at the agency to validate the test subjects' effectiveness in reducing operational costs.

Applications and Recommendations

Under the act, applicants interested in participating in a pilot program must apply to the commissioner of the agency that administers the program. The commissioner must review the application for completeness within 30 days after receiving it. Then, within 90 days after receiving the application, the commissioner must decide whether to request a recommendation to test the application's test subject from the Test Bed Technologies Advisory Board (see below).

Within 30 days after receiving a commissioner's request for a recommendation, the advisory board must evaluate the applicable test subject and make a recommendation as required by the act. More specifically, the board must recommend using the test subject in the agency's operation on a trial basis if it finds that using the test subject would (1) promote operational cost reduction, (2) be feasible in a state agency's operations, and (3) not have any detrimental effect on the operations.

Test Bed Technologies Advisory Board. The act would have established the board as an independent body within the Office of Policy and Management (OPM) for administrative purposes only. Under the act, the board has four members: one each appointed by the governor, the OPM secretary, the state treasurer, and the state comptroller. All must have experience working in private sector businesses or state agencies. Within available appropriations, it must meet at least twice each year to exercise its powers and duties.

Test Program Implementation

If the advisory board recommends that a test subject be used in an agency's operations on a trial basis, the act would have required the agency to accept delivery of it and begin the test program, regardless of the laws regulating state purchases. Under the act, an agency that is directed to test, or receives approval to test a test subject, must use the test subject in the agency's operations on a trial basis for 30 to 60 days.

The act would have required the test subject's manufacturer, marketer, or any investor or participant in its business to pay any costs associated with the agency acquiring and using the test subject for the test period. Under the act, acquiring the test subject for the test program must not be deemed a purchase under the state procurement law's provisions. The manufacturer, marketer, investor, or participant must maintain records related to the test program as required by the advisory board. All proprietary information derived from the test program is exempt from the state's Freedom of Information Act.

The act also would have prohibited any state agency from testing a test subject unless the business that manufactures or markets it shows that:

1. using it will not adversely affect safety;
2. it is available for commercial sale and distribution, or it has potential for commercialization within two years after the test program's completion; and
3. it was not developed by a business that is eligible to participate in a separate state program in existing law, administered by Connecticut Innovations, Incorporated, for testing new or experimental technologies, products, or

processes.

Post-Testing Procurement

Under the act, if the testing agency's commissioner determines that the test sufficiently shows that the test subject promotes operational cost reduction, then the agency may ask the DAS commissioner to (1) procure the test subject for any or all state agencies to use and (2) make the procurement under the law that allows certain competitive bid or proposal requirements to be waived (subject to approval by the Standardization Committee if the procurement will cost at least $50,000). If the DAS commissioner grants a request to procure a test subject for an agency, she must make information about the procurement available to all state agencies on the DAS website.

Municipal Test Subjects

The act also would have allowed a state agency commissioner to identify a test subject that promotes operational cost reduction that a municipality has procured, installed, and tested. The commissioner may file with the advisory board a request for a recommendation to test the test subject. Within 30 days after receiving the request, the board must evaluate the test subject and make a recommendation using the same criteria described above. If the board recommends the test subject, the agency must begin a test program under the same implementation and procurement provisions described above.

PA 23-102—sSB 7
Energy and Technology Committee
Appropriations Committee

AN ACT STRENGTHENING PROTECTIONS FOR CONNECTICUT'S CONSUMERS OF ENERGY

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Lowers the threshold for including certain information in customer notices about proposed rate amendments; extends the deadline for PURA to decide on a proposed rate amendment from utility companies that are not EDCs or gas companies; requires a unanimous vote by PURA's commissioners to approve an application to reopen a rate proceeding under the rate amendment law; and lowers the threshold for PURA to hold a hearing on the need for an interim rate decrease

§ 8 — FOUR-YEAR GENERAL RATE CASES

Brings certain water companies under the requirement for a general rate case at least once every four years and allows PURA to open these rate cases more frequently

§ 9 — MANAGEMENT AUDITS

Requires certain PURA-regulated water companies to have a complete management audit at least once every six years; makes certain costs related to the audit-related orders non-recoverable in rates

§ 10 — RETURN OF EDC OVEREARNINGS

Gives PURA greater discretion to determine how certain EDC overearnings are returned to customers

§ 11 — PURA STAYS OF ENFORCEMENT

Requires entities applying for a stay of a PURA civil penalty to provide the penalty amount in escrow or another surety before PURA stays enforcement; requires parties to meet certain standards to get other stays of enforcement from PURA

§ 12 — ACCIDENT REPORTING

Sets a hard deadline for reporting certain accidents to PURA; expands the information that must be included in certain monthly reports on minor accidents; increases the maximum fines for failing to comply with the accident reporting requirements

§ 13 — MONTHLY POWER OUTAGE REPORTING

Requires EDC power outage reports to be submitted monthly, rather than periodically, and specifies additional information that must be in them

§ 14 — EDC BILLING FORMAT

Requires EDCs to use four categories for charges in their bills (generation, local distribution, transmission, and system benefits and federally mandated congestion charges approved by PURA); allows PURA to modify these categories under certain conditions

§ 15 — STAKEHOLDER GROUP COMPENSATION PROGRAM

Creates a program through which a stakeholder group in a PURA proceeding may have certain expenses paid by the company that is subject to the proceeding

§ 16 — STANDARD SERVICE PROCUREMENT STUDY

Requires PURA to study the process for procuring power generation for standard service and supplier of last resort service

§§ 17-20 — EDC CREDITS FOR OUTAGES AND COMPENSATION FOR LOST FOOD AND MEDICINE

Clarifies how PURA must determine when to require EDCs to give certain account credits and compensation to customers after an outage

§§ 21-23 & 36 — PURA COMMISSIONERS

Requires the governor to select PURA's chairperson, rather than letting the commissioners elect the chairperson; allows the chairperson to assign any matter before PURA to one or more utility commissioners, rather than to a panel of at least three commissioners; requires a vote by all PURA commissioners in any decision of a contested case assigned to one or more commissioners

§ 24 — LOW-INCOME RATES FOR GAS AND WATER COMPANY CUSTOMERS

Requires PURA to determine whether to implement low-income rates for gas company and water company customers

§ 25 — RENEWABLE ENERGY PROGRAM CHANGES

Makes changes to the state's NRES, SCEF, and RRES programs that, among other things, (1) allow EDCs to hold solicitations and seek approval for selected projects jointly or individually; (2) exempt state, municipal, and agricultural customers from the requirement for NRES projects to be located on the customer's own premises; and (3) allow PURA to modify SCEF capacity requirements and the definitions of low-income and moderate-income customers to align with federal requirements for renewable energy incentives

§ 26 — DEADLINES FOR MEETING CERTAIN COMBINED HEAT & POWER DEVELOPMENT MILESTONES

Allows a certain CHP project to extend its deadlines for meeting development milestones under a PPA

§ 27 — PURA FINE REVENUE DIRECTED TO RESIDENTIAL METHANE DETECTORS

Allows PURA to direct revenue from certain fines to support the study, installation, and deployment of residential methane detectors

§ 28 — REPORT ON INFRASTRUCTURE THREATS AND SECURITY

Requires PURA's chairperson to report on the activities of the joint federal-state task force on electric transmission, including its discussions about protecting transmission and distribution infrastructure

§ 29 — STRAY VOLTAGE PROCEEDING

Requires PURA to open a proceeding to examine stray voltage

§§ 30 & 32 — MATCHING PAYMENT PROGRAM

Changes the Matching Payment Program's eligibility criteria and timeframe; gives PURA greater discretion over allowing gas and electric companies to recover their MPP costs; allows PURA to annually distribute up to $1 million to legal service entities that help people participate in utility company programs that assist customers with utility bill or arrearage payments

§ 31 — RETAIL ELECTRIC SUPPLIERS AND HARDSHIP CUSTOMERS

Allows hardship customers and others protected from electric service shutoffs to contract with a retail electric supplier, so long as the contract is for no more than the standard service rate

§ 33 — CONNECTICUT COUNCIL FOR ADVANCING NUCLEAR ENERGY DEVELOPMENT

Creates the council to, among other things, plan for the advancement of nuclear energy in the state

§ 34 — NUCLEAR CONSTRUCTION MORATORIUM

Specifies that the exemption to the state's moratorium on building new nuclear power facilities applies to construction at a nuclear power facility (not the facility itself)

§ 35 — DEEP STUDY

Requires DEEP to study the (1) feasibility of deploying small modular reactors, advanced nuclear reactors, fusion energy facilities, and other zero carbon resources; (2) process for and best practices for certain power purchase agreements; and (3) capability of the state's gas supply system

§ 36 — CLASS I RENEWABLE ENERGY SOURCES

Expands Class I renewables by (1) including nuclear generating facilities built on or after October 1, 2023, and (2) increasing the maximum capacity of certain eligible run-of-the-river hydropower facilities from 30MW to 60MW

§ 37 — LARGE-SCALE HYDROPOWER AND THE CLASS I RPS

Increases the portion of the Class I RPS requirement that may be met with large-scale hydropower, under certain limited circumstances, from one percentage point to 2.5 percentage points

§ 38 — CLASS I RENEWABLE ENERGY SOURCE PROPERTY TAX EXEMPTION

Excludes nuclear generating facilities from a Class I renewable energy source property tax exemption

§ 39 — PETROLEUM STORAGE & PIPELINE INFORMATION

Requires petroleum product storage terminals and pipelines to submit certain information to the DEEP commissioner

§ 40 — GAS DETECTORS

Requires DAS, the Office of the State Building Inspector, and the Codes and Standards Committee to study and report on including gas detectors in the State Building Code

SUMMARY: This act makes various changes in the energy laws governing electric, gas, and water utility regulation as described in the section-by-section analysis below.
EFFECTIVE DATE: Various, see below.

§ 1 — RATE DECOUPLING

Gives PURA greater discretion in how it orders EDCs and gas companies to decouple their distribution revenue from their sales volume

The act gives the Public Utilities Regulatory Authority (PURA) greater discretion in ordering rate decoupling in any electric distribution company (EDC) (i.e., Eversource or United Illuminating) or gas company rate case that either has a final decision pending on October 1, 2023, or is started on or after that date. Prior law required PURA to order the companies to decouple their distribution revenues from their sales volumes and specified how they must do so. For EDCs, it required PURA to use a decoupling mechanism (e.g., a separate rate component on bills) that adjusts actual distribution revenues to allowed distribution revenues. And for gas companies, it required a mechanism that does not remove the incentive to support natural gas expansion under the 2013 Comprehensive Energy Strategy.

The act instead gives PURA the discretion to determine the decoupling mechanism and method used in decoupling orders, as guided by the state's Comprehensive Energy Strategy, Integrated Resources Plan, Conservation and Load Management Plan, and the Department of Energy and Environmental Protection's (DEEP) policies. It requires PURA, when making this determination, to consider factors that at least include whether the decoupling mechanism and methodology (1) is in ratepayers' best interest, (2) adequately accounts for distribution system service outages, and (3) adequately addresses the disincentive for utilities to engage in conservation and energy efficiency measures.
EFFECTIVE DATE: October 1, 2023

§§ 2 & 3 — PROHIBITED COST RECOVERY IN RATES

Prohibits PURA-regulated utility companies from recovering through their rates their costs for PURA rate proceedings, membership dues for business or trade associations, lobbying, advertising, entertainment and gifts, and certain other expenses for company officers; requires larger utility companies to annually report an itemized list of related costs to PURA

Contested PURA Proceedings (§ 2)

The law prohibits EDCs from recovering their costs for attending or participating in PURA's rate-making hearings. The act broadens this prohibition to cover any PURA-regulated utility company with more than 75,000 customers, any rate proceeding before PURA, and the costs of preparing for or appealing them. It also specifies that these costs include fees for attorneys, expert witnesses, and consultants; the portion of employee salaries associated with attending, participating, preparing, or appealing the proceeding; and related costs PURA identifies. (PA 23-204, § 115, narrows this change so that it only applies to rate proceedings begun on or after January 1, 2024, for EDCs and PURA-regulated gas companies, pipeline companies, and water companies (not all PURA-regulated utility companies) with more than 75,000 customers.)

Membership Dues, Lobbying Costs, and Ads (§ 3)

The act prohibits any PURA-regulated utility company from recovering through their rates any direct or indirect costs associated with the following:

1. membership dues, sponsorships, or contributions to a business or industry trade association, group, or tax-exempt related entity;
2. lobbying or legislative action, as defined in the state's code of ethics for lobbyists;
3. advertising, marketing, communications seeking to influence public opinion, or other PURA-identified related costs unless PURA or DEEP specifically approves or orders them (existing law, unchanged by the act, generally prohibits EDCs and gas companies from rate recovery for the cost of their political, institutional, or promotional advertising (CGS § 16-19d)); and
4. travel, lodging, or food and beverage expenses for the company's board of directors and officers or its parent company's board of directors and officers; (b) entertainment or gifts; (c) owned, leased, or chartered aircraft for the company's board of directors and officers or its parent company's board of directors and officers; or (d) investor relations.

(PA 23-204, § 116, narrows these prohibitions so that they only apply to EDCs and PURA-regulated gas companies, pipeline companies, and water companies (not all PURA-regulated utility companies).)

Itemized List of Costs. Starting by January 15, 2024, the act requires each PURA-regulated utility company with more than 75,000 customers to annually report to PURA an itemized list of the costs associated with the activities described above (e.g., for membership dues, lobbying costs, and ads) and for rate proceedings (see § 2). (PA 23-204, § 116, narrows this requirement so that it only applies to EDCs and PURA-regulated gas companies, pipeline companies, and water companies with more than 75,000 customers.) The company cannot recover the costs associated with preparing the report through rates.

The report must at least include the following:

1. any costs spent by the company's parent company or affiliates directly billed or allocated to the company;
2. the title, job description, and salary of any employees of the company who performed work associated with the activities described above, and the hours attributed to their work;
3. the title, job description, and salary of any employees of the parent company or affiliate who performed work associated with the activities described above, and the hours attributed to their work that were directly billed or allocated to the company;
4. an itemized list of the company's costs with all third-party vendors for any expenses associated with the activities described above, including unredacted billing amounts, billing dates, payees, and explanation of the expenditure in detail sufficient to describe the cost's purpose; and
5. any other itemized information PURA deems relevant.

EFFECTIVE DATE: Upon passage

§ 4 — SETTLEMENTS

Sets procedures and conditions for PURA to approve a settlement in a rate amendment proceeding, allows PURA to reject or modify a settlement provision that extends longer than an approved rate amendment, and limits the extent to which a settlement may be used to satisfy the law's requirement for companies to have a rate case at least once every four years

Prior law required PURA to encourage using proposed settlements to resolve contested cases and proceedings whenever it was appropriate. The act eliminates this requirement and instead allows PURA to adopt these proposed settlements when it is appropriate and consistent with certain statutory ratemaking principles.

The act also sets procedural requirements for PURA to adopt a proposed settlement. It allows parties or intervenors to a contested proceeding to propose a settlement by filing a motion no later than three weeks before the scheduled issuance date for the proposed final decision in the proceeding. The parties proposing the settlement must give the proposed settlement to all parties and intervenors at least three days before filing the motion and include a request for the party or intervenor to provide a position on the proposal for reference in the motion.

The act requires the motion for the settlement to include:

1. an analysis identifying (a) any rate component increases or decreases resulting from the proposal and (b) the causal relationship of particular rate component increases or decreases to provisions in the proposal, to the extent ascertainable, and
2. a statement of the positions of non-settling parties and intervenors on the proposed settlement, such as "support,"

"oppose," or "no position" if they complied with the request to provide the statement.

Under the act, (1) pre-filed testimony must be submitted with the proposed settlement if it is submitted before the evidentiary record closes and (2) the proposed settlement's provisions must be supported by citations to the evidentiary record or other evidence that PURA may require.

The act allows PURA to hold hearings and order briefs to be filed related to any proposed settlement.

Under the act, if the term of any provision in a settlement of a proceeding to amend rates extends longer than the effective date of the rate amendment approved in the proceeding, then PURA may reject or modify the provision. In addition, any rate amendment proceeding that is resolved by a settlement does not constitute a general rate hearing for the periodic review required by law for certain utility companies with at least 75,000 customers (i.e., it does not exempt these companies from the need to have a rate case at least once every four years) if the previous proceeding to amend rates was partially or fully resolved by a settlement.

EFFECTIVE DATE: Upon passage

§ 5 — ON-BILL RECONCILING MECHANISM FOR NEW ELECTRIC PLANT ADDITIONS

Prohibits PURA from reauthorizing Eversource's on-bill reconciling mechanism for new electric plant additions that was first authorized in 2018

The act prohibits PURA from reauthorizing the on-bill reconciling mechanism for new electric plant additions that was first authorized in 2018 (i.e., Eversource's Electric System Improvements charge) in any (1) rate amendment proceeding started on or after July 1, 2023, or (2) pending rate amendment proceeding that has not had a final decision before that date, for customers of an EDC with a service area of at least 18 towns and cities (i.e., Eversource).

EFFECTIVE DATE: Upon passage

§ 6 — FACTORS IN REASONABLE RATE OF RETURN

Requires PURA to consider certain broad economic factors when determining an EDC's, gas company's, or PURA-regulated water company's reasonable rate of return

The act requires PURA, in each EDC, gas company, or PURA-regulated water company rate amendment proceeding, to consider the following factors when determining a reasonable rate of return (generally, a factor in calculating the profit the company may make on providing services):

1. macroeconomic conditions when the proceeding is before PURA;
2. the company's compliance with state law and regulations, and PURA's and DEEP's decisions and policies;
3. the burden of the company's costs on residential ratepayers, measured as a percentage of household income, under the current and proposed rates;
4. trends in the company's accrual of bad debt;
5. the rate impact on all residential and nonresidential customers; and
6. any other issue PURA finds relevant.

Existing law, unchanged by the act, generally requires PURA to set rates that are sufficient, but no more than that, to allow the companies to cover their operating and capital costs and to attract needed capital and maintain their financial integrity, while giving appropriate protection to the relevant public interests (CGS § 16-19e).

The act also removes a provision that requires PURA to analyze how a company providing reduced or free service to its employees affects its ratepayers.

EFFECTIVE DATE: Upon passage

§ 7 — PROPOSED RATE AMENDMENTS

Lowers the threshold for including certain information in customer notices about proposed rate amendments; extends the deadline for PURA to decide on a proposed rate amendment from utility companies that are not EDCs or gas companies; requires a unanimous vote by PURA's commissioners to approve an application to reopen a rate proceeding under the rate amendment law; and lowers the threshold for PURA to hold a hearing on the need for an interim rate decrease

Notices

The law requires PURA-regulated utility companies to mail a notification about a proposed rate amendment to each customer who would be affected by it. Prior law required this notice to state whether the proposal, in the company's best estimate, would increase any rate or charge by at least 20%. The act lowers the applicable amount of this increase to five percent and removes a provision that limited the notices to one form for each customer class.

Under the act, if a company fails to provide adequate notice, then PURA must consider the effective filing date of the company's proposed rate amendment to be the date that it provides adequate notice to customers, as PURA determines. Until that effective filing date, no days count toward PURA's deadline for a final decision on the proposal (see below).

PURA Deadline to Decide on Proposed Rate Changes

Prior law required PURA to decide on a proposed rate amendment (1) within 350 days of the proposed effective date for an EDC or gas company and (2) within 200 days of the proposed effective date for any other type of company. The act changes the start of these deadlines to the proposal's effective filing date (conforming to current practice) and gives PURA 270 days, rather than 200 days, to decide on a proposed rate amendment from the companies that are not EDCs or gas companies. As under existing law, if PURA does not decide by the deadline, the proposed rate change may become effective under certain conditions.

Reopening Rate Proceedings

The law allows a PURA-regulated utility company to reopen a rate proceeding under the rate amendment law if it applies to PURA and notifies its customers if the proposal would increase the company's revenue or any rate or charges by at least five percent. The act also requires a unanimous vote by PURA's commissioners to reopen a rate proceeding under these circumstances.

Interim Rate Decrease Hearings

The law generally requires PURA to hold a hearing on the need for an interim rate decrease under certain conditions. One condition that triggered this requirement under prior law was when a PURA-regulated company's return on equity exceeds its PURA-authorized return by at least one percentage point over a rolling 12-month period. The act lowers this threshold to one-half of one percentage point.

The law also triggers this hearing requirement if PURA finds that a company may be collecting rates that are higher than what is just, reasonable, and adequate. The act broadens this requirement by also requiring a hearing if (1) a company's authorized rate of return is higher than what is just, reasonable, and adequate and (2) PURA provides appropriate notice (instead of finding) that the rates or authorized rate of return are higher than what is just, reasonable, and adequate. As under the law for hearings over a company's return on equity or rates, in a hearing over a company's rate of return, the company must show that its rate of return is directly beneficial to its customers.

EFFECTIVE DATE: Upon passage

§ 8 — FOUR-YEAR GENERAL RATE CASES

Brings certain water companies under the requirement for a general rate case at least once every four years and allows PURA to open these rate cases more frequently

For each EDC and gas company that has at least 75,000 customers, the law generally requires PURA to investigate and hold a hearing (i.e., "rate case") to review whether the company's rates and service meet certain criteria within four years after the company's previous general rate case. The act (1) expands this requirement to also cover PURA-regulated water companies that have at least 75,000 customers and (2) specifies that PURA has discretion to initiate these rate cases at less than four-year intervals unless doing so violates the terms of a PURA final decision.

It allows gas companies, EDCs, and PURA-regulated water companies to recover their reasonable and prudently incurred costs from these proceedings if they demonstrate to PURA's satisfaction that they are not collecting rates, or do not have an authorized rate of return, that is higher than what is just, reasonable, and adequate, as determined by PURA.

EFFECTIVE DATE: Upon passage

§ 9 — MANAGEMENT AUDITS

Requires certain PURA-regulated water companies to have a complete management audit at least once every six years; makes certain costs related to the audit-related orders non-recoverable in rates

Existing law allows PURA to require a management audit for a utility company whenever it determines that it is necessary or desirable. The law also requires EDCs and gas companies that have at least 75,000 customers to have a complete management audit of their operations performed every six years. The act expands this requirement to include PURA-regulated water companies that have at least 75,000 customers.

By law, PURA must recognize as a company's proper business expense any reasonable and proper costs and expenses for complying with an audit-related PURA order, which allows them to be recovered through the company's rates. The act requires that these costs and expenses also be prudent as determined by PURA. It also specifies that any costs or expenses, as determined by PURA, that the company incurs to address or remediate an inefficient, improvident, unreasonable, negligent, or imprudent management or company practice identified during the management audit is not a prudent, reasonable, and proper cost or expense.

EFFECTIVE DATE: July 1, 2023

§ 10 — RETURN OF EDC OVEREARNINGS

Gives PURA greater discretion to determine how certain EDC overearnings are returned to customers

Under prior law, PURA had to require that any EDC funds that exceeded the company's authorized return on equity be refunded to customers within one year after receipt if they were meant to offset future rate increases instead of a present rate decrease. The act removes the one-year deadline and instead requires the refund to be at a time that PURA determines but no later than the end of the company's next rate case.

EFFECTIVE DATE: Upon passage

§ 11 — PURA STAYS OF ENFORCEMENT

Requires entities applying for a stay of a PURA civil penalty to provide the penalty amount in escrow or another surety before PURA stays enforcement; requires parties to meet certain standards to get other stays of enforcement from PURA

Under the act, when PURA is ruling on an application for a stay filed by a party or intervenor in a proceeding, it may only stay enforcement of a civil penalty if the entity appealing the order, authorization, or decision that imposed the penalty provides an escrow deposit, bond, or other surety that equals the penalty.

To obtain a stay of enforcement from PURA for any other PURA order, authorization, or decision, the act requires the appealing entity to bear the burden of showing that (1) there is a strong likelihood that the appeal will succeed; (2) the appealing party will suffer substantial and irreparable harm without a stay; and (3) the stay will not harm the public interest. Under existing law, appeals of PURA orders or decisions are subject to the Uniform Administrative Procedure Act (UAPA). Under UAPA, an aggrieved party may apply for a stay to the agency, the court, or both. Applying for a stay with the agency does not preclude action by the court (CGS § 4-183(f)).

EFFECTIVE DATE: Upon passage

§ 12 — ACCIDENT REPORTING

Sets a hard deadline for reporting certain accidents to PURA; expands the information that must be included in certain monthly reports on minor accidents; increases the maximum fines for failing to comply with the accident reporting requirements

The law requires PURA-regulated utilities and electric suppliers, and entities involved in the transportation of gas, to notify PURA about certain accidents that involve personal injuries or public safety as soon as reasonably possible unless the accident is minor. The act further specifies that this must occur within 12 hours after the accident and by contacting the PURA chairperson or her designee.

For minor accidents, the law requires the same entities to submit a monthly report to PURA. The act requires EDCs to incorporate into this report information on the primary cause of all planned and unplanned electrical outages affecting at least 250 customers in the preceding month and indicate which of them were due to a power surge (see § 13).

Penalties

The act increases the maximum fine for failing to comply with the above accident reporting requirements from $500 to $1,000 per offense. It specifies that a violation of the provisions on reporting accidents, except minor accidents, constitutes a continued violation (with each day deemed a separate offense) from the date the entity was supposed to notify PURA by phone or otherwise until the date that PURA receives the written notification. A violation of the provision on reporting minor accidents also constitutes a continued violation, but from the date the entity was supposed to notify PURA in writing until the date PURA receives the written notification.

If PURA orders restitution for a customer's equipment or property damaged in an accident, including a minor accident (as defined in PURA's regulations), then the (1) restitution must equal the equipment or property's replacement value and (2) fines imposed do not limit or reduce the restitution. The act prohibits EDCs from recovering these fines or restitution through their rates.

EFFECTIVE DATE: Upon passage

§ 13 — MONTHLY POWER OUTAGE REPORTING

Requires EDC power outage reports to be submitted monthly, rather than periodically, and specifies additional information that must be in them

Prior law required EDCs to indicate which power outages resulted from power surges in their periodic reports to PURA on power outages. The act (1) requires these reports to be provided monthly under the minor accident reporting requirement (see § 12) and (2) specifies that they must include information on the primary cause of all planned and unplanned outages that affected at least 250 customers in the preceding month.

EFFECTIVE DATE: Upon passage

§ 14 — EDC BILLING FORMAT

Requires EDCs to use four categories for charges in their bills (generation, local distribution, transmission, and system benefits and federally mandated congestion charges approved by PURA); allows PURA to modify these categories under certain conditions

The act requires each EDC, starting by August 1, 2023, to use four categories as part of its standard billing format for all residential customers: one for electricity generation charges, one for local electricity distribution charges, one for electricity transmission charges, and one for system benefits and the subset of federally mandated congestion charges approved by PURA. It also requires PURA to require that each EDC's standard billing format for residential customers identifies each charge and the corresponding category according to PURA's determinations.

The act requires PURA to alter or repeal any related regulations on a standard billing format in conjunction with implementing a redesigned standard billing format with the four specified categories. It also allows PURA to modify these categories in the docket it must reopen every five years to examine the billing format if it finds that doing so would improve customers' understanding of their electric bill components or what costs are increasing their bills.

Prior law required EDC bills (for any type of customer) to include the total amount owed by the customer, itemized to show (1) the electric generation services component if the customer gets generation service from the EDC; (2) the distribution charge, including taxes and the systems benefits charge; (3) the transmission rate; (4) the competitive transition assessment; (5) federally mandated congestion charges; and (6) the conservation and renewable energy charges. The act instead requires the bills to include the total amount owed on each customer's bill, itemized using the four specified categories.

(PA 23-204, § 117, also requires PURA's chairperson to analyze the components of the delivery portion of the electric bill and consider what additional information should be available to customers to increase transparency about the costs and benefits of programs funded through certain charges on a customer's bill.)

EFFECTIVE DATE: July 1, 2023

§ 15 — STAKEHOLDER GROUP COMPENSATION PROGRAM

Creates a program through which a stakeholder group in a PURA proceeding may have certain expenses paid by the company that is subject to the proceeding

The act requires PURA, by January 15, 2024, to establish a program to award compensation to eligible stakeholder groups in proceedings before PURA. It limits this compensation to $100,000 per group; $300,000 for all groups in a proceeding; and $1.2 million for all groups in a calendar year.

Under the act, "compensation" is a payment by a PURA-regulated utility company that is a party in the proceeding for all or part of the group's reasonable attorney's fees, expert witness fees, and other reasonable costs for preparing and participating in the proceeding. "Other reasonable costs" are a stakeholder group's reasonable out-of-pocket expenses directly related to its preparation for, or participation in, the proceeding that resulted in a "substantial contribution" (see below).

Applicable proceedings are any contested case, investigation, rulemaking or other formal proceeding before PURA, or an alternative dispute resolution ordered by PURA, about a PURA-regulated gas company, water company, pipeline company, EDC, or electric supplier.

Stakeholder Groups

Under the act, a "stakeholder group" is a:

1. group of persons designated as an intervenor or participant that jointly applies for a compensation award and represents the interests of more than one (a) residential utility customer living in an environmental justice community (see *Background — Environmental Justice Community*), (b) residential utility customer who is a "hardship case" under the law for utility service shut-off protection, or (c) small business customer or
2. Connecticut nonprofit organization authorized to represent (a) residential utility customers living in an environmental justice community, (b) hardship customers, or (c) small business customers.

A stakeholder group does not include any nonprofit or other organization whose principal interests are the welfare of (1) a PURA-regulated utility or its investors or employees or (2) any businesses or industries that receive utility service primarily to use in connection with manufacturing, selling, or distributing goods or services for profit. It also excludes any state agency that participates in PURA proceedings (e.g., DEEP, the Office of Consumer Counsel (OCC), or the attorney general).

A "small business customer" is a commercial or industrial electric customer with less than a 200 kilowatt peak load that (1) is independently owned and operated and (2) employs less than 250 full-time employees or has less than $5 million in gross annual sales.

Application Process

The act requires a stakeholder group, either before or when it files its application, to serve a notice of intent to apply for an award of compensation on every party, intervenor, and participant to the proceeding. PURA must determine appropriate procedures for accepting, taking comments on, and responding to the applications.

The act allows PURA to require applicants to attend trainings sponsored or recommended by PURA or OCC as a condition for receiving an award. The trainings must be designed to support (1) public participation and understanding of PURA decisions and rulings and (2) general education and awareness about public service company regulation and operations. They must also include public resources that explain PURA's and OCC's role and function.

In preparing the application process and related trainings, the act allows PURA and OCC to (1) retain consultants (a) to provide training in areas where staff expertise does not currently exist or (b) when needed to supplement existing staff expertise and (2) incur other reasonable costs related to stakeholder engagement and the program, so long as they total less than $1 million per year.

Applications. The act requires applications to include the following:

1. a statement of the nature and extent, and the factual and legal basis, of the stakeholder's planned participation to the extent it is possible to describe it with reasonable specificity at the time;
2. a detailed budget of anticipated attorney and expert witness fees, and other preparation and participation costs; and
3. any other information PURA requires.

If participation will impose a significant financial hardship on the stakeholder group and it seeks advance payment of compensation to start, continue, or complete its participation in the proceeding, then the group must also include substantial evidence of the significant financial hardship in its application. Under the act, "significant financial hardship" is when a stakeholder group shows that it cannot afford to pay the costs of effectively participating in the proceeding, including attorney and expert witness fees and other reasonable costs.

Compensation Decisions

The act requires PURA, within 30 days after receiving an application, to decide whether the stakeholder group's participation is a substantial contribution. A "substantial contribution" is a stakeholder group's participation in a proceeding that, in PURA's judgement, may substantially help PURA make its decision, or part of it, because PURA may adopt (1) at least one of the group's factual or legal contentions or (2) a policy or procedural recommendation presented by the group. If PURA finds that the group's participation is a substantial contribution, then it must describe it and determine whether the group has a significant financial hardship.

Under the act, if PURA finds a significant financial hardship, then it may direct the utility companies subject to the proceeding to pay all or part of the expected compensation, as determined by PURA, to the stakeholder group before the proceeding ends. This determination must consider the compensation paid to attorneys, expert witnesses, and others of comparable training and experience who offer similar services as those relevant to the groups' application for compensation. If the group stops participating in the proceeding without PURA's consent, PURA must recover all or part of any payments made to the group and refund them to the companies.

Each stakeholder group must return any unused compensation to PURA, which PURA must then refund to the companies that provided it. PURA must also require each stakeholder group to maintain an itemized record of all expenses incurred due to the proceeding. PURA may use this record to verify the group's financial hardship claim and whether any unused funds remain when the proceeding ends. If PURA determines that at least two stakeholder groups have substantially similar interests, it may require them to jointly apply to receive compensation.

The act otherwise requires any compensation to be paid at the proceeding's end as determined by PURA. The compensation must be paid by all relevant companies in proportion to their relative annual load, customers, or revenue, as determined by PURA.

Under the act, if a stakeholder group delays or obstructs the orderly and timely fulfillment of PURA's duties, or attempts to do so, then PURA cannot award any compensation. Also, nothing in the act's provisions on the program may be construed as restricting, diminishing, or otherwise altering OCC's statutory powers.

Program Evaluation and Report

The act requires PURA, by March 15, 2026, to issue a request for proposals to retain a consultant with program evaluation experience to conduct an independent evaluation of the program, including its performance, impact, and effectiveness. PURA must determine the criteria for evaluating proposals and the deadline for responding to them. It must evaluate the submitted bids and select the bidder to conduct the study by July 15, 2026.

By January 15, 2027, PURA's chairperson must report to the Energy and Technology Committee on the program's implementation from January 15, 2024, through July 15, 2026. The report must at least include:

1. a summary of the program's implementation, including the application process and the program's annual costs, with a breakdown of costs by type of stakeholder group expense;
2. an assessment of stakeholder groups' impact on proceedings and their outcomes;
3. the independent consultant's program evaluation; and
4. any recommendations for legislative changes to the program.

The report's summary must also include the number of (1) applicants received and (2) stakeholder groups that participated in proceedings, were awarded funding, and claimed financial hardship.

Background — Environmental Justice Community

By law, an "environmental justice community" is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality (CGS § 22a-20a).

EFFECTIVE DATE: Upon passage

§ 16 — STANDARD SERVICE PROCUREMENT STUDY

Requires PURA to study the process for procuring power generation for standard service and supplier of last resort service

The act requires PURA, by February 1, 2024, to submit a report to the Energy and Technology Committee on the procurement processes, policies, procedures, and timelines associated with procuring standard service and supplier of last

resort service (i.e., the power generation services for those who do not receive service from a retail electric supplier). The study must at least include reviews of the following:

1. the EDCs' procurement policies for standard service;
2. municipal electric utilities' procedures for procuring electric generation services, including practices that EDCs could adopt to lower rates for ratepayers;
3. procurement practices of EDCs in other deregulated states, including practices that could result in lower rates for ratepayers; and
4. the economic and policy achievement relationship between (a) environmental attributes bought by EDCs through the grid-scale procurements and distributed generation programs and (b) compliance with the renewable portfolio standards.

EFFECTIVE DATE: Upon passage

§§ 17-20 — EDC CREDITS FOR OUTAGES AND COMPENSATION FOR LOST FOOD AND MEDICINE

Clarifies how PURA must determine when to require EDCs to give certain account credits and compensation to customers after an outage

The law generally requires an EDC to:

1. give its residential customers a $25 account credit for each day that a distribution system service outage occurs for more than 96 consecutive hours after an emergency and
2. compensate each of its residential customers with $250, in total, for any food and medication that expires or spoils due to a service outage that lasts for more than 96 consecutive hours after an emergency.

The act further specifies that PURA has discretion to determine when an emergency ends by reviewing the (1) time when the EDC could first deploy resources safely in its service territory, (2) first of any official declarations about the end of the emergency, or (3) expiration of any National Weather Service warning applicable to the service territory.

It also changes the types of emergencies subject to these requirements by (1) removing tsunamis, volcanic eruptions, and attacks by enemies of the United States from the types of emergencies covered by the provision and (2) exempting emergencies that result in over 69% of an EDC's customers experiencing an outage at the period of peak demand.

Waivers

The law allows the EDCs, within 14 days after an emergency occurs, to petition PURA for a waiver from the requirements to provide account credits and compensation for lost food and medicine. The act requires the waiver petitions to include information about line and restoration crew safety issues, rather than all employee safety issues, as prior law required.

EFFECTIVE DATE: October 1, 2023

§§ 21-23 & 36 — PURA COMMISSIONERS

Requires the governor to select PURA's chairperson, rather than letting the commissioners elect the chairperson; allows the chairperson to assign any matter before PURA to one or more utility commissioners, rather than to a panel of at least three commissioners; requires a vote by all PURA commissioners in any decision of a contested case assigned to one or more commissioners

The act changes how PURA's chairperson is selected. It requires the governor, starting by June 30, 2023, and in each odd-numbered year after that, to appoint the chairperson from among the commissioners. The chairperson then serves a two-year term, starting on July 1 of that year. Prior law required the commissioners to elect the chairperson from amongst themselves for a one-year term. As under existing law, the commissioners must elect a vice chairperson from amongst themselves.

Prior law set a schedule for the governor to appoint three of the five PURA commissioners between July 1, 2019, and May 1, 2020. The act removes this appointment schedule (in practice, there are currently only three PURA commissioners; additional appointments have not been made).

The act allows the PURA chairperson to assign any matter before the authority to one or more utility commissioners, rather than to a panel of three or more utility commissioners as under prior law, and gives the assigned commissioners the same powers that the panels currently have. The act also requires that in any contested proceeding assigned to one or more PURA commissioners, any proposed final decision must be voted on by all of the PURA utility commissioners.

(PA 23-204, §§ 118 & 451, repeals these provisions and reverts to prior law, i.e., allowing PURA's chairperson to assign matters to a panel of at least three commissioners, with any decision by the panel, if it was not unanimous, approved by a majority vote of all PURA commissioners. However, it also keeps this act's provision on how PURA's chairperson is selected by the governor.)

Lastly, the act makes technical changes to replace references to PURA "members" with "utility commissioners."
EFFECTIVE DATE: Upon passage

§ 24 — LOW-INCOME RATES FOR GAS AND WATER COMPANY CUSTOMERS

Requires PURA to determine whether to implement low-income rates for gas company and water company customers

The act requires PURA to investigate and determine whether to implement low-income rates for each gas company and PURA-regulated water company with more than 75,000 customers at each company's next general rate proceeding starting on or after October 1, 2023. Any low-income rates adopted in the proceeding must only apply to the rate plan that is the subject of the proceeding.
EFFECTIVE DATE: October 1, 2023

§ 25 — RENEWABLE ENERGY PROGRAM CHANGES

Makes changes to the state's NRES, SCEF, and RRES programs that, among other things, (1) allow EDCs to hold solicitations and seek approval for selected projects jointly or individually; (2) exempt state, municipal, and agricultural customers from the requirement for NRES projects to be located on the customer's own premises; and (3) allow PURA to modify SCEF capacity requirements and the definitions of low-income and moderate-income customers to align with federal requirements for renewable energy incentives

NRES Program

The Non-Residential Energy Solutions (NRES) program generally allows non-residential EDC customers to participate in an EDC-conducted solicitation in which selected projects enter into a 20-year contract with the company for energy and related products (e.g., renewable energy credits (RECs)). To be eligible, a project must be a Class I renewable energy source that (1) uses anaerobic digestion or has low emissions (e.g., fuel cells) or (2) has zero emissions (e.g., solar facilities) (CGS § 16-244z(a)(2)(A) & (B)).

Prior law required the EDCs to hold these solicitations annually, but the act instead requires them at least once each year, which allows for multiple solicitations each year. It also (1) allows the EDCs to hold the solicitations and seek PURA's approval for selected projects jointly or individually and (2) makes various conforming changes.

In these solicitations, an eligible NRES project may choose to use either (1) a tariff for purchasing all energy and RECs on a cents-per-kWh basis or (2) a tariff for purchasing on a cents-per-kWh basis (a) any energy produced by the facility and not consumed in the PURA-established period of time and (b) all RECs generated by the facility. The act specifies that this decision is also subject to any tariff terms, conditions, or other stipulations by PURA, including stipulations about a facility's capacity rights.

By law, NRES projects must generally be sized so that they do not exceed the load (i.e., demand) at the customer's individual electric meter or at a set of electric meters if they are combined for billing purposes. Prior law specified that the customer's applicable load is from the EDC serving the customer, as determined by the EDC, but the act instead specifies that the applicable load is determined by PURA. It also exempts state, municipal, and agricultural customers from the requirement for NRES projects to be located on the customer's own premises.

SCEF Program

Generally, a shared clean energy facility (SCEF) allows customers to subscribe for energy or RECs from a facility that is not on the customer's premises. Eligible facilities are Class I renewable energy sources (e.g., wind or solar) served by an EDC with at least two subscribers in the same utility service territory as the facility (CGS § 16-244z(a)(2)(C)). The EDCs hold a solicitation using a competitive bidding procurement process and enter into 20-year contracts with selected projects.

Prior law required the EDCs to hold SCEF solicitations annually, but the act instead requires them at least once each year, which allows for multiple solicitations each year. It also (1) allows the EDCs to hold the solicitations and seek PURA's approval for selected projects jointly or individually and (2) makes various conforming changes (e.g., removing the requirement for a SCEF to be within the same EDC service territory as the individual billing meters for subscriptions).

Prior law allowed DEEP to require that no more than 50% of a SCEF's total capacity be sold to commercial customers. The act lowers this cap to 40%.

Low- and Moderate-Income SCEF Customers. Existing law reserves at least 20% of each SCEF's total capacity for low-income customers and at least 60% for low-income customers, moderate-income customers, and low-income service organizations. By law, a low-income customer has income at or below 60% of state median income, and, under prior law, a moderate-income customer has income from 60% to 100% of the area median income as defined by the federal Department of Housing and Urban Development. The act changes the income range for moderate-income customers to 60% to 100% of the state median income.

The act also authorizes PURA to modify these SCEF capacity requirements, and the definitions of low-income and moderate-income customers, for the limited purpose of aligning them with the requirements of any federal acts awarding renewable energy incentives.

RRES Program

Under the Residential Renewable Energy Systems (RRES) program, EDCs must let customers choose to participate under either (1) a tariff for purchasing all energy and RECs on a cents-per-kWh basis or (2) a tariff for purchasing on a cents-per-kWh basis (a) any energy produced by the facility and not consumed in the PURA-established period of time and (b) all RECs generated by the facility. The act specifies that this decision is also subject to any tariff terms, conditions, or other stipulations by PURA, including stipulations about a facility's capacity rights.

The RRES law requires that a participating generation project be sized to not exceed the load at the customer's electric meter from the EDC that serves the customer as determined by the EDC. The act requires that this also be according to any PURA-established rules.

Other Provisions

Reference to Program Years. The law caps the aggregate total megawatts available to customers through the NRES and SCEF programs. Prior law set the cap at 85 megawatts (MW) in year one and increased it by up to an additional 160 MW annually in years two through six. In practice, however, the two programs did not start during the same year and NRES is currently in year two and SCEF is currently in year four. The act removes the references to years two through six and simply requires the cap to increase by 160 MW each year on and after January 1, 2023.

The law requires DEEP, in consultation with PURA, to determine whether the renewable energy tariff offerings are competitive compared to the cost of the technologies and report the results to the legislature. The act requires this to occur by January 15, 2027, instead of at the beginning of year six of the procurements as prior law required.

Apportioning the Obligation to Purchase Energy and RECS. The act also removes a requirement that the obligation to purchase energy and RECs be apportioned to the EDCs based on their respective distribution system loads; instead, it requires PURA to determine the apportionment.

EDC Cost Recovery. The law requires an EDC's costs from the NRES, SCEF, and RRES programs to be recovered on a timely basis through a non-bypassable, fully reconciling component of the electric rates charged to all EDC customers. The act specifies that these costs must also have been prudently and reasonably incurred by the EDC.

EFFECTIVE DATE: October 1, 2023

§ 26 — DEADLINES FOR MEETING CERTAIN COMBINED HEAT & POWER DEVELOPMENT MILESTONES

Allows a certain CHP project to extend its deadlines for meeting development milestones under a PPA

Existing law, enacted in 2017, required an EDC to hold a procurement for electricity and RECs from a combined heat and power (CHP) system that was located in a distressed municipality with a population over 127,000 and met certain other criteria. The law allowed the EDC to enter into a power purchase agreement (PPA), subject to PURA's approval, to buy electricity and RECs for a term of up to 20 years from the thermal energy distribution company selected in the procurement.

The act allows a thermal energy distribution company that entered into this PPA to extend the agreement's timeframes for completing significant milestones specified in the agreement for developing a CHP system under the agreement. The company may extend all of the timeframes for milestones that it has not yet completed by up to six months, twice. These extensions are in addition to any extensions specified in the PPA. The act requires the company, for each six-month extension, to post additional security as specified in the PPA.

EFFECTIVE DATE: Upon passage

§ 27 — PURA FINE REVENUE DIRECTED TO RESIDENTIAL METHANE DETECTORS

Allows PURA to direct revenue from certain fines to support the study, installation, and deployment of residential methane detectors

By law, entities regulated by PURA are penalized with certain fines, restitution, or a combination of both if they violate PURA's orders or the applicable laws and regulations for public service companies. The act allows PURA to direct a portion of any fine levied against a person involved in the transportation of gas to support the study, installation, and deployment of residential methane detectors by one or more PURA-regulated utility companies, as determined by PURA.

By law, "transportation of gas" is the gathering, transmission, or distribution by pipeline, or storage, of natural gas, flammable gas, or toxic or corrosive gas. "Persons" are any individual, firm, joint venture, partnership, corporation, limited liability company, association, municipality, or cooperative association, including any of their trustees, receivers, assignees, or personal representatives (CGS § 16-280a).

EFFECTIVE DATE: Upon passage

§ 28 — REPORT ON INFRASTRUCTURE THREATS AND SECURITY

Requires PURA's chairperson to report on the activities of the joint federal-state task force on electric transmission, including its discussions about protecting transmission and distribution infrastructure

The act requires PURA's chairperson, by February 1, 2024, to report to the Energy and Technology Committee on the activities of the joint federal-state task force on electric transmission. The report must include any discussions related to protecting transmission and distribution infrastructure from threats, excluding any information that the chairperson determines may compromise critical infrastructure security if disclosed publicly.

EFFECTIVE DATE: Upon passage

§ 29 — STRAY VOLTAGE PROCEEDING

Requires PURA to open a proceeding to examine stray voltage

The act requires PURA, by January 1, 2024, to open a proceeding to examine stray voltage occurrences in the state and make recommendations for detecting, mitigating, and preventing stray voltage. (The act does not specify a deadline or reporting requirement for the proceeding.) Under the act, "stray voltage" is unwanted electrical leakage.

EFFECTIVE DATE: October 1, 2023

§§ 30 & 32 — MATCHING PAYMENT PROGRAM

Changes the Matching Payment Program's eligibility criteria and timeframe; gives PURA greater discretion over allowing gas and electric companies to recover their MPP costs; allows PURA to annually distribute up to $1 million to legal service entities that help people participate in utility company programs that assist customers with utility bill or arrearage payments

By law, when a residential customer's gas or electric service is subject to termination, the companies must give the customer an opportunity to enter into a reasonable amortization agreement to pay their delinquent account balance (arrearage) and avoid termination. The agreement must give the customers an adequate opportunity to apply for and receive benefits from any available energy assistance program (CGS § 16-262c(b)(2)). Residential customers who meet certain criteria may also have their arrearages reduced with matching payments from the EDCs and gas companies.

The act makes various changes to this Matching Payment Program (MPP). Among other things, it:

1. changes the program's eligibility criteria and timeframe for distributing matching payments,
2. removes a provision that explicitly allows the companies to recover their MPP costs through their rates,
3. gives PURA more time to approve the companies' MPP implementation plans, and
4. allows PURA's chairperson to annually distribute up to $1 million to entities providing legal services that help people participate in utility company programs that assist customers with utility bill or arrearage payments.

The act also makes numerous minor, technical, and conforming changes (including § 32).

EFFECTIVE DATE: Upon passage

Eligibility Criteria

Under prior law, an EDC or gas company customer using electricity or gas for heat qualified for matching payments if he or she did the following:

1. applied and was eligible for benefits from the Connecticut Energy Assistance Program (CEAP) or a state-funded fuel assistance program,
2. authorized the company to send a copy of the customer's monthly bill to an energy assistance agency for payment, and
3. entered into and complied with the amortization agreement that is consistent with PURA's decisions and policies.

The act also requires that a customer be eligible for the company's financial hardship programs. It also removes the requirements that customers (1) be using electricity or gas for heat, potentially allowing oil-heating customers to participate, and (2) apply for benefits from CEAP or another state-funded fuel assistance program, although they must still meet these programs' income eligibility requirements.

Matching Payments

The act (1) restructures how companies must calculate the matching payments to reduce a customer's arrearage and (2) requires matching payments to be paid over 12 months, rather than in two six-month lump sums.

Prior law required a customer's MPP amortization agreement to reduce the customer's payment by the amount of benefits reasonably anticipated from CEAP or other state-funded energy or fuel assistance programs. Unless the customer requested otherwise, the company had to budget the customer's payments over a 12-month period with an affordable increment applied to the arrearage, so long as it did not cause the customer to lose any energy assistance benefits. If the customer authorized the company to send a copy of the monthly bill directly to the energy assistance agency, then the agency had to make payments directly to the company.

The act removes these provisions and instead requires that the customer's arrearage be reduced by an amount calculated as follows:

1. the customer's monthly payment under the amortization agreement, so long as the customer met the act's revised eligibility requirements in the immediately preceding month, plus
2. any payment the customer receives from CEAP or another state-funded fuel or energy assistance program.

Prior law generally required the companies to distribute the matching payments twice each year, first after a participating customer met the program's requirements from November 1 through April 30, and then again after the customer continued to meet the requirements from April 30 through October 31. The act instead requires an MPP amortization agreement to distribute customer payments over a 12-month period, from November 1 through October 31. It also requires the agreement to create a monthly payment that is affordable to the customer and meets PURA's decisions and policies.

Company Cost Recovery in Rates

The act removes provisions in prior law that (1) explicitly allowed EDCs and gas companies to recover the matching payments they deducted from customers' accounts by including them as operating expenses in their rates and (2) prohibited the companies from recovering in their rates any amounts that PURA approved as an uncollectible expense. (Presumably, this gives PURA greater discretion to decide what costs may be recovered by the companies.) Prior law allowed PURA to deny all or part of the recovery required by the MPP law. The act instead allows PURA to do this for the costs incurred under the MPP law.

Implementation Plans

The law requires the EDCs and gas companies to annually submit an implementation plan to PURA with information about amortization agreements, counseling, eligibility reinstatement, rate impacts, and other information that PURA considers relevant. The act requires the companies to submit the annual plans a month earlier, by June 1 rather than July 1. It also (1) gives PURA more time to approve or modify the plans, 127 days after receiving them instead of 90 days, and (2) removes a requirement for PURA to do so in consultation with the Office of Policy and Management. As under prior law, if PURA does not act on a plan by the deadline, it automatically takes effect unless PURA grants an additional 30-day extension by notifying the company before the deadline.

The act also removes a provision in prior law that explicitly allowed PURA to require gas companies to expand the MPP to all hardship customers.

Other Amortization Agreements and Regulations

The act allows PURA to find that a reasonable amortization agreement, other than an MPP amortization agreement, covers up to a 36-month period unless PURA determines that a longer period is warranted. It also requires PURA, by October 1, 2024, to amend the regulations on reasonable amortization agreements, hardship case determinations, and the MPP to carry out the provisions of the related law, as amended by the act.

Funding for Related Legal Services

The act allows PURA's chairperson to annually distribute up to $1 million in total to organizations or individuals providing legal services with the express purpose of attaining participation in public service company programs designed to assist customers with utility bill or arrearage payments, including negotiating a reasonable MPP amortization agreement. Any of these distributed funds must be paid by all public service companies in proportion to their annual load, amount of services provided to end use customers, or revenue, as determined by PURA.

§ 31 — RETAIL ELECTRIC SUPPLIERS AND HARDSHIP CUSTOMERS

Allows hardship customers and others protected from electric service shutoffs to contract with a retail electric supplier, so long as the contract is for no more than the standard service rate

Prior law allowed PURA to review the feasibility of moving certain types of retail electric supplier customers to standard service (the EDC-provided electric supply service for residential customers who do not purchase electricity through a third-party retail supplier), and to order, among other things, that the customers be placed on standard service. The covered customers were (1) hardship cases (see *Background — Hardship Customers*), (2) customers participating in the MPP, (3) customers receiving other financial assistance from their EDC, and (4) customers who the law otherwise protects from electric service shutoffs.

(In 2019, PURA exercised this authority and ordered the EDCs to (1) switch hardship cases to standard service and (2) update their systems to prevent hardship customers from enrolling with a supplier.)

The act removes PURA's authority to perform this review and issue the related orders. Starting on January 1, 2024, it instead allows these customers to enroll with an electric supplier if the contracts with the suppliers for rates effective on or after January 1, 2024, are at or below the standard service rate for the duration of the contract. Under the act, any billing systems costs that an EDC incurs to comply with this provision must be recoverable from all licensed electric suppliers.

The act also allows PURA to open a proceeding to order all customer contracts with electric suppliers entered into on and after a determined date to comply with appropriate limitations that PURA considers necessary. If PURA issues this order, it must reopen the proceeding at least every two years.

EFFECTIVE DATE: Upon passage

Background — Hardship Customers

By law, hardship cases include customers who meet any of the following criteria:

1. receive local, state, or federal public assistance;
2. have Social Security, U.S. Department of Veterans Affairs, or unemployment compensation benefits as their sole source of financial support;
3. are unemployed heads of households with household incomes less than 300% of the federal poverty limit (FPL);
4. are seriously ill or have seriously ill household members;
5. have income under 125% FPL; or
6. face deprivation of food and necessities of life for themselves or their dependent children if payment of a delinquent bill is required (CGS § 16-262c(b)(3)).

§ 33 — CONNECTICUT COUNCIL FOR ADVANCING NUCLEAR ENERGY DEVELOPMENT

Creates the council to, among other things, plan for the advancement of nuclear energy in the state

The act creates the Connecticut Council for Advancing Nuclear Energy Development as an independent body within the Legislative Department for administrative purposes only. The council must meet at least four times a year to discuss and plan for the advancement of nuclear energy in the state.

Starting by February 1, 2024, the council must annually submit a report to the Energy and Technology Committee on advancements occurring in nuclear energy development. The report may include recommendations on the following topics:

1. opportunities for regional partnerships related to nuclear energy development, expansion, and research;
2. opportunities for state agencies to collaborate with federal agencies, higher education institutions, businesses, nonprofits, and other stakeholders to organize the state's resources related to nuclear energy; and
3. other ways to promote nuclear energy development, expansion, and research.

The council's members include the Energy and Technology Committee's chairpersons and ranking members, the DEEP commissioner, and the consumer counsel, or any of their designees. It also includes 12 members with certain qualifications, who are appointed by the legislative leaders as shown in the table below.

Council for Advancing Nuclear Energy Development Appointed Members

Appointing Authority	*Appointee Qualifications*
House speaker	One representative of a nuclear power generating facility in the state One representative of an environmental protection advocacy organization
Senate president pro tempore	One representative of the U.S. Naval Submarine Base-New London One representative of an environmental protection advocacy organization
House majority leader	One representative of a nuclear submarine manufacturer One representative of a statewide organization of municipal leaders
House minority leader	One representative of a Connecticut firm that provides nuclear engineering services One workforce development expert
Senate majority leader	One representative of a Connecticut higher education institution One spent nuclear fuel storage expert
Senate minority leader	One representative of a Connecticut higher education institution One with expertise in the supply chain of the state's nuclear industry

The act requires all initial appointments to be made within 30 days after the act's passage. Vacancies must be filled by the appointing authority. The council's members must select a chairperson from among themselves, but until then, the House speaker and Senate president pro tempore must select an acting chairperson from among the council's members. The acting chairperson must schedule and hold the council's first meeting within 60 days after the act's passage.
EFFECTIVE DATE: Upon passage

§ 34 — NUCLEAR CONSTRUCTION MORATORIUM

Specifies that the exemption to the state's moratorium on building new nuclear power facilities applies to construction at a nuclear power facility (not the facility itself)

State law generally prohibits construction from starting on a new nuclear power facility unless and until the DEEP commissioner finds that the federal government has identified and approved a demonstrable technology or means to dispose high level nuclear waste. The law previously exempted from this moratorium any nuclear power generating facility currently operating in the state (i.e., the Millstone Power Station in Waterford) and the act further specifies that this exemption applies to construction at the facility.
EFFECTIVE DATE: October 1, 2023

§ 35 — DEEP STUDY

Requires DEEP to study the (1) feasibility of deploying small modular reactors, advanced nuclear reactors, fusion energy facilities, and other zero carbon resources; (2) process for and best practices for certain power purchase agreements; and (3) capability of the state's gas supply system

The act requires DEEP, within available resources, to do a study that:

1. evaluates the feasibility of deploying small modular reactors, advanced nuclear reactors, fusion energy facilities, and other zero carbon resources that can improve affordability, fuel security, renewable integration, and winter reliability within the New England regional electric grid;
2. reviews the process for power purchase agreements procured under a state solicitation or under the state's renewable energy programs and identifies best practices to ensure reliability in associated energy markets, reasonably reduce costs to ratepayers, and promote conservation; and
3. reviews the state's gas supply system and evaluates whether current supply and capacity can meet the energy needs of residences and power plants in the state.

In doing the study, DEEP must consult the state's Nuclear Energy Advisory Council.

The act requires DEEP to submit a progress report and any relevant recommendations to the Energy and Technology Committee by January 15, 2024. It must then submit its full report on its findings and recommendations to the committee by March 15, 2024.

EFFECTIVE DATE: July 1, 2023

§ 36 — CLASS I RENEWABLE ENERGY SOURCES

Expands Class I renewables by (1) including nuclear generating facilities built on or after October 1, 2023, and (2) increasing the maximum capacity of certain eligible run-of-the-river hydropower facilities from 30MW to 60MW

The act expands the types of energy sources considered "Class I renewable energy sources" to include a nuclear power generating facility built on or after October 1, 2023. (The law generally prohibits construction from starting on a new nuclear power facility until the DEEP commissioner finds that the federal government has identified and approved a demonstrable technology or means to dispose high level nuclear waste; however, it allows this construction at any nuclear power generating facility currently operating in the state (see § 34).)

The act also expands the types of run-of-the-river hydropower facilities that are considered Class I, generally by increasing the cap on their generating capacity and removing certain criteria related to when the facility was licensed. Prior law classified a run-of-the-river hydropower facility as Class I if it either (1) began operating after July 1, 2003, and had a generating capacity of no more than 30 megawatts (MW) or (2) received a new license after January 1, 2018, under the Federal Energy Regulatory Commission's (FERC) rules for the takeover and relicensing of licensed water power projects (18 C.F.R. § 16).

For this first option, the act increases an eligible facility's maximum generating capacity from 30 to 60 MW. For the second option, the act requires a facility to have received a license under FERC's rules after the act's passage, instead of after January 1, 2018 (PA 23-204, § 185, undoes this change to the second option).

Additionally, under prior law if these facilities applied for Class I certification after January 1, 2013, they (1) could not be based on a new dam or a dam identified by the DEEP commissioner as a candidate for removal and (2) had to meet applicable state and federal requirements, including applicable site-specific standards for water quality and fish passage. The act maintains these requirements for both types of Class I run-of-the-river hydropower facilities described above, but it applies them regardless of when the facility applied for Class I certification.

By classifying these nuclear and hydropower facilities as Class I, the act generally allows EDCs and electric suppliers to use the energy and renewable energy credits (RECs) generated by these technologies to meet their Class I requirements under the state's renewable portfolio standards (RPS) law (CGS § 16-245a). It also allows these facilities to (1) participate in certain procurements administered by DEEP (e.g., CGS §§ 16a-3f-3i); (2) qualify for certain property tax exemptions (CGS § 12-81(57)); and (3) when applicable, be exempt from municipal building permit fees (CGS § 29-263). (Section 38 of the act exempts nuclear facilities from the Class I property tax exemption.)

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 23-204, § 186, increases the cap on how much run-of-the-river hydropower may be used to meet the Class I requirement from one to 2.5 percentage points of the requirement.

§ 37 — LARGE-SCALE HYDROPOWER AND THE CLASS I RPS

Increases the portion of the Class I RPS requirement that may be met with large-scale hydropower, under certain limited circumstances, from one percentage point to 2.5 percentage points

The state's RPS law generally requires EDCs and retail electric suppliers to obtain specific percentages of their power from (1) Class I resources (e.g., wind and solar); (2) Class II resources (i.e., trash-to-energy facilities); and (3) Class III resources (e.g., certain combined heat and power systems). They generally meet their obligations by buying RECs on the regional market, which can be sold separately from the power generated by these resources.

Under existing law, if certain specified conditions indicate that there are insufficient Class I renewable energy sources to meet the RPS requirement, then the DEEP commissioner may allow large-scale hydropower procured under DEEP's statutory procurement power to satisfy a certain portion of the RPS requirement. Prior law limited this portion to one percentage point of the Class I requirement; the act increases this to 2.5 percentage points of the Class I requirement. It also makes a conforming change to correspondingly reduce the requirement for the EDCs and suppliers.

Under prior law, the commissioner could not, under these circumstances, allow a total of more than five percentage points of the Class I RPS requirement to be met with large-scale hydropower by December 31, 2020. The act eliminates the sunset date for this cap and instead prohibits the commissioner from allowing a total of more than five percentage points of the Class I RPS requirement to be met with large-scale hydropower on and after October 1, 2023.
EFFECTIVE DATE: October 1, 2023

§ 38 — CLASS I RENEWABLE ENERGY SOURCE PROPERTY TAX EXEMPTION

Excludes nuclear generating facilities from a Class I renewable energy source property tax exemption

The law generally exempts Class I renewable energy sources from property taxes if they meet certain criteria (e.g., they were installed on or after January 1, 2014, for commercial or industrial purposes, and do not have a generating capacity that exceeds the location's demand). The act excludes nuclear power generating facilities (which the act includes in Class I (see § 36)) from this property tax exemption, maintaining their current property tax status.
EFFECTIVE DATE: October 1, 2023

§ 39 — PETROLEUM STORAGE & PIPELINE INFORMATION

Requires petroleum product storage terminals and pipelines to submit certain information to the DEEP commissioner

The act requires any person engaged in the business of operating a petroleum product storage terminal or petroleum product pipeline in the state, by October 1, 2023, to notify the DEEP commissioner about information pertaining to the identity and storage or flow capacity of their terminal or pipeline. The notification must be in writing and in a form set by the commissioner.

If actual stocks of any petroleum product throughout the regional petroleum administration subdistrict fall below the most recent five-year average as reported by the U.S. Energy Information Administration, then the act allows the DEEP commissioner to require any person engaged in the business of operating a petroleum product storage terminal or petroleum product pipeline in the state to report information pertaining to their terminal's or pipeline's actual petroleum products inventory or flow. The report must be on forms set by the commissioner and submitted within 15 days after the commissioner's request.

The act exempts any of the above information submitted to the commissioner from disclosure under the state's Freedom of Information Act.

Under the act, the "regional petroleum administration subdistrict" is the Petroleum Administration for Defense District 1A, or a successor subdistrict used by the U.S. Department of Energy to track petroleum products that includes Connecticut (the current Petroleum Administration for Defense District 1A covers the six New England states).
EFFECTIVE DATE: Upon passage

§ 40 — GAS DETECTORS

Requires DAS, the Office of the State Building Inspector, and the Codes and Standards Committee to study and report on including gas detectors in the State Building Code

The act requires the Department of Administrative Services (DAS), the Office of the State Building Inspector, and the Codes and Standards Committee, by December 31, 2023, to study and jointly submit a report to the Public Safety Committee on including gas detectors in the State Building Code. The report must at least include the following:

1. the anticipated feasibility of requiring gas detectors in all buildings that use natural gas or propane gas,
2. recommendations for future legislative changes,
3. the current availability of gas detectors that meet the National Fire Protection Association's standards,
4. a recommended code alignment process to accommodate any changes, and
5. the fiscal impact on the state or owner of public buildings.

EFFECTIVE DATE: July 1, 2023

PA 23-156—sHB 6851
Energy and Technology Committee

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE HYDROGEN TASK FORCE

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) to develop and approve a hydrogen strategic plan, extends certain wage and workforce requirements to hydrogen projects, and requires DEEP to seek federal funding opportunities for projects that advance hydrogen in the state.

Existing law requires renewable energy project developers to meet certain wage and workforce requirements if their project meets certain criteria ("covered projects"). Beginning January 1, 2025, the act extends these requirements to hydrogen projects, which are projects producing, processing, transporting, storing, or using hydrogen.

The act requires the DEEP commissioner to seek opportunities for federal funding for projects or activities that advance hydrogen in the state. She must do this in consultation with the governor, the Office of Policy and Management secretary, and the Department of Economic and Community Development (DECD) commissioner. The act requires the DECD commissioner to identify the state's share of projects or activities needed to meet federal matching requirements.

EFFECTIVE DATE: July 1, 2023, except the provision that requires DEEP to seek federal funding is effective upon passage.

HYDROGEN STRATEGIC PLAN

The act requires DEEP to develop and approve a hydrogen strategic plan by December 31, 2024. The plan must recommend policies, programs, and regulations to grow the state's hydrogen economy, consistent with the:

1. state's greenhouse gas reduction goals;
2. approved Integrated Resource Plan, which is a plan DEEP develops every two years, in consultation with Eversource and United Illuminating, by reviewing the state's energy capacity and needs and developing a plan to procure various energy resources (CGS § 16-3a); and
3. Comprehensive Energy Strategy, which DEEP prepares every four years to guide the state's energy policy, among other things (CGS § 16a-3d).

The act additionally requires the hydrogen strategic plan to encourage using hydrogen produced from renewable energy and prioritize applications for this hydrogen to aviation, maritime shipping, ferry transportation, heavy-duty trucking, and high-temperature industrial processes. The plan must also describe the current and projected cost differences between using hydrogen produced from renewable energy to power these sectors and processes and using fossil fuels to do it.

COVERED PROJECT REQUIREMENTS

Under the act, starting January 1, 2025, hydrogen projects are "covered projects" subject to labor and workforce requirements under CGS § 31-53d. Among other things, these provisions require project developers to establish a workforce development program, which 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 (e.g., apprenticeship programs).

Contractors and subcontractors on a covered project must 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 penalties and sanctions for violating the prevailing wage law's reporting and compliance requirements (see BACKGROUND). Construction projects covered by a project labor agreement (PLA) are exempt from this requirement if the PLA meets certain other criteria.

Each operations, maintenance, and security employee employed in a building or facility built in a covered project must be paid at least the prevailing wage or the "standard wage" (see BACKGROUND), including benefits for the employee's corresponding job classification.

Developers must also submit sworn certifications to the labor commissioner from each contractor and subcontractor that it meets certain conditions, including, among other things, that it:

1. will not pay personnel employed on the project less than the applicable wage and fringe benefit rates for the appropriate classification,
2. will not misclassify employees as independent contractors, and
3. participates in apprenticeship training through certain state or federal apprenticeship programs.

Contractors and subcontractors can be debarred under the state's debarment law if a certification has false, misleading, or materially inaccurate information. Developers who fail to take reasonable steps to ensure certifications are accurate and truthful can face other noncompliance penalties set in regulations.

For covered projects with a nameplate capacity of at least five megawatts, covered project developers must take all reasonable actions to ensure that a community benefits agreement is entered into with the appropriate community organizations representing community residents where the project will be located. A nameplate capacity is generally a measurement of an electricity generation or storage project's maximum output. (Certain hydrogen projects may not have nameplate capacities; presumably, they are not subject to this provision.) A community benefits agreement details the project's contribution to the community and aspects that will mitigate the community's adverse conditions and create opportunities for local business, communities, and workers.

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 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 at state buildings to pay their employees wages and benefits as determined by the labor commissioner. 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 23-157—HB 6853
Energy and Technology Committee

AN ACT CONCERNING FUNDING FOR MICROGRIDS, RESILIENCE AND STATE AGENCY BUILDING DECARBONIZATION PROJECTS

SUMMARY: This act expands eligibility to participate in the Microgrid and Resilience Grant and Loan Program (see BACKGROUND) and, unrelatedly, allows state agencies to participate in certain building decarbonization projects.

For the microgrid program, the act expands eligibility to at least include any local or regional governmental entity (rather than just municipalities), municipal corporation, regional council of government, public authority, or state and federally recognized tribe. By law, unchanged by the act, electric distribution companies (i.e., Eversource and United Illuminating); participating municipal electric utilities; energy improvement districts; and nonprofit, academic, and private

entities are also eligible, and all eligible recipients may collaborate with each other to submit a proposal. The act also specifies that eligibility does not need to be limited to these entities.

The act allows the Department of Energy and Environmental Protection (DEEP), which administers the program, to award program grants or loans, rather than requiring it as under prior law. It also explicitly allows DEEP to use bond funds authorized to support microgrids or resilience to provide grants or loans to eligible recipients. The act eliminates (1) a requirement for DEEP to distribute program funds evenly between small, medium, and large municipalities to the extent possible and (2) an obsolete reporting requirement.

EFFECTIVE DATE: July 1, 2023, except the provision on decarbonization projects is effective upon passage.

DECARBONIZATION PROJECTS

The act allows any state agency (see BACKGROUND) to participate in a building decarbonization project for a state-owned or -leased building or facility that the agency occupies. Under the act, a "building decarbonization project" is a project that (1) implements energy efficiency measures, reduces energy usage, or decarbonizes the energy use of a building or facility and (2) is offered by (a) an electric distribution company or gas company through the state's Conservation and Load Management Plan or (b) the Connecticut Green Bank, including participation in associated financing mechanisms offered by the companies or the Green Bank.

The act requires a state agency that wants to participate in a building decarbonization project to submit a request to DEEP, which, in consultation with the Department of Administrative Services, may review and recommend approval. Upon receiving the recommended approval, the agency must submit a request to participate in the project, with supporting documentation and the recommended approval, to the Office of Policy and Management (OPM) for review and final approval. Under the act, OPM may only approve a project if it can be sustained by the state agency's operating budget, based on the operating budget for the fiscal year in which the state agency files the request.

BACKGROUND

Microgrid and Resilience Grant and Loan Program

The Microgrid and Resilience Grant and Loan Program generally provides funding for entities to develop microgrid distributed energy generation, repurpose existing distributed energy generation to use with microgrids, support critical facilities, or develop resilience projects. Program funding may provide (1) assistance with community planning; (2) assistance for certain design, engineering, and interconnection infrastructure costs; (3) matching funds or low interest loans for certain energy storage systems or distributed energy projects; and (4) non-federal cost shares for funding applications for projects that include microgrids or resilience.

By law, a "microgrid" is a group of interconnected electricity users and generators that (1) is within clearly defined boundaries and acts as a single controllable entity with respect to the larger grid and (2) can operate as either a part of the grid or independent of it (e.g., a fuel cell that powers a hospital but can also power a nearby municipal center during a power outage).

State Agency

By law and under the act, a "state agency" is any office; department; board; council; commission; institution; constituent unit of the state higher education system; technical education and career school; or other agency in the executive, legislative, or judicial branch of state government.

PA 23-199—sHB 5641
Energy and Technology Committee

AN ACT CONCERNING NOTIFICATION OF UTILITY SERVICE TERMINATIONS AT CERTAIN RENTAL PROPERTIES

SUMMARY: This act creates a way for landlords of certain non-residential properties to (1) receive notice before a gas company (e.g., Yankee Gas) or electric distribution company (i.e., Eversource and United Illuminating) terminates service billed to their property under a tenant's name and (2) have the service reinstated in the landlord's name. It requires the

companies, upon an eligible landlord's request, to agree to notify the landlord by mail at least 72 hours before terminating service to the property and reinstate service by reverting it to the landlord's name if the landlord subsequently requests it.

The act's provisions apply when requested by someone who certifies that he or she owns a property that (1) is used exclusively for non-residential purposes; (2) has no more than 12,000 square feet of total floor area that is rented or leased; and (3) is served by the company and billed to someone else (i.e., a tenant). The request must be written in a form set by the Public Utilities Regulatory Authority (PURA) and must include (1) certification that the landlord owns the property subject to the request and (2) the landlord's mailing address that the company must use for the notifications about terminations. The landlord is responsible for notifying the companies about any changes to his or her mailing address, or the property's sale, in a timely manner. Under the act, PURA must set the form and the implementation date for using the form after evaluating evidence from the companies and other interested parties in an uncontested proceeding.

The act also (1) prohibits the companies from disclosing to the landlord the reason for service termination and (2) specifies that it does not require the landlord to pay the account balance or arrearage of any customer who was billed for service at the property before the service was terminated.

EFFECTIVE DATE: January 1, 2024

PA 23-6—HB 6484
Environment Committee

AN ACT CONCERNING CERTAIN HARVESTING OF HORSESHOE CRABS

SUMMARY: This act generally prohibits hand-harvesting horseshoe crabs or their eggs from state waters. However, it authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to allow, by permit, hand-harvesting horseshoe crabs for educational or scientific purposes if she determines it will not harm the state's horseshoe crab population.

The act (1) subjects a person to a $25 fine for each specimen taken in violation of its provisions and (2) requires the DEEP commissioner to enforce it.

The act's provisions apply regardless of other laws, including one that allows hand-harvesting horseshoe crabs as a type of "general commercial fishing" (CGS § 26-142a(a)(9)) and another that prohibits hand-harvesting horseshoe crabs in certain areas of Stratford and makes a violation an infraction (CGS § 26-292b).
EFFECTIVE DATE: October 1, 2023

PA 23-17—sSB 1069
Environment Committee
Judiciary Committee

AN ACT CONCERNING REVISIONS TO CERTAIN DOMESTIC ANIMAL RELATED STATUTES

TABLE OF CONTENTS:

§ 8 — RABIES

Makes numerous changes in the statutes related to rabies, such as allowing the DoAg commissioner to order rabies testing; increasing the penalty for violating a rabies-related order; requiring suspected or confirmed rabies cases to be reported to the state veterinarian within 24 hours; and requiring the owner or keeper of an animal seized for failure to abide by a quarantine order to pay costs of seizure and care

§ 9 — SERVICE ANIMALS

Updates language by replacing the term "guide dogs" with "service animals" to conform with federal law

§ 10 — GENERAL PENALTY AND ENFORCEMENT

Applies a general penalty under state law to violations of any companion animal-related regulation instead of just those specific to restraining or destroying cats and dogs; provides that ACOs must enforce the chapter's provisions and not constables; eliminates a requirement that the DoAg commissioner take enforcement action when an ACO is negligent in his or her duties

§ 11 — ANIMAL POPULATION CONTROL PROGRAM

Requires the DoAg commissioner to update the veterinarian reimbursement payment levels under the program biennially

§§ 6, 12 & 13 — REPEALED STATUTES AND TECHNICAL AND CONFORMING CHANGES

Repeals statutes related to (1) municipal licensing for keeping 10 or more breeding dogs, (2) standards of care for dogs and cats in a breeding cattery, and (3) the allocation of some dog license fees to UConn for canine disease research; makes related technical and conforming changes

SUMMARY: This act makes numerous changes in the domestic animal statutes as summarized in the section-by-section analysis below.
EFFECTIVE DATE: Upon passage unless otherwise specified below.

§ 1 — NEGLECTED OR CRUELLY TREATED ANIMALS

Allows animal control officers to get court orders requiring an animal's owner to provide necessary care for the animal; increases the cash bond amount required when the animal is given to another temporarily; increases the per diem rate an animal's owner must pay to cover the cost of the temporary care

The act allows animal control officers (ACOs), when an animal is found to be neglected or cruelly treated, to seek a court order to require the animal's owner to provide necessary care for the animal. This is an option in addition to other court orders ACOs may already request by law (e.g., removal and temporary care and custody).

Under prior law, when a court ordered an animal to be temporarily placed with another person or agency, the animal's owner had to either relinquish the animal or post a surety or cash bond of $500 with the person or agency in whom the animal's temporary care and custody was vested. The act eliminates the surety bond option and instead requires a $1,000 cash bond, which may be posted with the person, agency, or the agency's counsel of record in the case.

By law, if the court finds an animal is neglected or cruelly treated, the animal's owner, or other person responsible for the animal, must pay for the expenses incurred by the state, a municipality, or other person or agency for the animal's temporary care and custody. The act increases the per diem rate that the person must pay. Previously, the law required the amount owed to be calculated at a per-animal, per-day rate of $15, or $25 if the animal was a horse or other large livestock. The act increases these amounts to $20 and $30, respectively.

In addition, the act requires the animal's owner or other responsible person to pay for all veterinary costs incurred for the welfare of the animal while in temporary custody. Under prior law, those costs had to be paid for if they were not otherwise covered by the per diem rate.

§ 2 — MUNICIPAL ACO REPORTING

Requires municipal ACOs to report monthly to the Department of Agriculture and the town's or region's chief administrative officer on the official duties and services performed in the prior month; eliminates obsolete language about how ACOs are paid

The act requires municipal ACOs to report monthly, by the 10th day, to the Department of Agriculture (DoAg) and the chief administrative officer for the town or region where services were rendered on the official duties and services they performed in the prior month. The DoAg commissioner must prescribe the forms for the reporting.

The act also eliminates the requirement that ACOs file sworn statements with their monthly report. Previously, ACOs had to file their sworn statements and reports with the chief administrative officer, who then forwarded them to DoAg.

Additionally, the act removes obsolete language about ACOs being paid based on the number of dogs they handled in the prior month.

§ 3 — LOCAL KENNEL LICENSE

Renames a kennel license as a "local kennel license"; requires this license when a person breeds more than five, instead of two, litters annually; disqualifies anyone who is guilty of animal cruelty from holding a local kennel license; directs how municipalities may spend the local kennel license fees they collect; generally reduces penalties related to violating kennel requirements; adds a penalty for not complying with an ACO's orders

License Eligibility

The act renames a kennel license as a "local kennel license." Under prior law, a person who owned or kept dogs and bred more than two litters of dogs a year had to apply to their town clerk for a license, while a person who bred up to two litters a year could optionally apply for a license. The act increases this threshold from more than two litters to more than five litters. It also makes any person, and any business entity with a person with a controlling interest, who is found guilty of violating certain animal cruelty statutes (i.e., CGS §§ 53-247, 53-248 & 53-249) ineligible to hold a local kennel license.

License Fees

By law, each annual local kennel license fee is $50 when up to 10 dogs are kept in the kennel and $100 when more than 10 dogs are kept. If the kennel owner or keeper does not get a license by June 30 annually, he or she must pay $1 for each dog kept in addition to the license fee. The act specifies that these fees are nonreturnable.

The act also sets out how a municipality must spend the collected fees. Specifically, a municipality may only use the fees for the following purposes: municipal ACO compensation and equipment, license certificates, tags, dog pound construction and maintenance, impounded animals' detention and care, animal supplies, and veterinary fees.

Facility Inspections and ACO Orders

The act requires municipal and regional ACOs to inspect each kennel annually and after receiving a complaint about the kennel. (PA 23-187, § 28, instead allows, rather than requires, the ACOs to inspect local dog kennels annually and upon receiving a complaint beginning July 1, 2023.) An inspection must include a review of the (1) sanitary conditions in which the dogs are kept; (2) dogs' access to proper and wholesome food, potable water, exercise, and necessary veterinary care, including rabies vaccinations; and (3) records of veterinary care and transfer of dogs or puppies to new owners.

The act requires that any crate or enclosure in which a dog is kept for more than four hours at a facility must be clean; in good repair; and of sufficient size so that the dog can stand, sit, lie down, turn around, and make normal postural movements.

The ACO may issue orders to correct any deficiencies found during an inspection. If the ACO suspects a communicable or infectious disease, the ACO may order the licensee to consult a Connecticut-licensed veterinarian at his or her own expense to address the suspected health condition. The licensee must implement any ACO orders and follow the veterinarian's recommendations.

Under the act, a person aggrieved by any related ACO orders may appeal to the Superior Court of the judicial district where the municipality is located but must do so within 15 days after the order's date.

Penalties

The act authorizes the municipality to suspend, revoke, or refuse to issue a local kennel license for cause.

Under prior law, anyone operating a kennel after their license was revoked or suspended was guilty of a class B misdemeanor. The act reduces the penalty to a class D misdemeanor (see Table on Penalties).

Additionally, it reduces the penalty, from a class B misdemeanor to an infraction for a first offense and a class D misdemeanor for a subsequent offense, for failing to (1) get a local kennel license when required or (2) allow an inspection of the facility. The act extends these same penalties to failure to comply with an ACO's order.

§ 4 — BUSINESS ENTITY LICENSES AND REGISTRATIONS

Disqualifies anyone who is guilty of animal cruelty from holding certain licenses; allows the DoAg commissioner to refuse to issue or renew a license or registration for not complying with relevant laws, regulations, and orders

The act makes any person who is, and any business entity whose person with a controlling interest is, guilty of animal cruelty ineligible to hold a commercial kennel, pet shop, grooming facility, or training facility license.

By law, the DoAg commissioner may revoke or suspend a commercial kennel, pet shop, grooming facility, or training facility license or an animal shelter registration for failure to comply with state laws and regulations and commissioner orders. The act also authorizes him to refuse to issue or renew a license or registration for the same reasons.

The act specifies that any individual or private entity (rather than any person) that wants to operate an animal shelter must register the shelter with the DoAg commissioner and comply with applicable laws and regulations.

§ 5 — ENFORCEMENT OF THE PET LEMON LAW AND PET SHOP VETERINARY RECORDS

Gives a consumer standing to bring a lawsuit in Superior Court against a pet shop licensee that fails to comply with the state's pet lemon law; eliminates a fine for the same failure; allows a pet shop licensee to keep electronic or paper records of veterinary services given to dogs and cats offered for sale

Pet Lemon Law Enforcement

Under prior law, if a pet shop licensee failed to reimburse a consumer in accordance with the state's pet lemon law (see *Background — Pet Lemon Law*), the consumer could seek help from the DoAg commissioner. The act eliminates this assistance and, instead, gives the consumer standing to bring a lawsuit in Superior Court for enforcement action, if a licensee fails to reimburse or replace an animal as required under the pet lemon law.

Previously, a licensee who violated the pet lemon law was fined up to $500. The act eliminates the statutory fine.

Pet Shop Veterinary Records

The act allows pet shop licensees to maintain either electronic or paper records of veterinary examinations and services provided for dogs and cats offered for sale. By law, they must have a licensed veterinarian examine each dog or cat every 15 days until the animal is sold and keep the exam records. Under existing law, unchanged by the act, a violator is subject to a fine of up to $500.

EFFECTIVE DATE: July 1, 2023

Background — Pet Lemon Law

By law, a pet shop licensee must reimburse a customer for veterinarian expenses incurred for a dog or cat that within (1) 20 days after sale becomes ill or dies of an illness that it had at the time of sale or (2) six months after sale is diagnosed with a congenital defect that adversely affects its health. The law requires the licensee to reimburse the value of the actual veterinarian services and medications given to the animal, but the reimbursement is limited to (1) the animal's purchase price if it was purchased for $500 or more and (2) $500 if the animal was purchased for less than $500. At the customer's option, the pet shop licensee must instead replace the animal or refund the animal's purchase price.

§ 7 — HEALTH CERTIFICATES FOR IMPORTED CATS AND DOGS

Requires the veterinarians who issue health certificates for imported cats and dogs to be accredited by the U.S. Department of Agriculture

By law, cats and dogs imported into the state must come with a health certificate stating that they are free of any infectious, contagious, or communicable disease and, for any over three months old, vaccinated for rabies. The law requires a licensed, graduate veterinarian to issue the health certificates. The act requires that the veterinarian also be accredited by the U.S. Department of Agriculture.
EFFECTIVE DATE: July 1, 2023

§ 8 — RABIES

Makes numerous changes in the statutes related to rabies, such as allowing the DoAg commissioner to order rabies testing; increasing the penalty for violating a rabies-related order; requiring suspected or confirmed rabies cases to be reported to the state veterinarian within 24 hours; and requiring the owner or keeper of an animal seized for failure to abide by a quarantine order to pay costs of seizure and care

DoAg Orders

By law, the DoAg commissioner may order an animal to be confined, controlled, or destroyed to prevent the spread of rabies and protect the public. The act also allows him to order an animal to be tested for rabies and quarantined and allows his designee to make any of these orders on his behalf. (And it replaces references to "destruction" of animals with "humane euthanasia.")

Under prior law, anyone who violated an order was subject to a fine of up to $100. The act instead subjects a violator to a $250 fine.

Reports of Rabies

Previously, local health directors or boards and veterinarians had to report a suspected or confirmed rabies case to the DoAg commissioner within 24 hours. The act instead requires an ACO, diagnostic lab, local health director, or veterinarian to report this information to the state veterinarian in the same timeframe.

Biting and Attacking Animals

By law, ACOs may quarantine (for 10 days) a dog, cat, or ferret that bites or attacks a person or another animal to watch for signs of rabies. The law also requires the state veterinarian to determine the management, confinement, quarantine, or disposition of a biting or attacking animal other than a dog, cat, or ferret. When making her decisions, the state veterinarian must consider the animal's age, health, rabies vaccination status, and national recommendations for preventing and controlling rabies. The act also requires her to consider the rabies vaccination status of the animal bitten or attacked.

Quarantined Animal With Rabies

Under prior law, any quarantined animal clinically diagnosed as rabid by two veterinarians, including one in private practice, had to be humanely euthanized. The act instead requires one veterinarian or the state veterinarian to make the diagnosis before euthanizing the animal. By law, the euthanasia must happen immediately without prior notice to the animal's owner or keeper, and the person carrying it out is immune from criminal and civil liability.

The act requires the Department of Public Health (DPH) laboratory, or a DPH-authorized lab, to examine the euthanized animal for rabies. The veterinarian performing the euthanasia must ensure that the animal's head is brought to the appropriate lab for examination within 48 hours after the animal is euthanized.

Quarantined Animal in Good Health

Under prior law, when a quarantined animal, other than a dog, was found to be healthy at the end of the quarantine period but its owner or keeper had not claimed the animal within that time, a municipal ACO could sell the animal to

someone who would give it a good home and proper care. The act instead allows a municipal or regional ACO to sell or give away the animal if its owner or keeper has not claimed it within five days after the quarantine period ends. As under prior law, if the animal is not sold after this time, it may be disposed of at the state veterinarian's direction, and no one will be held criminally or civilly liable for this action.

Wild Animal Suspected of Being Rabid

Under prior law, the DoAg commissioner, an ACO, or a state or municipal police officer could immediately kill a wild animal that displayed behavior that caused the commissioner to reasonably conclude that the animal was rabid. The act instead allows an ACO or a state or municipal police officer to kill a wild animal if the DoAg commissioner, state veterinarian, an ACO, or a state or municipal police officer reasonably concludes the animal is rabid.

Failure to Comply With a Quarantine or Confinement Order

The act allows an animal subject to a quarantine or confinement order whose owner or keeper does not comply with the order to be seized by an ACO and held in quarantine until it is over and the animal is examined by a veterinarian. The owner or keeper who failed to comply with the order must pay all resulting costs, including the costs of seizure, care, handling, veterinary examination, and rabies vaccination, before the animal is released to him or her.

§ 9 — SERVICE ANIMALS

Updates language by replacing the term "guide dogs" with "service animals" to conform with federal law

Prior law required a dog owner or keeper to restrain his or her dog when near a person with a disability who was with a licensed guide dog that was under the person's control and wearing a harness or orange leash and collar that readily identified it as a guide dog.

The act replaces the term "guide dog" with "service animal." It also eliminates the requirement that the animal wear a harness or orange leash and collar, but it still requires the animal to be readily identified as a service animal. By law, a violation is an infraction.

Under existing law, if a dog attacks and injures a guide dog ("service animal" under the act), the dog's owner or keeper is liable for damages, including the cost of veterinary care, rehabilitation or replacement of the injured animal, and reasonable attorney fees.

§ 10 — GENERAL PENALTY AND ENFORCEMENT

Applies a general penalty under state law to violations of any companion animal-related regulation instead of just those specific to restraining or destroying cats and dogs; provides that ACOs must enforce the chapter's provisions and not constables; eliminates a requirement that the DoAg commissioner take enforcement action when an ACO is negligent in his or her duties

General Penalty

When a person owning, keeping, or harboring a cat or dog or maintaining a kennel or commercial kennel violates a provision of Chapter 435 of the general statutes (i.e., laws related to companion animals) or a regulation about restraining or destroying cats or dogs, and no other penalty is specified, a general penalty is imposed. The penalty is a fine of at least $250, up to 30 days in prison, or both. The act applies this general penalty to a violation of any regulation, not just those on restraining or destroying cats or dogs.

Enforcement

Under prior law, any of the following people could investigate and prosecute violations of the chapter: constables, any ACO, the state's chief ACO, and any prosecuting officers. The act instead requires any ACO or the chief ACO to investigate and prosecute violations.

Additionally, the act eliminates a requirement that the DoAg commissioner take any necessary enforcement action upon getting a complaint that an ACO is negligent in his or her enforcement duties.

§ 11 — ANIMAL POPULATION CONTROL PROGRAM

Requires the DoAg commissioner to update the veterinarian reimbursement payment levels under the program biennially

PA 21-90 required the DoAg commissioner to update the reimbursement amount paid to veterinarians participating in the Animal Population Control Program. It required the commissioner to set a reimbursement rate that is up to 75% of the market rate or fee charged by veterinarians in Connecticut as of October 31, 2021. The act instead requires him to set this reimbursement rate biennially.

Background — Animal Population Control Program

This DoAg program (1) gives low-income Connecticut residents discounted sterilization and vaccination options for their dogs and cats and (2) helps registered nonprofit rescue groups with the sterilization and vaccination of feral cats. The DoAg commissioner uses the animal population control account for the program's costs. The account funds come from a surcharge on dog licenses, certain animal adoption fees for unsterilized cats and dogs, and proceeds from commemorative "Caring for Pets" license plates.

§§ 6, 12 & 13 — REPEALED STATUTES AND TECHNICAL AND CONFORMING CHANGES

Repeals statutes related to (1) municipal licensing for keeping 10 or more breeding dogs, (2) standards of care for dogs and cats in a breeding cattery, and (3) the allocation of some dog license fees to UConn for canine disease research; makes related technical and conforming changes

The act makes technical and conforming changes, including removing references to the following statutes that the act repeals:

1. CGS § 22-344c, which (a) allows towns to require a license to keep 10 or more unneutered or unspayed dogs capable of breeding and (b) requires the DoAg commissioner to prescribe the standard of care for those dogs and any cats in a breeding cattery and
2. CGS § 22-348, which allocates $0.10 from each dog license fee to UConn for canine disease research.

PA 23-43—sHB 5009
Environment Committee

AN ACT CONCERNING THE PUBLIC SAFETY CAPACITY OF SQUANTZ POND STATE PARK

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner to develop and publicly post the capacity limit of Squantz Pond State Park (in New Fairfield) by January 31, 2024. Under the act, she must use the following factors when determining the capacity limit:

1. the number of visitors and swimmers that can be safely supervised given the park and lifeguard staffing levels;
2. the park's parking and public restroom capacity;
3. pedestrian and vehicular traffic on any highway without a sidewalk leading to the park that threatens, or is reasonably likely to threaten, pedestrians' public safety or impede emergency vehicles using the highway due to the high volume of parked or moving vehicles; and
4. the commissioner's authority to use the number of vehicles entering the park as a proxy for the number of park visitors.

The act also (1) requires the DEEP commissioner to coordinate with municipal and state law enforcement to implement traffic control efforts to minimize public safety concerns on local roads and state highways outside the park and (2) allows her to close the park to new entrants when it reaches the capacity limit.
EFFECTIVE DATE: Upon passage

PA 23-62—sHB 6486
Environment Committee

AN ACT CONCERNING EXTENDED PRODUCER RESPONSIBILITY FOR TIRES

SUMMARY: This act requires the establishment of a statewide stewardship program to manage certain discarded tires that, among other things, provides free access to a collection system and ensures discarded tires are resold or recycled. It prohibits tire producers who fail to participate in a program from supplying tires in Connecticut.

The act requires tire producers, or their designees, to join a tire stewardship organization that they create or select by January 1, 2025. The organization must develop a plan to implement the program which must, in turn, be submitted to the Department of Energy and Environmental Protection (DEEP) for approval.

Among other things, the plan must detail how the program will be financed, which may be through a fee structure. The act also authorizes the DEEP commissioner to assess a reasonable fee, up to 10% of the total program costs, on tire stewardship organizations for program administration.

The act (1) allows the DEEP commissioner to civilly enforce the program's requirements, (2) sets auditing and reporting requirements, and (3) gives immunity to producers and organizations from claims of antitrust or unfair trade practice violations under certain circumstances. It also generally allows an organization to collaborate with another state with a tire stewardship or recycling program.

Lastly, the act requires the Department of Transportation (DOT) commissioner to do needed laboratory testing related to a pilot program on using tire-derived asphalt on primary state roadways throughout the state. By January 1, 2025, the DOT commissioner must submit a report to the Environment Committee on the efficacy and suitability of using tire-derived asphalt on these roadways. The report must include (1) a recommendation on its use and (2) an estimate of the volume or number of tires needed to sustain any recommended use.

EFFECTIVE DATE: October 1, 2023, except the DOT pilot program and reporting provisions are effective upon passage.

TIRE PRODUCERS

The act applies to tire "producers," which are generally tire manufacturers if the tire brand holder is a U.S. resident. A "brand" is a name, symbol, word, or mark that attributes a tire to its producer.

If there is no manufacturer meeting the above requirement, then the following, in order, would be considered the producer:

1. an owner or licensee of a trademark under which the tire is supplied in Connecticut, regardless of trademark registration;
2. an importer of the tire for supply to a consumer; or
3. the retailer who supplies the tire to a consumer.

Under the act, a "discarded tire" is a whole tire (including a tire on a rim) a consumer discarded, abandoned, or intends to discard or abandon. Tires the act covers include products made primarily of rubber that are mounted on wheels of passenger or commercial motorized vehicles, whether on- or off-road; motorcycles; trucks; buses; mobile homes; trailers; noncommercial aircraft; and earthmoving, road building, mining, logging, agricultural, industrial, and other vehicles providing mobility. The act excludes tires from toys, bicycles, commercial aircraft, and personal mobility devices.

To "supply" is to transfer a tire's title for consideration, including through a sales outlet, catalog, or website or similar electronic means.

PROGRAM PURPOSES AND ESTABLISHMENT

By January 1, 2025, the act requires producers, or their designees, to join a tire stewardship organization, which is a producer-created or -selected organization to design, submit, and implement a tire stewardship plan. It allows retailers to participate in the stewardship organization.

Under the act, the tire stewardship program must, to the extent that it is technologically feasible and economically practical, establish and manage a statewide collection system using covered entities (e.g., transfer stations, tire retailers, dealerships, see below) and provide for the following:

1. free public access to the collection system (i.e., drop-off) for discarded tires;
2. suitable storage containers for tires, as needed, throughout the collection system;
3. public promotion and education about the program;
4. market development, as needed, to meet performance goals; and
5. financing program activities only with producer funding.

The program must also ensure that discarded tires are (1) picked up from the collection system and transported for recycling and (2) resold or recycled. Under the act, "recycling" includes any process in which discarded tire parts and by-products may lose their original identity or form as they are transformed into new, usable, or marketable materials. It may include the use of tires or processed materials that are incinerated out-of-state or used as a fuel or fuel supplement.

"Covered entities" include permitted transfer stations, tire retailers, car dealerships, automotive garages, public or private fleet maintenance garages, and other locations identified in the plan.

PLAN DEVELOPMENT AND SUBMISSION

By the same date (January 1, 2025), each tire stewardship organization must submit a plan to establish a statewide tire stewardship program to the DEEP commissioner for approval. The plan must:

1. identify each participating producer;
2. describe the program's financing and public education program;
3. establish performance goals for the program's first two years (see below);
4. describe the industry transition timeline needed to achieve the performance goals and how it will use, to the greatest extent economically feasible, existing service providers and infrastructure in Connecticut;
5. identify proposed program facilities for collection, transportation, and recycling; and
6. detail how the program (a) follows the state's solid waste hierarchy (see BACKGROUND) and (b) will promote sustainability and recycling discarded tires to higher value products.

Under the act, the stewardship organization must establish and implement a system to finance the program that covers, but does not exceed, the costs to (1) develop the plan, (2) operate and administer the program, and (3) maintain a financial reserve sufficient to operate the program for six months. The organization's proposed "performance goals" are annual outcomes that measure the program's performance including collection and diversion rates, economic and environmental benefits, beneficial recycling uses and targets, public education and participation, and any other specified goal.

PLAN APPROVAL AND IMPLEMENTATION

The act requires the DEEP commissioner to determine whether to approve the plan for the tire stewardship program within 90 days after its submission, but after she posts the plan on the department's website and solicits public comments. The act specifies that the solicitation must not be done under the Uniform Administrative Procedure Act.

The commissioner must approve a plan if it meets the act's program, plan, and financing requirements. If the commissioner disapproves the plan, she must give the stewardship organization a notice of determination describing her reasons. The organization must revise and resubmit its plan within 45 days after receiving the disapproval notice. The commissioner must review and either approve or disapprove a revised plan within 45 days after receiving it and give a notice of determination to the organization. The act restricts resubmitting a revised plan for approval to no more than two occasions. If the organization fails to provide an acceptable plan, the commissioner must modify its submitted plan to conform with the requirements and approve it.

The act requires the stewardship organization to implement the tire stewardship program within 120 days after plan approval.

CHANGES TO A PLAN

The act requires stewardship organizations to submit substantial proposed plan changes to the DEEP commissioner for approval. Under the act, a "substantial change" is a (1) change in the processing facilities used for collected discarded tires or (2) material change to the system for collecting them. The act has no deadline by which the commissioner must approve the change.

Organizations must notify the commissioner of other material program changes on an ongoing basis and without resubmitting the plan for approval. These include things such as changes to the organization's composition, officers, or contact information. They must also submit updated performance goals to the commissioner two years after the program's implementation. The updated goals must be based on the program's experience during those first two years.

TIRE COLLECTION FEES

Once the program is implemented, the act prohibits participating covered entities from charging for the receipt of tires discarded in Connecticut. However, it allows them to reasonably restrict accepting tires by number, source, or condition.

AUDIT REQUIREMENTS

Program Audits

The act requires organizations, starting two years after program implementation, and then every three years, to pay for a program audit by a commissioner-selected auditor. The commissioner may request an audit, but no more than one audit per year. The audit must (1) review the accuracy of the organization's program data and (2) provide any other program-related information the commissioner requests, but not any proprietary information or trade or business secrets.

Organizations must maintain all program records for at least three years.

Audited Financial Statements

Existing law requires any product stewardship organization operating in the state to, annually by May 1, submit to DEEP certified audited financial statements and the name of any contractor or organization that has a contract with it valued at $2,000 or more. DEEP must post and maintain the information on its website (CGS § 22a-905g). This requirement also applies to tire stewardship organizations.

REPORTING REQUIREMENTS

Stewardship Organizations

Annually by October 15, the act requires each stewardship organization to report the following information to the DEEP commissioner on a form she prescribes:

1. the tonnage of tires collected from municipal transfer stations, retailers, and all other covered entities;
2. the tonnage of tires diverted for recycling;
3. a summary of the program's public education efforts;
4. an evaluation of the effectiveness of methods and processes used to achieve program performance goals; and
5. recommendations for any program changes.

The commissioner must post these reports on the department's website.

DEEP

Within three years after a plan's approval, the DEEP commissioner must give the Environment Committee a report that evaluates the program. The report must also set goals for (1) the amount of discarded tires managed under the program and (2) diverting tires for recycling, considering technical and economic feasibilities.

CIVIL PENALTIES

The act authorizes the DEEP commissioner to civilly enforce the program's requirements under her existing authority.

It allows the commissioner to ask the attorney general to bring an action for injunctive relief in the New Britain Superior Court if she believes that a person has engaged in, or is about to engage in, any act, practice, or omission that violates the program's requirements. The court may issue a permanent or temporary injunction, restraining order, or other appropriate order, including remedial measures and directing compliance. These actions by the attorney general take precedence over other actions in the order of trial.

LIABILITY PROTECTION

Under the act, to the extent a producer or an organization is exercising authority according to the act's provisions, it is immune from liability for any antitrust or unfair trade practice claim based on a violation of antitrust law.

INTERSTATE COLLABORATION

The act allows a stewardship organization to collaborate with another state that has a similar tire stewardship or recycling program to conserve efforts and resources. However, the collaboration must be consistent with the act's requirements.

BACKGROUND

Solid Waste Hierarchy

Connecticut's Comprehensive Materials Management Strategy (i.e., the revised statewide Solid Waste Management Plan) uses a hierarchy as a guide for solid waste management efforts. The hierarchy emphasizes source reduction, recycling, composting, and energy recovery. It lists landfilling and incineration as last resorts for solid waste disposal.

PA 23-74—SB 100
Environment Committee
Appropriations Committee

AN ACT ESTABLISHING AN ACCOUNT IN THE GENERAL FUND TO PROVIDE GRANTS TO TOWNS THAT NEED PFAS TESTING AND REMEDIATION

SUMMARY: This act establishes a separate, nonlapsing account in the General Fund for grants or reimbursements for municipalities to test for and remediate PFAS contamination in drinking water supplies (the "PFAS testing account"). Under the act, a "municipality" is any political subdivision of the state with the power to make appropriations or to levy taxes, including any town, city, borough, or tax district or association, excluding the Metropolitan District of Hartford County (CGS § 7-381).

Under the act, the Department of Energy and Environmental Protection commissioner must use the account funds in consultation with the public health commissioner. The account must contain any moneys the law requires to be deposited into it, and it may receive funds from private or public sources, including the federal government. (PA 23-205, §§ 13 & 32, authorizes up to $5 million for FYs 24 and 25 in new bonding for grants to municipalities to, among other things, test for and remediate PFAS pollution.)

PFAS ("perfluoroalkyl and polyfluoroalkyl substances") are all members of the class of fluorinated organic chemicals that have at least one fully fluorinated carbon atom (CGS § 22a-255h). These chemicals are used to make certain coatings and products that are resistant to heat, oil, stains, grease, and water.

EFFECTIVE DATE: July 1, 2023

PA 23-76—sSB 895
Environment Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE LABELING OF CERTAIN BEVERAGE CONTAINERS, THE REVIEW OF MUNICIPAL PROGRAMS FUNDED BY NIP PAYMENTS AND THE RETURN OF BEVERAGE CONTAINERS FOR THE REDEMPTION VALUE

SUMMARY: This act makes the following changes to the state's beverage container redemption law ("bottle bill"):

1. allows dealers (e.g., retailers) and distributors to sell or offer for sale beverage containers labeled with a five-cent refund value on and after January 1, 2024, as long as they were part of a dealer's or distributor's inventory on December 31, 2023;
2. caps at 240 the number of beverage containers a person may redeem at one time at a dealer's reverse vending machine; and
3. requires dealers and distributors, beginning January 1, 2024, to educate consumers about the 10-cent redemption value for beverage containers that applies on and after that date.

The state's bottle bill generally requires that a deposit be charged on each beverage container at the time of purchase, which is then refunded to the consumer when redeeming the empty container at the retailer or a redemption center. On January 1, 2024, the deposit amount of these containers increases from five cents to 10 cents.

The act also requires the Council on Environmental Quality to include in the annual environmental quality report it submits to the governor a review of the programs and measures local governments implemented with funds received from the state's nip surcharge. State law adds a five-cent surcharge on each nip sale. A "nip" is a beverage container containing 50mL or less of a spirit or liquor. Wholesalers must remit the surcharge to the municipality where the sale occurred, and municipalities must use these funds for environmental efforts to reduce the amount of solid waste generated in the

municipality or the impact of litter (CGS § 22a-244b).
EFFECTIVE DATE: Upon passage, except the provision on selling outdated five-cent deposit beverage containers is effective January 1, 2024.

PA 23-77—sSB 1148
Environment Committee
Judiciary Committee

AN ACT AUTHORIZING CERTAIN KILLING OF BLACK BEAR AND PROHIBITING INTENTIONAL FEEDING OF POTENTIALLY DANGEROUS ANIMALS

SUMMARY: State law generally prohibits taking (e.g., capturing, trapping, or killing) a bear. This act allows killing a bear in self-defense, permits the taking of certain nuisance wildlife, and prohibits intentionally feeding potentially dangerous animals on land not owned by the state.

More specifically, the act explicitly allows a person to use deadly physical force to kill a bear if the person reasonably believes the bear is (1) inflicting, or about to inflict, great bodily harm to a person; (2) injuring or killing the person's controlled pet; or (3) entering a building occupied with people (§ 2).

The act also authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to issue permits for taking certain wildlife that threatens or damages agricultural crops, livestock, or apiaries (§ 1). To get a permit, the property owner or lessee must have tried reasonable nonlethal efforts (e.g., electric fencing, animal guardians, or fortified structures) that failed to prevent damage. DEEP must specify in the permit the means, methods, and times for taking the nuisance wildlife.

Lastly, the act prohibits people from intentionally feeding potentially dangerous animals on land not owned by the state and makes a violation an infraction (§ 3). It defines a "potentially dangerous animal" as any Felidae (e.g., bobcat), Canidae (e.g., coyote, fox), or Ursidae (e.g., black bear). However, it excludes (1) a domestic cat or dog and (2) an animal under the care, custody, or control of a zoo or wildlife facility.
EFFECTIVE DATE: October 1, 2023

§ 1 — NUISANCE WILDLIFE PERMITS

By law, the DEEP commissioner may issue permits allowing the taking of wildlife (other than deer) that causes unreasonable damage to agricultural crops at night if controlling the wildlife is impracticable during the day. The law allows the permit holder to take the wildlife at night by methods the commissioner deems appropriate.

Regardless of that law, the act authorizes the DEEP commissioner to issue permits allowing the taking of wildlife (other than deer) that threatens or causes damage to agricultural crops, livestock, or apiaries if reasonable nonlethal efforts have been used and failed to prevent damage. However, the act does not allow for the taking of a federally protected species.

Before issuing a permit, DEEP must find that (1) the property owner or lessee used reasonable nonlethal efforts to protect the property that were not, or are not likely to be, successful in preventing damage and (2) taking wildlife is necessary to protect the property from excessive damage.

Under the act, DEEP must specify in the permit the means, methods, and times for when taking wildlife is allowed. Additionally, DEEP may only issue a permit to the property owner, or his or her agent, or to a lessee who has the owner's written permission. The act requires that the wildlife taken under the permit be disposed of as DEEP directs.

Anyone who violates the act's provisions or any conditions of a permit is guilty of a class D misdemeanor (see Table on Penalties). The commissioner must also revoke the permit, as well as all other permits or licenses relating to the property. The permit remains suspended for a period of time set by the commissioner.

§ 3 — INTENTIONALLY FEEDING POTENTIALLY DANGEROUS ANIMALS

Prohibition

The act prohibits people from intentionally feeding potentially dangerous animals on land not owned by the state and makes doing so an infraction. Under the act, "intentionally feeding" is placing, providing, giving, exposing, depositing, scattering, or distributing an edible material or attractant with the intent of feeding, attracting, or enticing potentially dangerous animals.

Regulations and Enforcement

The act authorizes the DEEP commissioner to adopt regulations about intentionally feeding potentially dangerous animals on land not owned by the state. (By law, she may already adopt regulations about feeding wildlife on state-owned property.) A violation of the regulations is an infraction.

DEEP-appointed conservation officers and other officers authorized to serve criminal process may enforce the act's provisions and any associated regulations.

Exemptions

The act specifies that its provisions on intentionally feeding potentially dangerous animals do not apply to the following:

1. composting at a permitted solid waste facility or facility permitted to discharge material into state waters, as long as best practices are used to mitigate attracting potentially dangerous animals;
2. small-scale composting operations (presumably, backyard composting);
3. composting agricultural waste;
4. disposing of agricultural animal carcasses; or
5. agriculture, farming, or aquaculture.

Municipal Ordinances

The act does not preempt a municipal ordinance that is more restrictive about intentionally feeding wildlife on land not owned by the state.

PA 23-108—sSB 73 **(VETOED)**
Environment Committee

AN ACT ESTABLISHING LOCAL REPRESENTATION ON THE CONNECTICUT SITING COUNCIL FOR LOCAL PROJECTS

SUMMARY: For any Connecticut Siting Council proceeding that occurs on or after October 1, 2023, this act would have required the council's membership to include an elector from the municipality where the subject facility is being proposed, in addition to the existing membership (see BACKGROUND). Under the act, the municipality's chief elected official would have appointed the elector. If the proposed facility was to be located in more than one municipality, the applicable regional council of governments for the affected municipalities would have appointed the elector.

The act would have required the elector to serve as a nonvoting member and abide by all applicable confidentiality rules. By law, public members of the council must be compensated for their attendance at public hearings, executive sessions, or other council business at a rate of $200 per activity, capped at $200 a day.

The act also would have made technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Siting Council Membership — Energy and Telecommunications

For energy and telecommunications facility proceedings, the existing council membership includes the following nine members:

1. the energy and environmental protection commissioner or her designee,
2. the Public Utilities Regulatory Authority chairperson or her designee,
3. one designee each from the House speaker and Senate president pro tempore, and
4. five members of the public appointed by the governor.

At least two of the public members must have ecology experience. Only one may have a past or present affiliation with a (1) utility; (2) utility regulatory agency; or (3) person owning, operating, controlling, or contracting with a facility, hazardous waste facility, or ash residue disposal area.

Siting Council Membership — Hazardous Waste

For hazardous waste facility proceedings, the existing council consists of the following 13 members:

1. the public health and emergency services and public protection commissioners or their designees;
2. the designees of the House speaker and Senate president pro tempore as described above;
3. the five members of the public appointed by the governor as described above; and
4. four ad hoc members, three of whom are electors from the municipality where the facility is being proposed and one from a neighboring municipality likely to be most affected by the proposed facility.

By law, if any of the governor's appointed public members or the House speaker's or Senate president pro tempore's designees live in the municipality where a hazardous or low-level radioactive waste facility is proposed or in the neighboring municipality most likely to be affected by the proposed facility, then the appointing authority must appoint a substitute member for the proceedings on that proposed facility.

PA 23-138—sHB 5575
Environment Committee
Planning and Development Committee

AN ACT REQUIRING THE DEPARTMENT OF AGRICULTURE TO REVISE MUNICIPAL ANIMAL SHELTER REGULATIONS

SUMMARY: This act requires that municipal or regional dog pounds have mechanical heating and cooling systems that can maintain an indoor ambient temperature of between 55 and 80 degrees Fahrenheit, unless a state-licensed veterinarian requires other temperatures for medical reasons. It also places rules on how these dog pounds keep dogs and cats (see below) and authorizes the agriculture commissioner to enforce them.

By law, the commissioner may inspect dog pounds and other facilities where domestic animals are kept and issue orders to correct any deficiencies found. The act requires the commissioner to give municipal animal control officers (ACO) an inspection report with findings within five days after an inspection. The ACO must give a copy of the report to the municipality's chief elected official and police department or ACO supervisor within 30 days after receiving it.

Lastly, the act requires the commissioner to submit any revised regulations for municipal dog pounds that are in process as of the act's passage (June 26, 2023) to the Regulation Review Committee by September 1, 2023. (By law, he may adopt regulations on the construction and maintenance of dog pounds or other facilities where domestic animals are kept.)
EFFECTIVE DATE: Upon passage, except the provisions setting out rules for municipal or regional dog pounds are effective October 1, 2023.

REQUIREMENTS FOR MUNICIPAL OR REGIONAL DOG POUNDS

In addition to the air temperature requirement, the act sets the following rules for municipal or regional dog pounds:

1. dogs cannot share the same primary enclosure, except dams (i.e., mothers) or foster dams and their puppies;
2. primary enclosures must be provided for each cat with space equal to or greater than federal regulations require (e.g., at least 24 inches high and at least three or four square feet, depending on the size of the cat);
3. females in heat cannot be kept with males;
4. a dog or cat with a vicious or aggressive disposition must be kept separately;
5. until they are over four months old, puppies or kittens cannot be kept with adult dogs or cats, other than their dams or foster dams; and
6. a dog or cat that may have a contagious disease must be (a) isolated from, and have no nose-to-nose contact with, healthy animals and (b) examined, treated, and handled as directed by a state-licensed veterinarian.

PA 23-140—sHB 6479
Environment Committee

AN ACT CONCERNING CLIMATE RESILIENCY FUNDS AND PROJECTS

SUMMARY: By law, a municipality may establish a Climate Change and Coastal Resiliency Reserve Fund to pay for property losses, capital projects, and studies related to climate change mitigation. The municipality's budget-making

authority may direct the municipal treasurer to invest the reserve funds in specified ways. This act also authorizes the municipal treasurer to invest the reserve fund in any trust fund the state treasurer administers, holds, or invests.

The act authorizes the state treasurer to (1) invest municipal Climate Change and Coastal Resiliency Reserve Funds and (2) adopt regulations to do so. It generally subjects the treasurer's investments to the same oversight that the law applies to other treasurer-administered trust funds. And it requires these investments to follow the asset allocation outlined for treasurer-administered funds, instead of that for municipal investments, meaning that up to 60% of the investments may be in equities, rather than 40%.

Additionally, the act requires the Department of Energy and Environmental Protection (DEEP) commissioner to maximize the state's receipt of federal funds designated for state climate change resiliency projects (e.g., coastal resiliency projects) by taking actions that at least include identifying these funds. Beginning by January 1, 2024, the act requires the commissioner to report biennially to the Environment Committee on her maximization efforts. The report must include federal funds identified, any application or request for funding that DEEP submitted, funds the state received, projects funded (in whole or in part), and recommendations for the state to maximize receiving federal funds.

EFFECTIVE DATE: Upon passage

PA 23-143—sHB 6607
Environment Committee

AN ACT CONCERNING THE NIGHTTIME LIGHTING OF STATE-OWNED BUILDINGS AT CERTAIN TIMES FOR THE PROTECTION OF BIRDS

SUMMARY: This act requires nonessential outdoor lighting at state-owned buildings to be turned off between 11:00 p.m. and 6:00 a.m. The shut-off requirement applies to lighting that a state agency head determines is not essential for safety or functionality, but not to lighting at the State Capitol building.

The act also requires the state building inspector and the Code and Standards Committee to consider a change in lighting design to effectuate this outdoor lighting requirement when making changes to the State Building Code that take effect on or after January 1, 2024.

Existing law, unchanged by the act, generally prohibits using state funds to install or replace permanent outdoor lights or lighting units on state building or facility grounds that (1) fail to maximize energy conservation and minimize light pollution; (2) emit more light than is minimally needed for their intended purposes; or (3) have an output of more than 1,800 lumens (the unit for measuring a light source's brilliance) unless it is a unit that allows no direct light emissions above a certain point (CGS § 4b-16).

EFFECTIVE DATE: Upon passage

PA 23-153—sHB 6810
Environment Committee
Energy and Technology Committee
Public Health Committee

AN ACT CONCERNING MINOR REVISIONS TO THE STATE'S AUTHORITY TO REGULATE CERTAIN NUCLEAR MATERIALS

SUMMARY: This act makes several changes in the state's radiation statutes to (1) align oversight requirements for certain radioactive material with those of the federal Nuclear Regulatory Commission (NRC) and (2) help Connecticut become an "agreement state" and assume responsibility for regulating these materials (see BACKGROUND).

Principally, the act authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to impound ionizing radiation sources when she finds that there is a condition or activity that has caused or will likely cause an imminent human health or environmental threat. It correspondingly creates a process for a hearing about the impoundment. Under the act, "sources of ionizing radiation" are, collectively, radioactive materials and radiation generating equipment (§§ 3 & 5).

The act also makes minor and technical changes including the following:

1. allowing the commissioner to also disclose to the NRC certain manufacturing or production-related information learned during inspections for possible violations, instead of generally only the U.S. Environmental Protection Agency as under prior law;

2. expanding the scope of the commissioner's required ionizing radiation source licensing regulations to also include devices or equipment that use these sources; and
3. specifying in the state's atomic energy policy declaration that any state regulation of special nuclear or by-product materials (or of production and use facilities) be compatible with, instead of conform to the nearest extent possible to, the federal Atomic Energy Act and its associated regulations that have the existing policy standard for developing programs to control ionizing radiation (§§ 1-2 & 4).

EFFECTIVE DATE: Upon passage

IMPOUNDMENT OF IONIZING RADIATION SOURCES

Reasons for Impoundment

The act authorizes the DEEP commissioner to impound an ionizing radiation source without a prior hearing if, after an investigation, she finds the following:

1. a person is, or is about to, cause, engage in, or maintain, a condition or activity that she believes will, or is likely to, result in an imminent threat to human health or the environment in her jurisdiction;
2. there is a violation of a DEEP-issued permit's or license's terms and conditions that she believes (a) is substantial and continuous and (b) appears prejudicial to Connecticut residents to delay action until there can be a hearing; or
3. a person is conducting, has conducted, or is about to conduct an activity without the required radiation-related license that will result, or is likely to result, in imminent damage to public health or the environment in her jurisdiction.

It also allows the commissioner to contract for the storage of impounded sources or materials if doing so is needed to fulfill the act's provisions.

Hearing and Commissioner Orders

Under the act, the commissioner must hold a hearing within 10 days after impounding material to give the person alleged to have violated the act an opportunity to show that there is no violation, no violation occurred, there is proper licensure, or a license was not required. All briefs or legal memoranda associated with the hearing must be filed within 10 days after the hearing.

The act gives the commissioner 15 days after the hearing to make a new decision based on the hearing. The commissioner's initial impoundment decision remains in effect until she makes this new one.

Costs of Impoundment

The act makes the person the commissioner found to have violated the state's radiation and radioactive materials law, and who had an ionizing radiation source impounded pending her decision, liable for the impoundment costs.

It requires the attorney general, if the commissioner asks, to bring an action in Hartford Superior Court to recover those costs. The case must generally take precedence over others in the order of trial.

The act also specifies that the time during which the hearing or an appeal is pending does not apply to the determination of a person's continuing violation (presumably, for calculating the associated civil penalty under CGS § 22a-6b).

BACKGROUND

Agreement State Status

"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); nuclear material uses, such as in nuclear medicine; and nuclear waste.

Among other things, to become an agreement state, there must be (1) an agreement between the state's governor and the NRC chairman and (2) supporting legislation and regulations. Governor Lamont submitted a letter of intent to become an agreement state to the NRC in December 2020, and the legislature passed associated legislation in 2021 and 2022 (PA 21-2, June Special Session, §§ 40-50, and PA 22-143, §§ 12-16).

Ionizing Radiation

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 (CGS § 22a-148).

PA 23-154—sHB 6811
Environment Committee
Transportation Committee

AN ACT CONCERNING REVISIONS TO THE VESSEL REGISTRATION AQUATIC INVASIVE SPECIES FEE

SUMMARY: This act (1) decouples the collection of the state Aquatic Invasive Species (AIS) fee, which certain boaters pay, from the boat registration process and (2) eliminates a two-tiered fee schedule based on a boater's state residency. (Federal law does not allow either of these practices.)

Under prior law, people who registered boats in Connecticut, and out-of-state boaters who operated on Connecticut waters, had to pay an annual Connecticut AIS fee of $5 and $20, respectively. In-state boaters paid the fee when they registered a vessel with the Department of Motor Vehicles (DMV), while out-of-state boaters paid the fee to the Department of Energy and Environmental Protection (DEEP). In separating the fee from state boat registrations, the act removes DMV's involvement from the AIS fee collection process.

The act creates a $7 AIS stamp for individuals and a $20 AIS decal for vessels, with a limited exception for marine dealers, engine manufacturers, and surveyors. A person must comply with the law by getting a stamp or a decal, either of which is valid for the calendar year in which it is issued. Under the act, DEEP is required to collect AIS stamp and decal fees through the same system that it uses for boating, hunting, and fishing licenses (i.e., the online sportsmen licensing system). AIS fees fund the Connecticut Lakes, Rivers and Ponds Preservation account, which the DEEP commissioner uses to restore and rehabilitate lakes, rivers, and ponds in the state, including by eradicating AIS, among other purposes (CGS § 14-21aa).

Anyone operating a vessel on inland state waters without an AIS stamp or decal, as applicable, commits an infraction and must be fined up to $85.
EFFECTIVE DATE: October 1, 2024

AIS STAMP

The act establishes an AIS stamp for an individual who operates a vessel that is required to display a registration decal (issued by this or another state) on inland state waters. An AIS stamp is $7 and is valid for the calendar year in which it is issued. (The stamp follows the person, not the vessel.)

AIS DECAL

Instead of purchasing an individual AIS stamp, a person who owns a vessel that must display a registration decal (issued by this or another state) may purchase an AIS decal for the vessel. The decal must be permanently placed on the vessel in the middle of the port side (i.e., left side) at the hull or the operator's station so that it is visible to law enforcement approaching on the port side.

An AIS decal is $20, and the DEEP commissioner may charge an additional fee of up to $5 for producing, processing, and mailing it. An AIS decal is valid for the calendar year in which it is issued, and it covers anyone who operates that vessel. (The decal follows the vessel, not the person.)

EXCEPTION

The act's AIS stamp and decal provisions do not apply to anyone operating a vessel that is registered as a marine dealer, engine manufacturer, or surveyor, as long as the vessel is numbered under state law (CGS § 15-145) with a suffix of DL, XP, MA, or YB and has a current registration decal displayed.

PA 23-155—HB 6813
Environment Committee

AN ACT AUTHORIZING THE ESTABLISHMENT OF A SEABIRD AND SHOREBIRD PROTECTION PROGRAM

SUMMARY: This act (1) allows the Department of Energy and Environmental Protection (DEEP) commissioner to establish a seabird and shorebird protection program under which she may designate and identify protected areas on state-owned public property within the state's coastal area (i.e., the coastline along Long Island Sound) and (2) makes it an infraction to disturb these areas.

The act authorizes the commissioner to create a list of birds to be protected. The list must include seabirds and shorebirds identified in state regulations as endangered, threatened, or of special concern.

Under the act, the commissioner may designate seabird and shorebird protection areas on state-owned public property along the state's coastal area for any period from March 1 to September 15 each year. The commissioner must identify each protected area with string fencing, posts, and signs, and may have volunteers or her agents help install these.

The act prohibits people from doing the following:

1. entering an identified protected area without the DEEP commissioner's authorization;
2. allowing a pet or other animal under their control, except for a service animal, from coming within 25 feet of an identified protected area; and
3. operating a vehicle or bicycle within 25 feet of an identified protected area.

Under the act, a person commits a separate infraction for each violation. The act authorizes DEEP-appointed conservation officers and other officers who can serve criminal process to enforce its provisions.
EFFECTIVE DATE: October 1, 2023

PA 23-163—HB 5608
Environment Committee

AN ACT CONCERNING CERTAIN SOLAR PHOTOVOLTAIC FACILITIES LOCATED ON PRIME FARMLAND, FARMLAND OF STATE-WIDE IMPORTANCE OR CORE FOREST LANDS

SUMMARY: This act prohibits the Connecticut Siting Council from approving a two-megawatt or more solar photovoltaic facility on prime farmland or forestland unless the project applicant provides a bond to cover the costs of decommissioning the facility and restoring the prime farmland. This includes the costs of an inspection by a qualified soil scientist or other agricultural soils professional to assess and assure the soils' restoration and its suitability for farming. A decommissioning bond is a way to secure payment for removing an abandoned solar panel system and remediating the land.

Under the act, the scientist's or soils professional's assessment must at least consider topsoil and subsoil depths, soil compaction, change in surface and subsurface drainage, erosion and sedimentation control measures, and soil fertility.

By law, "prime farmland" is soils defined by the U.S. Department of Agriculture as best suited to produce food, feed, forage, fiber, and oilseed crops. In general, these lands have an adequate and dependable water supply, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks (CGS § 16a-3k, citing to 7 C.F.R. § 657.5).
EFFECTIVE DATE: Upon passage

PA 23-170—sHB 6664
Environment Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE MANAGEMENT OF SOLID WASTE AND ESTABLISHING THE MIRA DISSOLUTION AUTHORITY

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§§ 3 & 4 — MUNICIPAL SOLID WASTE

Allows municipalities to adopt an ordinance or use another legal instrument that identifies additional recyclable solid wastes (e.g., food scraps) and expands the list of items that a municipality may have a designated area for collection from residential properties to include food scraps and food processing residues

§ 5 — LARGE ORGANIC MATERIALS GENERATORS

Expands the scope of the law requiring certain organic materials generators to separate the materials and recycle them by applying it to hospitality, entertainment, health care, educational, and correctional institutions beginning on January 1, 2025, among other things; eliminates the 20-mile radius requirement that subjects entities to the law

§§ 6 & 16 — SUSTAINABLE MATERIALS MANAGEMENT ACCOUNT & PROGRAM

Requires the amount beyond $2.8 million of the per-ton solid waste fee from resource recovery facility owners to be for the sustainable materials management account and allows account funds to be pledged for revenue bonds for solid waste infrastructure projects

§ 7 — SOLID WASTE COLLECTION CONTRACTS

Applies contract requirements between solid waste collectors and business clients to other customers and increases the types of items that must be collected under the contracts

§§ 8-15 & 24-25 — WIND DOWN OF MIRA OPERATIONS

Establishes the "MIRA Dissolution Authority" as a successor to MIRA; tasks MDA with things such as winding down MIRA's operations and identifying the needs related to redeveloping certain MDA properties; requires $2 million of MDA resources to be used for these purposes; creates a new operating board for MDA

§ 17 — LEGISLATIVE APPROVAL OF STATE SOLID WASTE PLANNING DOCUMENTS

Requires DEEP to submit proposed revisions to the SWMP or the CMMS to the Environment Committee for review and approval; establishes a process by which a proposed revision that the committee rejects can be subsequently approved by the General Assembly

§ 18 — RFI ON SOLID WASTE PROCESSING SYSTEMS

Requires the DEEP commissioner to issue an RFI on certain solid waste processing systems and report to the legislature her recommendations for issuing an RFP on these systems

§ 19 — CLASS II ALTERNATIVE COMPLIANCE PAYMENT

Increases, from 2.5 cents to three cents per kilowatt hour, the Class II ACP for wholesale electric suppliers that provide electricity to EDCs under the state's RPS

§ 20 — GREEN BANK CLEAN ENERGY PROJECTS

Removes a provision that prohibits the Green Bank from financing and supporting projects that involve municipal solid waste

§§ 21 & 22 — GREEN BANK BONDS

Allows the Green Bank to issue bonds to finance a solid waste facility selected in DEEP's RFP; increases, from $250 million to $500 million, the total amount of SCRF-backed bonds that the Green Bank may issue

§ 23 — RECOMMENDATIONS ABOUT A NEW SOLID WASTE RELATED QUASI-PUBLIC STATE AGENCY

Requires the OPM secretary to submit recommendations to the Environment and Energy and Technology committees on the feasibility and advisability of creating a new solid waste related quasi-public state agency

SUMMARY: This act makes assorted changes to the state's solid waste management laws. Among them, it:

1. creates a successor to the Materials Innovation and Recycling Authority (MIRA) and winds down the authority's operations;
2. establishes a post-consumer recycled content requirement for certain plastic beverage containers;
3. allows municipalities to identify additional recyclable solid wastes for diversion (e.g., food scraps);
4. expands the state's organics recycling law to include certain institutions (e.g., correctional and educational facilities);
5. increases funding for the state's sustainable materials management account and expands use of the account's fund;
6. allows the Department of Energy and Environmental Protection (DEEP) commissioner to issue a request for proposals (RFP) from solid waste management servicers providers and enter into agreements to manage waste from municipalities and waste authorities;
7. requires certain state solid waste planning documents to be submitted to the Environment Committee for review;
8. increases, from 2.5 cents to 3 cents, the Class II alternative compliance payment for wholesale electric suppliers that provide electricity to electric distribution companies under the state's renewable portfolio standard; and
9. allows the Green Bank to issue bonds to finance a solid waste facility selected in DEEP's RFP and increases, from $250 million to $500 million, the total amount of special capital reserve fund-backed bonds that the Green Bank may issue.

EFFECTIVE DATE: Upon passage, except as provided below.

§ 1 — PLASTIC BEVERAGE CONTAINER RECYCLED CONTENT

Establishes recycled content requirements for plastic beverage containers subject to the state's bottle bill and associated registration requirements, including an initial registration fee of $500, for the producers of these containers

Post-Consumer Recycled Content Requirements

Under the act, plastic beverage containers sold, offered for sale, or distributed in Connecticut by each producer must contain, on average and in total, at least (1) 25% post-consumer recycled content, beginning January 1, 2027, and (2) 30% post-consumer recycled content by January 1, 2032. These requirements apply to "producers," that the act requires to annually register with DEEP and have a third party certify the containers' recycled content (see below).

By December 31, 2032, the act requires the DEEP commissioner to submit a report to the Environment Committee that reviews the above content requirements. The report must include the following:

1. an evaluation of the act's requirements;
2. recommendations on future minimum post-consumer recycled content standards for these containers;
3. recommendations for expanding the content requirements to other packaging or product categories, including the associated percentage content requirements for each; and
4. an evaluation of any third-party certification methods for plastic beverage containers and if they should be applied to future minimum post-consumer recycled content requirements.

The act sets out the method for calculating the recycled content requirement and determining compliance. It allows a producer to rely on (1) state-specific data on plastic beverage container sales and material use, if available, or (2) the same type of data applicable to a U.S. region or territory that includes Connecticut. If a producer chooses the latter option, it must (1) prorate that data to determine state-specific figures based on market share or population in a way that ensures that the percentage of plastic calculated for containers sold in Connecticut is the same percentage as calculated for the larger region or territory and (2) document in its report the methodology used to determine its state-specific figures.

"Post-consumer recycled content" is the amount of post-consumer recycled material used to manufacture or produce a new product. It does not include pre-consumer or post-industrial secondary waste material such as materials and by-products generated from, and commonly used as, part of original manufacturing and fabrication. "Post-consumer recyclable material" is a material or product generated by households or commercial, industrial, or institutional facilities that can no longer be used for its intended purpose or was returned from the distribution chain and is separated from the solid waste stream for collection and recycling purposes.

Scope of Content Mandate

The act's content requirements apply to beverage containers that are subject to the state's beverage container redemption law ("bottle bill") and made of plastic (i.e., a manufactured or synthetic material made by linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded into solid forms at high heat). They do not apply to (1) items affixed to the containers, like labels, caps, or closures, or (2) refillable beverage containers such as those that are durable enough for multiple rotations of their original or similar purpose and that are intended for reuse.

The act allows producers to ask the DEEP commissioner for a waiver from the content and associated requirements, but only once per calendar year. To do this, a producer must (1) file a written request on a commissioner-prescribed form; (2) give the specific reason for the waiver and any applicable timeframe for the request; and (3) submit any proof the commissioner determines is needed and any other information she specifies. The act requires the commissioner to consider the requests that are submitted between September 1 and October 1 each year, and approved waivers take effect on the following January 1. It allows her to consider factors, like feedstock availability, when determining to approve a request.

Under the act, a "producer" is (1) the owner or licensee of a brand or trademark for a plastic beverage container that is sold under its brand or trademark (regardless of trademark registration status); (2) the manufacturer of a plastic beverage container that does not identify its brand or manufacturer at the point of sale; or (3) if there is no person over which the state can exercise jurisdiction, the person that imports or distributes the beverage container in the state. The act makes any person that produces or generates a plastic beverage container a "manufacturer," except a government agency, municipality, or other political subdivision of the state; federally tax-exempt nonprofit organization; or a producer that annually sells, offers for sale, distributes, or imports into the country for sale in Connecticut (1) less than one ton of plastic beverage containers each year or (2) these containers, in total, that generate less than $1 million in sales in the state.

Producer Registration

Beginning by April 1, 2026, the act requires producers that offered for sale, sold, or distributed plastic beverage containers in or into the state in the previous calendar year to register with the DEEP commissioner as she prescribes. It allows them to do this individually or through a third-party representative that registers on behalf of a group of producers.

The act generally sets an initial registration fee of $500, which a producer must submit as the commissioner prescribes when it registers. Entities that become producers for the first time after April 1, 2026, must submit the registration and fee within 180 days after they become a producer and, after initial registration, register on the schedule explained below. Exempt from the initial fee are producers that sold, offered for sale, or distributed (1) less than 10,000 plastic beverage containers or (2) in total, less than 200 pounds of plastic that is not post-consumer recycled plastic (i.e., small-scale producer).

By April 1, 2031, and then every five years, each producer that offered for sale, sold, or distributed plastic beverage containers in or into the state in the previous calendar year must (1) register with DEEP (again, either individually or through a representative) and (2) remit a registration fee to cover, and be used only for, DEEP's cost to implement, administer, monitor, and enforce the recycled content and associated requirements. The commissioner determines the fee, which (1) must be scaled to reflect the producer's or representative's market share during the prior five calendar years, as determined by information provided in the filed reports (see below) and (2) may be changed to reflect updated implementation costs, such as by setting a maximum amount. The small-scale producers that are exempt from the initial registration fee are also exempt from this fee.

Under the act, each producer must annually, beginning by April 1, 2026, submit a report to DEEP that includes the following information for all plastic beverage containers sold, offered for sale, or distributed for sale in the state in the prior calendar year:

1. brand names of the containers represented in the report;
2. weight, in pounds, of post- and non-consumer recycled plastic; and
3. percentage of post-consumer recycled plastic in the total weight.

The commissioner prescribes the form and manner of the report, which must also be certified and signed by an authorized official of the producer.

Multistate Clearinghouse

The act allows the DEEP commissioner to participate in the creation and implementation of a multistate clearinghouse to help carry out these requirements. The clearinghouse must do the following:

1. help coordinate reviews of producer registrations, waiver requests, and certifications;
2. recommend acceptable third-party certifications; and

3. implement state reporting activities and any other related functions.

If the commissioner opts to participate in a multistate clearinghouse, as described above, the act allows for producers to register on a centralized portal offered by the clearinghouse instead of a state-specific portal as long as the registration will not be otherwise impacted by this use.

EFFECTIVE DATE: October 1, 2023

§ 2 — SOLID WASTE MANAGEMENT RFP

Allows the DEEP commissioner, on behalf of municipalities and solid waste authorities, to issue an RFP for proposals from solid waste management services providers and enter into an agreement with these providers on behalf of the municipalities and authorities

The act allows the DEEP commissioner, on behalf of one or more municipalities, municipal authorities, or regional solid waste authorities, to issue an RFP for proposals from providers of existing or proposed solid waste management services like reuse, recycling, and composting (e.g., anaerobic digestion, waste conversion, energy and fuel recovery).

From the proposals she receives, the act allows the commissioner to select one or more providers and enter into an agreement for the management of the municipalities' or authorities' solid waste at a facility of the existing or proposed services, but any proposed facility must use anaerobic digester and fuel cell technology or any other method that uses gas at the generation point. It requires her to get consent from the municipalities and authorities when entering into these agreements for them.

The commissioner must consider all relevant information when considering whether to select a proposal, including the following:

1. the proposal's consistency with the state's solid waste management plan,
2. available capacity at an existing or proposed facility,
3. the fee charged for managing the waste, and
4. the proposed facility's location and likelihood that it will be authorized and constructed.

The act requires that an agreement to manage solid waste at a proposed facility is contingent on the facility getting all necessary state and local permits and authorizations and beginning operation by a date set in the agreement.

Under the act, any selected project may be funded through the existing sustainable materials management program, for which the act increases funding and allows the commissioner to pledge funds for revenue bonds (see § 16, below).

EFFECTIVE DATE: July 1, 2023

§§ 3 & 4 — MUNICIPAL SOLID WASTE

Allows municipalities to adopt an ordinance or use another legal instrument that identifies additional recyclable solid wastes (e.g., food scraps) and expands the list of items that a municipality may have a designated area for collection from residential properties to include food scraps and food processing residues

By law, municipalities must provide for the safe and sanitary disposal of all solid waste generated within their boundaries. This includes the separation, collection, processing, and marketing of items designated by the DEEP commissioner as recyclable ("designated recyclables," e.g., bottles, cans, newspaper, cardboard) (CGS § 22a-220).

The act allows municipalities to adopt an ordinance, or use another enforceable legal instrument to which it is a party, identifying additional recyclable solid wastes, like food scraps, food processing residues, yard waste, and other suitable recyclable organic material for diversion to recycling facilities designed to process and beneficially use the waste. Food scraps and processing residues do not include unused food that is suitable for sale or donation for human or animal consumption.

Existing law also authorizes municipalities to designate (1) disposal areas for solid waste generated within their boundaries and (2) where certain recyclable items (e.g., cardboard, glass, newspapers) generated from residential properties must go for processing or sale. The act expands this list of recyclables to include food scraps and food processing residues.

§ 5 — LARGE ORGANIC MATERIALS GENERATORS

Expands the scope of the law requiring certain organic materials generators to separate the materials and recycle them by applying it to hospitality, entertainment, health care, educational, and correctional institutions beginning on January 1, 2025, among other things; eliminates the 20-mile radius requirement that subjects entities to the law

The act expands the scope of the law requiring certain organic materials generators to separate the materials and recycle them.

Until 2025, under existing law and the act, commercial food wholesalers or distributors, industrial food manufacturers or processors, supermarkets, resorts, or conference centers located within 20 miles from a permitted source-separated organic material composting facility and generating an average projected volume of at least 26 tons of source-separated organic materials must (1) separate the materials from other solid waste and (2) recycle them at a permitted source-separated organic material composting facility that has available capacity and is willing to accept them. The act additionally applies this requirement to these generators within 20 miles from an authorized transfer station or other collection location authorized to receive source-separated organic materials.

Beginning January 1, 2025, the act:

1. applies this requirement to institutions that provide hospitality, entertainment, or rehabilitation and healthcare services; hospitals; public and private educational facilities; and correctional facilities and
2. eliminates the 20-mile radius requirement, thus requiring all generators of at least 26 tons of the organic materials to have them recycled.

By law, generators may comply with the requirements by composting the organic materials or treating them with certain organic treatment equipment on-site. The act correspondingly extends this option to institutions.

The act also requires, by March 1, 2025, each entity that is subject to the law's requirements to begin annually submitting electronically to DEEP a summary of its amount of (1) donated edible food and (2) food scraps recycled, and the organics recyclers and associated collectors used.

§§ 6 & 16 — SUSTAINABLE MATERIALS MANAGEMENT ACCOUNT & PROGRAM

Requires the amount beyond $2.8 million of the per-ton solid waste fee from resource recovery facility owners to be for the sustainable materials management account and allows account funds to be pledged for revenue bonds for solid waste infrastructure projects

By law, resources recovery facility owners pay a $1.50 per ton fee for the solid waste they process, which is remitted quarterly to the revenue services commissioner. Beginning July 1, 2023, the act requires the commissioner to deposit (1) $2.8 million of the fees into the General Fund and (2) the remainder into the sustainable materials management account.

PA 22-118, § 167, established the sustainable materials management account as a separate, nonlapsing General Fund account to be used for an associated program for solid waste reduction in the state. It already receives funding from energy alternative compliance payments (i.e., payments for failing to meet renewable energy requirements). The program provides funding for programs and projects that promote affordable, sustainable, and self-sufficient waste management by reducing solid waste generation or diverting it from disposal.

In addition to using account funds for the above projects, the act allows the DEEP commissioner to pledge the funds for revenue bonds and use the proceeds to support waste infrastructure projects of the same type. It specifically allows the program's funding to support the development of infrastructure needed to manage solid waste at upgraded, expanded, or proposed facilities the DEEP commissioner selects under the act's RFP process (see § 2, above).

EFFECTIVE DATE: July 1, 2023, for the provision on additional funding for the sustainable materials management account.

§ 7 — SOLID WASTE COLLECTION CONTRACTS

Applies contract requirements between solid waste collectors and business clients to other customers and increases the types of items that must be collected under the contracts

Existing law sets requirements for commercial contracts between solid waste collectors and their business customers. Among other things, it requires each (1) commercial contract for solid waste collection to provide for designated recyclable item collection and (2) collector to give each business clear written or pictorial instructions on how to separate designated recyclable items.

The act extends these requirements to contracts with any customers, not just business clients. It also expands items that must be collected under these contracts to include any items designed for recycling by a municipal ordinance or other enforceable legal instrument to which a municipality is party.

§§ 8-15 & 24-25 — WIND DOWN OF MIRA OPERATIONS

Establishes the "MIRA Dissolution Authority" as a successor to MIRA; tasks MDA with things such as winding down MIRA's operations and identifying the needs related to redeveloping certain MDA properties; requires $2 million of MDA resources to be used for these purposes; creates a new operating board for MDA

MIRA Dissolution Authority (MDA) (§§ 8-9, 13-15 & 25)

The act creates MDA as a successor quasi-public authority to MIRA. In addition to the duties and powers inherited from MIRA, the act requires MDA to do the following:

1. identify the immediate environmental needs and knowledge needed for future redevelopment of the authority's properties at 300 Maxim Road and 100 Reservoir Road in Hartford;
2. engage representatives of Hartford and other stakeholders, as appropriate, concerning the future of the above properties;
3. continue to operate MIRA's transfer stations until DEEP determines that acceptable non-MDA-operated alternatives have become available; and
4. orderly and responsibly wind down operations and activities, including marketing and selling surplus real and personal property.

By January 1, 2024, the act requires MDA to submit a report to the Office of Policy and Management (OPM) secretary and the Environment and Planning and Development committees that includes a plan and timeline for the above tasks. It allows MDA and any other state agency to enter memoranda of understanding (MOU) to facilitate the duties and powers MDA assumes from MIRA. These MOUs terminate June 30, 2025.

The MDA terminates on July 1, 2026. On that date, its rights and properties are passed to and vested in the state. However, the act makes the Department of Administrative Services (DAS) the successor agency to MDA beginning July 1, 2025, and repeals the statutes and provisions in the act creating and empowering MIRA and MDA, respectively, on that date.

MDA Board of Directors (§ 13)

Membership. Beginning July 1, 2023, the act ends the terms of MIRA's board of directors and creates a new board.

Under prior law, MIRA's board had 11 appointed directors, three appointed by the governor and eight by the legislative leaders, generally each being a municipal official or someone with expertise in energy, finance, industry, or an environmental field. MDA's board instead must include the following 11 directors:

1. the governor or his designee;
2. the OPM secretary or his designee;
3. the DAS and DEEP commissioners, or their designees;
4. one each appointed by the Senate president pro tempore, House speaker, and the Senate and House majority and minority leaders; and
5. one appointed by Hartford's mayor.

Prior law allowed the governor to appoint ad hoc members to MIRA's board to represent facilities operated by the authority. The act eliminates this provision for MDA, but it allows the Hartford City Council to also appoint up to five members to the board, whose terms would be coterminous with that of the applicable appointing authority.

Like with MIRA, MDA board members are not paid, but they are entitled to reimbursement for actual and necessary expenses when fulfilling their duties.

The governor or his designee serves as the board chairperson, who must, with the other directors' approval, appoint an MDA president. Like MIRA's president, the MDA president is a paid employee responsible for supervising MDA's administrative affairs and technical activities.

Under prior law, it was not a conflict of interest for a trustee, director, partner, or officer of a person, firm, or corporation (or an individual having a financial interest in the person, firm, or corporation) to serve as a director of MIRA. The act eliminates this provision for MDA's board. However, like MIRA board appointees, those appointed to MDA's board may be employed or have a business provided they follow any applicable laws, rules, and regulations on official ethics or conflicts of interest.

Director Removal and Replacement. The act allows an appointing authority to remove a director for inefficiency, neglect, or misconduct, after giving the director notice of the charges and an opportunity for a hearing. If a director is removed, the appointing authority must file with the secretary of the state a complete statement of the charges and proceeding record and the appointing authority's findings. Unlike for MIRA board members, the act does not specify how

a vacancy may be filled in the middle of a term.

Operations & Liability. Under the act, six directors make a quorum to transact MDA business and the board acts by a majority of directors present at a meeting in which there is a quorum. The act prohibits appointed directors from designating representatives to perform in their absence.

The act extends to MDA directors, members, and officers the personal immunity on bonds or notes that currently applies to MIRA directors, members, and officers (and those who execute the bonds or notes on their behalf). It similarly makes them immune from personal liability for damage or injury caused in the performance of their role, excluding wanton or willful damage or injury.

Outside Consultants (§ 24)

The act repeals a law requiring any expenditure of at least $50,000 for an outside consultant by MIRA (MDA, under the act) to be approved by a two-thirds vote of the board, thus discontinuing the requirement for the MDA board actions.

Environmental Liabilities (§ 10)

The act specifies that the assumption of MIRA's authority by MDA does not alter the liability of a person who (1) established a resources recovery facility, (2) created a condition or is maintaining a resources recovery facility or condition that may reasonably be expected to create a pollution source to the waters of the state, or (3) is the certifying party to a facility's transfer.

It also provides that any conveyance of real property or business operations under the act's provisions from MIRA to MDA, or from MDA to DAS, is not considered a transfer of an establishment under the state's Transfer Act (i.e., property remediation law for locations involving hazardous waste or certain business operations).

Transfer of Permits or Licenses (§ 10)

Under the act, when MIRA's ownership or oversight of a permitted facility transfers to MDA, the permits or licenses it holds are correspondingly transferred to MDA and remain in effect. The same occurs when DAS takes over for MDA on July 1, 2026. The act requires this regardless of existing law requiring the registration and acceptance of proposed transfers with DEEP.

Authority Funds (§§ 11 & 12)

The act specifies that MIRA's funds are not surplus revenues and requires them to be used to support its properties, systems, and facilities, including for environmental remediation. It also prohibits distributing or redistributing the funds to users of MIRA's services and makes the users liable for the environmental remediation costs if, and to the extent, MIRA distributed or redistributed funds to the users on or after January 1, 2023.

The act transfers $2 million from MDA to a nonlapsing General Fund account the OPM secretary must establish to fulfill the act's requirements related to MIRA's wind down.

EFFECTIVE DATE: July 1, 2023, except (1) the authority funding, liability, and permit transfer provisions are effective upon passage and (2) the provisions on MDA's transfer to DAS and certain repealers on MDA's termination are effective July 1, 2025.

§ 17 — LEGISLATIVE APPROVAL OF STATE SOLID WASTE PLANNING DOCUMENTS

Requires DEEP to submit proposed revisions to the SWMP or the CMMS to the Environment Committee for review and approval; establishes a process by which a proposed revision that the committee rejects can be subsequently approved by the General Assembly

The act requires the DEEP commissioner to submit any proposed revision to the statewide solid waste management plan (SWMP) or Comprehensive Materials Management Strategy (CMMS) to the Environment Committee for approval before implementing it (see BACKGROUND). The prior process involved just the DEEP commissioner approving changes to the plan and strategy after a process for public hearing and comment (CGS § 22a-228, Conn. Agencies Regs., § 22a-228-1, and CGS § 22a-241a).

The act (1) requires the Environment Committee to hold a public hearing on the proposed revision within 15 days after receiving it and (2) allows the committee to hold a meeting within 30 days after receiving the revision to approve, reject,

or amend it. If the committee does not meet, the proposed revision is deemed approved.

If the committee rejects the proposal, the act allows the commissioner to file it with the House and Senate clerks for consideration, by resolution, by the General Assembly. During its legislative session, the General Assembly must vote to approve or reject the proposed revision within 30 days after its filing. If the legislature is not in session when the proposed revision is filed, then it must be submitted to the General Assembly within 10 days after (1) the first day of the next regular session or (2) special session is called for voting on the revision. The act deems rejected a proposed revision that the General Assembly does not vote on within 30 days after its filing.

§ 18 — RFI ON SOLID WASTE PROCESSING SYSTEMS

Requires the DEEP commissioner to issue an RFI on certain solid waste processing systems and report to the legislature her recommendations for issuing an RFP on these systems

The act requires the DEEP commissioner to (1) issue a request for information (RFI) on certain solid waste processing systems by October 1, 2023, and (2) report to the Environment Committee by February 1, 2024, her recommendations for issuing a request for proposals (RFP) on these systems.

RFI

Under the act, the DEEP commissioner must issue an RFI for information on systems to process solid waste generated in the state that is not otherwise diverted from the solid waste stream as provided in the SWMP and CMMS. She must do this by October 1, 2023.

The act specifically requires the RFI to seek information on gasification systems that convert solid waste into gas through a chemical reaction but do not involve burning.

The RFI must set a deadline for information that is no later than November 15, 2023, and any related presentation must be made to the commissioner by January 15, 2024.

Report

The act requires the commissioner, by February 1, 2024, to submit a report to the Environment Committee with recommendations for issuing an RFP on these solid waste systems. The report must be based on her review of all information received as part of the RFI process and her consideration of the following aspects of these systems:

1. potential environmental impacts to the state's air, water, and soil;
2. consistency with the state's greenhouse gas emissions goals;
3. potential municipal costs to process solid waste in the state;
4. effectiveness at processing all solid waste in the state that is not diverted from the solid waste stream;
5. ability to convert existing state-owned or -operated facilities (a) without a state subsidy for the conversion and (b) while substantially decreasing any environmental or public health impacts of a converted facility to an environmental justice community; and
6. the reasonable likelihood of siting one or more facilities that use the systems in a community that is not an environmental justice community (although undefined in the act, presumably it refers to the areas subject to the state's environmental justice law, CGS § 22a-20a).

§ 19 — CLASS II ALTERNATIVE COMPLIANCE PAYMENT

Increases, from 2.5 cents to 3 cents per kilowatt hour, the Class II ACP for wholesale electric suppliers that provide electricity to EDCs under the state's RPS

The state's renewable portfolio standard (RPS) law requires electric suppliers to procure a portion of their power from certain renewable and other clean energy resources. This applies to wholesale suppliers that provide power for electric distribution companies (EDCs, i.e., Eversource and United Illuminating) and retail electric suppliers. The Class II RPS requires the companies to procure 4% of their output from Class II resources (i.e., electricity derived from a trash-to-energy facility). Wholesale suppliers must do this through their contracts with EDCs. Existing law requires these wholesale suppliers to pay an alternative compliance payment (ACP) if they fail to meet the RPS requirement.

Starting January 1, 2024, the act increases the Class II ACP from 2.5 to 3 cents per kilowatt hour for wholesale suppliers that provide electricity to the EDCs. (It retains the 3-cent Class II ACP for retail suppliers.)

EFFECTIVE DATE: January 1, 2024

§ 20 — GREEN BANK CLEAN ENERGY PROJECTS

Removes a provision that prohibits the Green Bank from financing and supporting projects that involve municipal solid waste

By law, the Green Bank's duties generally include developing programs to finance and support clean energy and environmental infrastructure. Prior law specified that the "clean energy" the bank may support does not include energy resources and technologies that involve burning municipal solid waste, among other things. The act removes this specific limitation.

§§ 21 & 22 — GREEN BANK BONDS

Allows the Green Bank to issue bonds to finance a solid waste facility selected in DEEP's RFP; increases, from $250 million to $500 million, the total amount of SCRF-backed bonds that the Green Bank may issue

The act allows the Green Bank to issue environmental infrastructure bonds to finance any solid waste facility chosen in DEEP's RFPs from providers of existing or proposed solid waste management services (see § 2, above). It allows the DEEP commissioner to enter agreements with the Green Bank to have the bonds issued, including pledging moneys for revenue bonds to support the solid waste facilities chosen in the RFP. The act also increases, from $250 million to $500 million, the total amount of bonds the Green Bank may issue that are backed by a special capital reserve fund (SCRF).

By law, unchanged by the act:

1. 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);
2. the Green Bank cannot issue SCRF-backed bonds to pay project costs unless it determines that revenue from the project will be sufficient to (a) pay the bond's principal and interest; (b) establish, increase, and maintain any reserves the bank deems advisable to secure the principal and interest payment on the bonds; (c) pay the cost of keeping the project in good repair and properly insured; and (d) pay other project costs that may be required; and
3. the Green Bank cannot issue SCRF-backed bonds unless the OPM secretary or his deputy approves it.

§ 23 — RECOMMENDATIONS ABOUT A NEW SOLID WASTE RELATED QUASI-PUBLIC STATE AGENCY

Requires the OPM secretary to submit recommendations to the Environment and Energy and Technology committees on the feasibility and advisability of creating a new solid waste related quasi-public state agency

The act requires the OPM secretary, in consultation with the DEEP commissioner, to submit recommendations to the Environment and Energy and Technology committees by July 1, 2024, on the feasibility and advisability of creating a new quasi-public state agency, waste authority, or other entity to develop new solid waste infrastructure, operate and maintain new or existing solid waste infrastructure, and for other purposes.

Under the act, the recommendations must be made in consultation with any municipalities, municipal authorities, regional waste authorities, or private sector operators of solid waste companies participating in the RFP process on solid waste management services (see § 2, above).

BACKGROUND

Related Act

PA 23-177 (VETOED) contains similar provisions on approving the state's solid waste documents and the RFI on certain solid waste processing systems.

SWMP & CMMS

By law, the DEEP commissioner must develop and adopt a SWMP to guide how the state handles solid waste reduction, reuse, recycling, and disposal. The CMMS is the 2016 update to the SWMP to help the state meet its statutory goal of diverting 60% of materials from disposal by 2024. It addresses things like modernizing solid waste infrastructure, managing

organic material and construction and demolition debris, and developing municipal or regional recycling programs.

Set in law, the order of priority for managing solid waste in Connecticut favors source reduction. Then in hierarchical order, it prioritizes recycling and composting, then energy recovery, and lastly, landfilling.

PA 23-177—sSB 1143 **(VETOED)**
Environment Committee

AN ACT CONCERNING SOLID WASTE MANAGEMENT THROUGHOUT THE STATE

SUMMARY: This act would have required (1) any proposed revision to the statewide solid waste management plan or Comprehensive Materials Management Strategy to be submitted to the Environment Committee for review and approval and (2) the committee to hold a public hearing on the revision within 15 days after its submission (§ 1). It would have established a process by which a proposed revision rejected by the committee could be subsequently approved by the General Assembly.

The act also would have required the Department of Energy and Environmental Protection (DEEP) commissioner to (1) issue a request for information (RFI) on certain solid waste processing systems by October 1, 2023, and (2) report to the Environment Committee by February 1, 2024, her recommendations for issuing a request for proposals (RFP) on these systems (§ 3).

Lastly, the act would have explicitly allowed dealers (e.g., retailers) to have recycling receptables at their place of business to collect beverage containers rejected by a reverse vending machine (RVM) that the dealer installed and maintains. An RVM is an automated machine that accepts empty beverage containers and dispenses in return cash or credit slips as part of the state's beverage container redemption law ("bottle bill") (§ 2).

EFFECTIVE DATE: Upon passage, except the RVM provision would have taken effect July 1, 2023.

LEGISLATIVE REVIEW OF SOLID WASTE MANAGEMENT PLAN & MATERIALS MANAGEMENT STRATEGY

The act would have required the DEEP commissioner to submit any proposed revision to the statewide solid waste management plan (SWMP) or Comprehensive Materials Management Strategy (CMMS) to the Environment Committee for approval before implementing it (see BACKGROUND). Currently, the DEEP commissioner approves changes to the plan after a process for public hearing and comment; the law provides a somewhat similar process for a revision to the CMMS (CGS § 22a-228, Conn. Agencies Regs., § 22a-228-1, and CGS § 22a-241a).

The act would have (1) required the Environment Committee to hold a public hearing on the proposed revision within 15 days after receiving it and (2) allowed the committee to hold a meeting within 30 days after receiving the revision to approve, reject, or amend it.

If the committee rejected the proposal, the act would have allowed the commissioner to file it with the House and Senate clerks for consideration, by resolution, by the General Assembly. During its legislative session, the General Assembly would need to vote to approve or reject the proposed revision within 30 days after its filing. If the legislature was not in session when the proposed revision was filed, then the revision would have had to be submitted to the General Assembly within 10 days after the first day of the (1) next regular session or (2) special session called for voting on the revision. And if the General Assembly did not vote on a proposed revision within 30 days after its filing, the act would have deemed it as rejected.

SOLID WASTE PROCESSING RFI

RFI Request

Under the act, the DEEP commissioner would have been required to issue an RFI for information on systems to process solid waste generated in the state that is not otherwise diverted from the solid waste stream as provided in the SWMP and CMMS. She had to do this by October 1, 2023.

The act specifically would have required the RFI to seek information on gasification systems that convert solid waste into gas through a chemical reaction, but do not involve burning. However, it would have prohibited the RFI from seeking information on systems that involve (1) solid waste incineration or combustion or (2) landfilling.

DEEP would have had to receive information provided under the RFI by November 15, 2023, and any related presentation had to be made to the commissioner by January 15, 2024.

Report

The act would have required the commissioner, by February 1, 2024, to submit a report to the Environment Committee with recommendations for issuing an RFP on these solid waste systems. The report had to be based on her review of all information received as part of the RFI process and the following additional considerations on these systems:

1. potential environmental impacts to the state's air, water, and soil;
2. consistency with the state's greenhouse gas (GHG) emissions goals;
3. potential municipal costs to process solid waste in the state;
4. effectiveness at processing all solid waste in the state that is not diverted from the solid waste stream;
5. ability to convert existing state-owned or -operated facilities (a) without a state subsidy for the conversion and (b) while substantially decreasing any environmental or public health impacts of a converted facility to an environmental justice community; and
6. the reasonable likelihood of siting one or more facilities that use the systems in a community that is not an environmental justice community (the act does not define this term but, presumably, it refers to the areas subject to the state's environmental justice law, CGS § 22a-20a).

BACKGROUND

Related Act

PA 23-170 has similar provisions regarding (1) legislative review of proposed revisions to the SWMP and CMMS and (2) DEEP's RFI on solid waste processing systems (§§ 17 & 18).

SWMP & CMMS

By law, the DEEP commissioner must develop and adopt a SWMP to guide how the state handles solid waste reduction, reuse, recycling, and disposal. The CMMS is the 2016 update to the SWMP to help the state meet its statutory goal of diverting 60% of materials from disposal by 2024. It addresses things like modernizing solid waste infrastructure, managing organic material, construction and demolition debris, and developing municipal or regional recycling programs.

Set in law, the order of priority for managing solid waste in Connecticut favors source reduction. Then in hierarchical order, it prioritizes recycling and composting, then energy recovery, and lastly, landfilling.

PA 23-184—sHB 6725
Environment Committee

AN ACT REVISING CERTAIN FARMING AND AQUACULTURE PROGRAMS OF THE DEPARTMENT OF AGRICULTURE

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Renames the Apple Marketing Board as the Apple Marketing Advisory Board; places it within DoAg for administrative purposes only; sets out the board's responsibilities and membership

§ 11 — SMALL-SCALE AQUACULTURE OPERATIONS

Requires the DoAg commissioner to encourage the growth of small-scale aquaculture operations for shellfish; allows him to lease shellfish grounds to these operations

§ 12 — ROAMING LIVESTOCK PROHIBITED

Prohibits owners and keepers of livestock from allowing their livestock to roam at large; makes a violation an infraction

SUMMARY: This act makes changes in various statutes and programs related to the Department of Agriculture (DoAg), as summarized in the section-by-section analysis below.
EFFECTIVE DATE: Upon passage, unless otherwise specified below.

§ 1 — FARMLAND RESTORATION GRANT PROGRAM

Revises the Farmland Restoration Grant Program in various ways, such as by removing a $20,000 cap on grants, allowing the available state grant to cover up to 90% of the costs to comply with certain farm plans, and requiring certain grant payments to be made within available appropriations

The act revises the Farmland Restoration Grant Program. This matching grant program, administered by DoAg, generally encourages farmers to restore farmland that has gone out of production.

Under prior law, the total federal and state grants available to a farmer could not exceed 90% of the costs to comply with related plans under the program (i.e., the comprehensive farm nutrient management plan, farmland restoration and climate resiliency plan, and farm resources management plan). The act instead prohibits the total state grant from exceeding 90% of the costs to implement and comply with the plans, removing consideration of federal grants. The act also eliminates a requirement that the DoAg commissioner, when making grants, give priority to capital improvements made under the plans.

Additionally, the act removes a cap on grants for developing, implementing, and complying with a farm resources management plan or a farmland restoration and climate resiliency plan, including farm equipment purchases. Previously, the cap for payments or reimbursements was generally the lesser of 50% of the plan's cost or $20,000. The act correspondingly eliminates prior law's cap for plans related to state-owned land or municipally owned land with an agricultural lease of five years or longer (i.e., the lesser of 90% of the plan's cost or $20,000). The act also eliminates authority to provide grants specifically for developing a farm resources management plan.

Prior law allowed the grants to cover the cost of farm equipment purchases. The act requires this to be within available appropriations. It also requires the grants for developing a farmland restoration and climate resiliency plan to be within available appropriations.

By law, the DoAg commissioner may pay or reimburse certain entities (i.e., a municipality, nonprofit organization, soil and water conservation district, or UConn Extension Services) for a variety of services (e.g., technical assistance, training,

pilot programs, and other services designed to increase the number of farmers implementing climate-smart agriculture and forestry practices). Prior law did not cap these grants. Under the act, the commissioner can make these payments or reimbursements within available appropriations, but advance payments cannot exceed 50% of the cost and the total state grant cannot be more than 90% of the cost.
EFFECTIVE DATE: October 1, 2023

§§ 2 & 6 — ADVERTISING LOCAL AGRICULTURE

Eliminates provisions on using certain advertising terms for local farm products; allows products grown or produced within a two-mile (instead of 10-mile) radius of the point of sale, even if out of state, to use the Connecticut Grown label

Prior law prohibited anyone from advertising farm products as "native," "native-grown," "local," or "locally-grown" unless they were grown or produced in Connecticut or within a 10-mile radius of the point of sale. The act removes provisions authorizing the use of these terms.

By law, farm products grown or produced in Connecticut may be advertised or sold as "CT-Grown" or "Connecticut-Grown." The act also allows sellers to use these terms if they are selling products grown or produced within a two-mile radius (instead of 10-mile radius as under prior law) of the point of sale, even if out of state. Like prior law, sellers must give written proof of the products' origin within 10 days of sale if DoAg requests the information. By law, someone who fails to comply with the advertising requirements is subject to a fine of up to $100 for each label that is in violation.

The act also makes a technical change (§ 2).

§ 3 — EXERCISING THE STATE VETERINARIAN'S AUTHORITY

Makes the state veterinarian the state animal health official; allows the DoAg commissioner to designate certain other veterinarians to act in the state veterinarian's absence

The act designates the state veterinarian, who is a DoAg employee, the state animal health official, rather than the state's chief livestock health official as under prior law. It also allows the DoAg commissioner to designate one or more veterinarians to exercise the state veterinarian's authority, power, and duties in her absence. The veterinarians designated must be state licensed, accredited by the U.S. Department of Agriculture, and have at least three years' experience in large animal practice.

§ 4 — FARM VIABILITY GRANT PROGRAM RENAMED

Renames the Farm Viability Grant Program as the Agricultural Enhancement Grant Program

The act renames the Farm Viability Grant Program as the Agricultural Enhancement Grant Program. DoAg administers this matching grant program to further agriculture in the state. The program is open to municipalities, groups of municipalities, regional councils of governments, and agricultural nonprofits.

The act also specifies that grants for local capital projects fostering agricultural viability should be fostering collective resources for agricultural viability.

§ 5 — CONVEYING PORTIONS OF LAND IN THE FARMLAND PRESERVATION PROGRAM

Gives owners of land that DoAg acquires the development rights to under the Farmland Preservation Program the right to subdivide or lease a portion of the property under certain circumstances

Through the Farmland Preservation Program, DoAg purchases the development rights for an agricultural property, placing on the deed a permanent restriction on non-agricultural uses, ensuring that the land stays in agricultural production but also remains privately owned by the farmers. The act expands the types of conveyances (transfers) that a property owner can make without infringing on the development rights that DoAg purchased under the program.

By law, a property owner can sell their entire property, or lease it for up to 25 years, if it will be maintained as agricultural land (e.g., maintaining acreage and productivity). Under the act, property owners can additionally do this for just a portion of their property without infringing on the development rights DoAg acquired. However, the act limits this to property that is first transferred on or after the act's passage (June 28, 2023). The act also specifies that when only a portion of property is transferred, compliance with having to maintain the land as agricultural land will be determined in accordance

with regulations.

§ 7 — HONEY AND MAPLE SYRUP PRODUCTION PENALTIES

Subjects anyone who violates the state's statutes and regulations on honey and maple syrup production to certain fines

By law, the preparation, packaging, labeling, and sale of honey and maple syrup produced in Connecticut comes under DoAg's licensing, inspection, and enforcement authority.

The act subjects anyone who violates state statutes and regulations on honey and maple syrup production, or hinders DoAg in enforcing them, to a $50 fine for a first offense and a $200 fine for each subsequent offense. Additionally, the DoAg commissioner may deny, suspend, or revoke a honey and maple syrup producer's state-issued license under the Uniform Administrative Procedure Act.

§ 8 — REQUIREMENTS FOR EGGS SOLD DIRECTLY TO CONSUMERS

Requires egg producers who sell eggs directly to household users to meet certain safety standards and labeling requirements

The act requires egg producers who sell eggs directly to household users (e.g., at a farm, farm stand, or market) to sell only eggs that are unadulterated, cleaned of exterior debris, and kept stored at a temperature of up to 45 degrees Fahrenheit.

Additionally, it requires these producers to label their eggs with the producer's name and address, the type of egg (if not chicken eggs), the quantity of eggs, and safe food handling instructions. The label must not have false or misleading information.

Anyone who violates these provisions is subject to a fine of up to $50 for the first offense and up to $200 for each subsequent offense (CGS § 22-49).

§§ 9 & 10 — APPLE MARKETING ADVISORY BOARD

Renames the Apple Marketing Board as the Apple Marketing Advisory Board; places it within DoAg for administrative purposes only; sets out the board's responsibilities and membership

The act restructures the state's Apple Marketing Board and renames it the Apple Marketing Advisory Board. It places the board within DoAg for administrative purposes, and requires the board to assist and advise the DoAg commissioner with carrying out the state laws on apple market orders. A "market order" is an order the commissioner issues about marketing research and promotion of apples and apple products.

Responsibilities

Similar to prior law, the act requires the board to prepare and submit the following to the DoAg commissioner for his review and consideration:

1. recommendations on (a) the apple market order, including changes to it, and (b) a publicity program to maintain and enhance apple markets and create new ones;
2. a proposed budget to implement the apple market order;
3. marketing research proposals that benefit the state's apple industry; and
4. recommendations to collect the apple market assessment that is charged to apple producers to implement the apple market order.

As under prior law, the act prohibits the board from (1) referring to any particular brand or trade name in its publicity program recommendations or (2) disparaging the quality, value, sale, or use of any other agricultural commodity. The act also removes requirements for the board to annually appoint an auditor to audit the apple market assessments collected and give the Auditors of Public Accounts a copy of the audit.

Membership

Under the act, similar to prior law, the board consists of eight members, including six apple producers; one member of the general public; and the economic and community development commissioner or her designee, who serves as a nonvoting member. Three alternate members are also selected to fill in as needed. Members serve three-year terms and may be

reappointed. Members receive no compensation but are reimbursed for necessary expenses incurred in fulfilling their duties.

Under prior law, three of the six apple producers were from west of the Connecticut River and the other three were from east of the river. The act removes this geographical requirement. As under prior law, the DoAg commissioner appoints the apple producers from nominations given to him from the Connecticut Pomological Society or any apple producer. He also appoints the member from the general public.

Prior law required the commissioner to appoint three alternate members, one from west of the river, one from east of the river, and one from the general public. The act instead requires him to select three alternates, two of whom are apple producers and one from the general public. Alternate members may attend all meetings and the board's chairperson will call upon them as needed to fill in for absent members.

At the board's first meeting, members must select a chairperson from among its members and other officers as the board deems necessary. The act specifies that a majority of appointed members is a quorum. Under prior law, a quorum consisted of five members (i.e., four apple producers and the member from the general public).

§ 11 — SMALL-SCALE AQUACULTURE OPERATIONS

Requires the DoAg commissioner to encourage the growth of small-scale aquaculture operations for shellfish; allows him to lease shellfish grounds to these operations

The act requires the DoAg commissioner to encourage the development and expansion of small-scale aquaculture operations for shellfish, which are those that (1) operate in 150 acres or less of shellfish grounds or (2) have operated to produce shellfish for four or fewer years.

The act allows the commissioner to designate shellfish grounds available for annual leasing to small-scale aquaculture operations. He may require that all bidders be small-scale aquaculture operators or offer leases at a fixed price that he sets. The operations must obtain all necessary licenses required under the state shellfisheries laws and are subject to DoAg inspections and regulations.

§ 12 — ROAMING LIVESTOCK PROHIBITED

Prohibits owners and keepers of livestock from allowing their livestock to roam at large; makes a violation an infraction

The act prohibits owners or keepers of livestock from allowing their livestock to roam at large on another's land or a public highway when not under their control. Under the act, the unauthorized presence of livestock on another's land or a public highway when not under its owner's or keeper's control is prima facie evidence of a violation, which is an infraction.

PA 23-187—sHB 6726
Environment Committee
Judiciary Committee

AN ACT CONCERNING THE REGULATION OF LIVESTOCK

SUMMARY: This act revises the state's livestock statutes to reflect language changes over time from the U.S. Department of Agriculture (USDA).

Among other things, it updates compensation and quarantine requirements for condemned livestock and public health responsibilities regarding reportable diseases. It generally requires livestock imported to the state to have a livestock importation permit and a certificate of veterinary inspection (i.e., health certificate). It specifies importation requirements for livestock generally, and specifically for cattle, bison, sheep, goats, camelids (e.g., camels, llamas, alpacas), Cervidae (e.g., deer), and swine. The act broadly prohibits importing an animal infected with or exposed to any infectious disease (e.g., tuberculosis, brucellosis, anaplasmosis, psoroptic scabies, chronic wasting disease, bovine spongiform encephalopathy, hog cholera, pseudorabies, rabies, or scrapie).

The act imposes a general penalty for violating the livestock statutes and related regulations when specific penalties are not provided. This general penalty subjects a violator to a $250 fine for a first violation and a class D misdemeanor for a second (and, presumably, subsequent) violation (see Table on Penalties). The act also makes other minor, technical, and conforming changes in the livestock-related statutes and repeals several provisions, the contents of which it generally incorporates in other sections of the act.

Lastly, the act amends PA 23-17 to allow, rather than require, municipal and regional animal control officers (ACOs) to inspect local dog kennels annually and upon receiving a complaint beginning July 1, 2023.
EFFECTIVE DATE: Upon passage

§§ 1 & 2 — LIVESTOCK ORDERS AND REGULATIONS

Orders and Regulations

By law, the Department of Agriculture (DoAg) commissioner may issue orders or adopt regulations on importing, transporting, trailing, riding, driving, exhibiting, examining, testing, identifying, quarantining, or disposing of livestock to prevent the spread of contagious and infectious disease among the livestock and protect the public from any transmissible disease. For this and other laws on domestic animal disease, the act additionally allows the commissioner to designate an agent, including the state veterinarian, to do his duties. As under existing law, the act defines "livestock" as any camelid or hooved animal raised for domestic or commercial use, but the act also specifies that livestock is generally used to produce food or fiber and considered farm animals.

Existing law, unchanged by the act, requires the commissioner to give notice of orders to the persons named in them by leaving a copy with them or those with custody of the affected animals, if they are in Connecticut. When those named in the order are not in Connecticut, prior law required the commissioner to send the order by registered or certified mail to the last-known address. The act creates an exception by allowing the commissioner to send an order to an out-of-state person electronically if that person previously agreed to receive electronic notices.

Similarly, existing law requires the commissioner to give notice to any common carrier named in an order or affected by a regulation on livestock. Previously, notice had to be given by leaving a copy with the carrier's president, secretary, or treasurer or other person at the carrier or at their last-known address. The act allows the commissioner to provide these notices through email if the carrier previously agreed to receive electronic notices.

Under prior law, in the case of an emergency, the commissioner had to give notice of a regulation limiting or prohibiting moving, exhibiting, or disposing of livestock on a highway by publishing it in a newspaper with a substantial circulation in the town in which the affected highway is located. The act applies this requirement to orders, instead of regulations.

Quarantine Orders

By law, the commissioner may quarantine animals he reasonably believes have a contagious disease, do not meet DoAg requirements, or are kept in unsanitary conditions that endanger them or the public. Under existing law, a quarantine order may prohibit or regulate the sale of the animals and their products and require their confinement at a place the commissioner designates for as long as he deems necessary. The act also allows quarantine orders to prohibit or regulate the movement of the animals, including dead ones (i.e., "mortalities") and their products.

Penalties

Under prior law, anyone who violated an order or regulation, or obstructed or attempted to obstruct the commissioner or his agents in carrying out their duties, was fined up to $100 or assessed an administrative civil penalty of up to $2,500 per violation and $250 per day of a continuing violation. Also under prior law, anyone who violated a quarantine order was fined $500 per day of a continuing violation, up to $25,000.

The act instead allows violators in each case to be fined up to $500 per day, per animal, for each day the violation continues, up to $25,000.

§ 3 — DISEASE OR BIOLOGICAL OR CHEMICAL RESIDUE TESTING

Under prior law, any livestock or poultry tested for disease under USDA rules or for a biological or chemical residue generally had to be quarantined at the testing location until test results were available and signed by a veterinarian or DoAg employee who administered the test.

The act instead applies this to animals being tested for disease under USDA rules or for a biological or chemical residue known to be in the state. Additionally, it requires that the veterinarian involved must be licensed and accredited. Under the act, an "accredited veterinarian" is a veterinarian approved under category II of the USDA's National Veterinary Accreditation Program and by the state animal health official of the state that licenses the veterinarian to practice.

§ 4 — TUBERCULOSIS TESTING

Under prior law, the DoAg commissioner could require neat cattle (e.g., bulls or cows) and all goats to be tuberculin tested by a licensed accredited veterinarian at the state's expense or a USDA or DoAg veterinarian. The act instead allows the commissioner to require and provide for the testing and control of tuberculosis in any livestock at the state's expense. Testing is restricted to the state veterinarian, veterinarians the federal government employs, and Connecticut-licensed accredited veterinarians. (Any infected livestock are subject to the condemnation provisions in § 5, described below.)

The act requires that the testing procedures and the control and disposition of any reacting livestock (reactors) conform to one of the following:

1. for goats, cattle, bison, and captive cervids, the USDA Uniform Methods and Rules for Bovine Tuberculosis Eradication;
2. for other livestock, the procedures, methods, testing, and disposition of reactors determined by the state veterinarian; or
3. the most recent USDA approved and published procedures for tuberculosis testing and the control and disposition of tuberculosis-positive livestock.

Further, the act specifies that the state is not liable for any damage incurred or alleged to have been incurred by any testing.

§§ 5 & 21 — CONDEMNING AND COMPENSATING FOR INFECTED LIVESTOCK

Condemnation

Under prior law, the DoAg commissioner could have any domestic animal that tested positive for tuberculosis killed. However, if the animal was cattle, the commissioner could not do so until he and the cattle's owner (or their arbitrators) determined the animal's value for the state's compensation to the owner.

The act instead allows the commissioner to have any livestock infected with any infectious or contagious disease, including tuberculosis, anthrax, or foot and mouth disease, euthanized. The commissioner must first determine the condemned livestock's value for compensation purposes. When determining the value, the act (1) requires him to consider the livestock's age, sex, grade, and purpose for being kept and (2) allows him to consult with livestock dealers, commission sales stables, or other sources familiar with the value of livestock.

Prior law specified how an animal that tested positive for tuberculosis had to be tagged. The act instead requires that a condemned animal be identified with a tag, brand device, or marking that the commissioner approves. Additionally, existing law prohibits a condemned animal from being killed, sold, or used for food except as the commissioner directs. The act also prohibits a condemned animal from being moved except as the commissioner directs.

Under prior law, once an animal was killed, the premises where the animal was kept had to be disinfected within 15 days after the commissioner's order. The act instead requires the premises to be disinfected within a time period the commissioner specifies and in a way acceptable to him before livestock are reintroduced to the premises.

Under the act, anyone aggrieved by a commissioner's condemnation order may appeal to Hartford Superior Court within seven days after the order is issued.

Compensation

Under the act, similar to prior law, the state must compensate the condemned animal's owner, limited to the difference between the animal's fair market value and the amount of indemnity or payment the owner received from the federal government. The state must not compensate for any livestock unless the animal has been destroyed. Additionally, the state must not pay for an animal that has no real value or that was in the state for less than three months before being quarantined, unless the animal was born into the herd in Connecticut or was imported to the state in compliance with state law.

The act eliminates an exception in prior law on compensation for animals condemned to prevent foot and mouth disease or anthrax. It also eliminates a $2,000 limit on the appraisal amount for condemned, registered, purebred bovine animals and a $1,100 limit for grade bovine animals.

Disposal

Under prior law, cattle and goats found to be affected by a communicable disease had to be killed, and the carcasses disposed of in keeping with the DoAg commissioner's order and at the owner's expense.

The act instead requires that all carcasses of diseased livestock that are condemned under state law be disposed of in a

way that is acceptable to the commissioner.

§ 6 — CONDEMNED HERD

Under prior law, the DoAg commissioner had authority to condemn a cattle herd due to recurring tuberculosis or brucellosis within a two-year period or substantial infection throughout the herd. Under the act, if the DoAg commissioner finds that (1) tuberculosis or brucellosis recurs in a livestock herd within a two-year period or (2) any livestock herd is substantially infected with tuberculosis, brucellosis, or other infectious or contagious disease, he may condemn the herd to prevent the spread of disease or protect public health. The state must pay compensation for a condemned herd as described in § 5 above.

As under prior law, anyone aggrieved by a commissioner's order to condemn a herd may appeal to Superior Court within seven days after the order is issued, in accordance with the Uniform Administrative Procedure Act.

§ 7 — CARE OF HERDS

Prior law required a herd owner to house, feed, and care for the animals in sanitary conditions that promote the herd's health. The act expands this to apply to any livestock herd to promote the herd's health and welfare. As under prior law, calves may be fed milk and dairy products only if they are (1) produced from a herd that tested negative for tuberculosis or (2) pasteurized at 142 degrees Fahrenheit for 30 minutes.

§ 8 — RECORDKEEPING

Prior law required a herd owner to (1) keep records describing each registered or graded animal and its final disposition and (2) mark each animal with a tag or marking the DoAg commissioner approves.

The act instead requires the owner of a livestock herd to keep a record of each animal in the herd, including the final disposition of each. It requires the herd owner to mark each animal in the herd with official identification when the animal leaves the premises and keep the identification in the animal's record. Under the act, "official identification" is a numbering system, approved by USDA and the state veterinarian, that (1) has a nationally unique identification number for each animal, (2) sets the animal identification methods and devices approved for use in each livestock species, and (3) is affixed to each animal by tag or other USDA-approved method. The owner must keep the record for the animal's life plus one year.

§ 9 — QUARANTINING AN INFECTED HERD

Under prior law, when tuberculosis was found in a herd of cattle or goats, the entire herd had to be quarantined until it passed three successive negative tests with at least 60 days between each test. Prior law prohibited an animal from being removed from the herd during quarantine, except under a written permit from the DoAg commissioner for slaughtering.

The act expands these requirements to apply to any livestock herd and any reportable disease. Specifically, it requires that when a disease listed as reportable or notifiable by DoAg or USDA is found in a livestock herd, the entire herd must be quarantined until a time determined by the state veterinarian. Also, the act prohibits an animal from being removed from the herd during quarantine, except under a written permit from the DoAg commissioner for the permit-specified purpose and conditions.

§ 10 — BRUCELLOSIS TESTING

Prior law authorized the DoAg commissioner to require certain cattle and goats to be tested for brucellosis by the state veterinarian, veterinarians employed by DoAg or the federal government, and veterinarians licensed in Connecticut and assigned by the DoAg commissioner for that purpose. The act instead authorizes the commissioner to require, and provide for, the testing and control of brucellosis in any livestock in the state. The act restricts the drawing of blood and milk samples for brucellosis testing to the state veterinarian, DoAg's veterinarians and trained employees, veterinarians the federal government employs, and Connecticut-licensed accredited veterinarians. (Any infected livestock are subject to the condemnation provisions in § 5, described above.)

The act eliminates requirements that animals testing positive be branded with a hot iron and tagged with a metal number reactor tag. It requires that the testing procedures and the control and disposition of any reactors conform to one of the following:

1. for cattle, bison, swine, or Cervidae, the USDA Uniform Methods and Rules for Brucellosis Eradication for the respective species;

2. for other livestock, the procedures, methods, testing, and disposition that the state veterinarian determines; or
3. the most recent USDA approved and published procedures for brucellosis procedures for testing and the control and disposition of brucellosis-positive livestock.

As under prior law, the act also specifies that the state is not liable for any damage incurred or alleged to have been incurred by any testing performed under these provisions.

§ 11 — SALE OF MILK

Under prior law, no one could offer milk for sale in the state unless it was produced from herds that comply with state laws on tuberculosis and brucellosis. The act specifies that no one may offer milk for sale in the state unless it is produced from herds complying with the act's tuberculosis and brucellosis testing requirements (§§ 4 & 10, described above).

For new milk producers wanting to register with DoAg, the act also requires that if the herd or any animal in the herd does not have a current negative tuberculosis and brucellosis test result, the herd must test negative before the commissioner may issue the milk producer registration. DoAg employees may do the testing. The act requires that DoAg then surveillance test each registered milk producing herd for tuberculosis and brucellosis at a frequency the state veterinarian sets.

§ 12 — BRUCELLOSIS VACCINATION

By law, bovine (e.g., cattle and bison) owners may have their female calves vaccinated against brucellosis at their own expense and at ages set out in the USDA Uniform Methods and Rules for Brucellosis Eradication. The act eliminates prior law's requirement that the DoAg commissioner establish the ages by regulation.

The act requires a licensed accredited veterinarian to perform the vaccinations, rather than an approved licensed veterinarian, an approved federal or state full-time employed veterinarian that the DoAg commissioner assigns and authorizes, or a livestock inspector that the commissioner employs and authorizes, as under prior law.

§ 13 — IMPORTING LIVESTOCK

Importation Permit and Certificate of Veterinary Inspection

Prior law generally required neat cattle and goats brought into the state to be accompanied by a permit from the DoAg commissioner.

The act instead requires all livestock brought into the state to be accompanied by a livestock importation permit obtained from the DoAg commissioner as well as a certificate of veterinary inspection signed by an accredited veterinarian. A livestock importation permit expires 15 days after its issuance, while a certificate of veterinary inspection is valid for 30 days after its issuance.

Under the act, a certificate of veterinary inspection must include the following:

1. examination date;
2. the livestock's point of origin and destination;
3. the consignor's and consignee's names and mailing addresses;
4. the official identification of the age, sex, breed, and species for each animal represented on the certificate;
5. results of all health tests required by Connecticut law; and
6. a statement verifying that the livestock (a) were inspected and are free from clinical signs of any contagious, infectious, or communicable diseases and (b) do not originate from an area of quarantine, infestation, or infection.

The act also requires the veterinarian issuing the certificate to verify, at the time of examination, that each animal represented on the certificate has identification tags or other form of identification.

Under the act, within 48 hours after imported livestock arrive at their destination in the state, the livestock's owner must (1) complete and return the importation permit to the commissioner and (2) report the number of each species imported. The owner must include with these a copy of the certificate of veterinary inspection that accompanied the livestock into the state.

As under prior law, the commissioner may refuse to issue an importation permit to anyone who violates any statutes or regulations on importing livestock. The act requires the commissioner, when refusing to issue or revoking an importation permit, to notify the importer of the violations and corrections needed. After making the corrections, the act allows the person to reapply for a permit.

Importing for Immediate Slaughter

Prior law exempted neat cattle and goats brought into the state for immediate slaughter at federally inspected premises from the permit requirement as long as they were accompanied by a bill of sale or certificate of assignment. It also required the slaughter facility's owner to report weekly to the DoAg commissioner on the number of animals imported for slaughter.

The act exempts certain livestock that are brought into the state from the importation permit and certificate of veterinary inspection requirement. This exemption applies to livestock that are brought to (1) federally inspected premises for immediate slaughter, (2) a slaughter facility approved by the commissioner, or (3) a licensed livestock commission sales stable authorized by the USDA and state veterinarian. The exemption applies as long as the livestock are accompanied by an owner-shipper statement that includes the following:

1. the consignor's and consignee's names and addresses;
2. the livestock's point of origin and destination;
3. the date of entry into the state;
4. a statement that the livestock are consigned for immediate slaughter;
5. a listing of each animal's official identification, including age, sex, breed, and species; and
6. the shipper's signature certifying the animals are imported for slaughter only.

Importing for Exhibition or Competition Purposes

Under the act, anyone transporting livestock or equines into the state for exhibition or competition purposes may obtain an exhibition permit from the DoAg commissioner before entering the state. Animals listed in the exhibition permit and on the certificate of veterinary inspection are exempt from requiring a new certificate of veterinary inspection every 30 days for the duration of the exhibition permit. An exhibition permit expires six months after its issuance.

For the duration of the exhibition permit, the act requires that all tests required under state law to qualify for importation be listed on the certificate of veterinary inspection and kept current.

§ 14 — REFUSAL TO PERMIT IMPORTATION

Prior law allowed the DoAg commissioner to refuse to grant import permits for neat cattle and goats from any area infected with a contagious disease. It also allowed him to revoke any permit for animals that, in his opinion, were infected. The act expands his right to refuse to issue or to revoke a permit to livestock generally.

The act also requires all livestock entering the state to be identified by official identification, rather than ear tags, registration name or number, tattoo, or other markings approved by the commissioner as under prior law.

§§ 15-20 & 23 — IMPORTATION REQUIREMENTS BY SPECIES

Livestock Generally (§ 15)

The act prohibits anyone from importing livestock into the state if it is (1) under quarantine due to the presence, or suspected presence, of an infectious or contagious disease or (2) infected with, or has been exposed to, any infectious or contagious disease.

The act also prohibits anyone from importing livestock into the state unless an importation permit is obtained as the act requires (§ 13, described above) and each animal is accompanied by a certificate of veterinary inspection from an accredited veterinarian certifying that the animals were inspected, are not showing signs of disease, and were tested in accordance with state law.

The act exempts from the permit and certificate requirements any livestock imported for slaughter at a facility under a USDA grant of inspection or approved by the DoAg commissioner, as long as the livestock come with the owner-shipper statement the act requires (§ 13, described above). The act prohibits any livestock brought into the state for slaughter to be sold or transferred live to anyone.

Cattle and Bison (§ 16)

The act requires that all cattle or bison imported into the state come with an importation permit as the act requires (§ 13, described above) and a certificate of veterinary inspection issued by an accredited veterinarian within 30 days before importation. The certificate must include the dates and results of any required tests, each animal's official identification, and a certification that the cattle or bison meet the following requirements:

1. they originated from a herd that was negative to a whole herd tuberculin test performed within 12 months before importation and each animal was included in the whole herd test or tested negative to a tuberculosis test performed within 60 days of importation and
2. for bulls and non-brucellosis vaccinated female cattle at least six months old, and for official calfhood vaccinates (i.e., those vaccinated when they were calves) at least 18 months old, that they tested negative to an official brucellosis test performed within 30 days before importation.

The act exempts from brucellosis testing spayed heifers and steer that are imported as feeder cattle (i.e., for eventual slaughter). It also prohibits cattle and bison from being imported into the state if they were vaccinated (1) as adults or (2) when they were more than 359 days of age with diluted brucella abortus vaccine.

Sheep (§ 17)

The act requires that any sheep imported into the state come with an importation permit as the act requires (§ 13, described above) and a certificate of veterinary inspection issued by an accredited veterinarian within 30 days before importation. The certificate must include the dates and results of any required tests, each animal's official identification, and a certification that the sheep listed on the certificate were not exposed to scrapie.

Goats (§ 18)

The act requires that any goat imported into the state come with an importation permit as the act requires (§ 13, described above) and a certificate of veterinary inspection issued by an accredited veterinarian within 30 days before importation. The certificate must include the dates and results of any required tests, each animal's official identification, and a certification that the goats listed were not exposed to scrapie. Each goat also must meet the following requirements:

1. they originated from a herd that was negative to a whole herd tuberculin test performed within 12 months before importation and they each were included in the test;
2. if more than three months old, that they tested negative to a tuberculosis test performed within 60 days before importation; and
3. if more than three months old, that they tested negative to a brucellosis test performed within 30 days before importation.

The act allows a kid goat under three months old to be imported on its dam's (female parent's) test chart if the dam tested negative for brucellosis within 12 months before importation and a copy of that test result is given to the commissioner. The act exempts a wether (i.e., castrated male goat) from brucellosis testing.

Camelids (§ 19)

The act requires that any camelid (e.g., camels, llamas, alpacas) imported into the state come with an importation permit as the act requires (§ 13, described above) and a certificate of veterinary inspection issued by an accredited veterinarian within 30 days before importation. The certificate must include the dates and results of any required tests and each animal's official identification. Each camelid also must meet the following requirements:

1. that they tested negative for tuberculosis using an axillary tuberculin test within 60 days before importation and
2. if at least six months old, that they tested negative for brucellosis within 30 days before importation.

Cervidae (§ 20)

The act requires that any Cervidae imported into the state come with an importation or exhibition permit as the act requires (§ 13, described above) and a certificate of veterinary inspection that verifies compliance with CGS § 26-57a and any related regulations. Among other things, CGS § 26-57a sets requirements for imported reindeer, including testing negative for tuberculosis and brucellosis within 30 days before importation and coming from a herd that participated in a chronic wasting disease monitoring program.

Swine (§ 23)

The act requires that any swine imported into the state come with an importation permit as the act requires (§ 13, described above) and a certificate of veterinary inspection issued by an accredited veterinarian within 30 days before importation. The certificate must include the dates and results of any required tests, each animal's official identification,

and a certification that the swine came from a herd that was validated brucellosis free and qualified pseudorabies free. The certificate must also include the following:

1. the number and date of the last whole herd negative brucellosis test that included the swine being imported, or each swine over three months old must test negative for brucellosis within 30 days before importation, and
2. the number and date of the last whole herd negative pseudorabies test that included the swine being imported, or each swine must test negative for pseudorabies within 30 days before importation.

The act exempts barrows (i.e., castrated male swine) from brucellosis testing.

§ 22 — DISPERSAL SALE OF LIVESTOCK

Prior law required a herd owner, auctioneer, cattle dealer, or sales manager who wanted to sell a herd (i.e., dispersal sale) or more than 10 head as a group to give the DoAg commissioner a list of the animals to be sold within 14 days before the sale, unless the commissioner waived this requirement as an undue hardship. Also, no one could conduct a dispersal sale without the commissioner's approval. The act applies these requirements to livestock dealers, instead of cattle dealers, and eliminates the commissioner's ability to waive the list requirement.

Under prior law, the commissioner could require the herd to be tested for tuberculosis, brucellosis, or both before a sale. The act instead allows the state veterinarian to require the herd to be tested for any diseases as she determines necessary. The herd's owner must pay for any required tests. If the herd tests negative, the commissioner must give permission for the sale.

Prior law imposed a fine of up to $100 on anyone who violated these sale provisions. The act eliminates this specific penalty; thus the statutory general penalty applies instead (see § 25 below).

§ 23 — REQUIREMENTS FOR BREEDING SWINE

The act requires anyone who breeds swine to have all breeding swine tested for brucellosis and pseudorabies by an accredited veterinarian, USDA- or DoAg-employed veterinarian, or a DoAg employee under the state veterinarian's supervision. The animals' owner must help restrain the animals during the testing.

The act specifies that the state is not liable for any damages incurred or alleged to have incurred from the testing. Also, it requires that the (1) brucellosis testing comply with the act's provisions (§ 10, described above) and (2) pseudorabies testing procedures and control and disposition of positive swine conform to USDA Pseudorabies Eradication Program standards.

§ 25 — PENALTIES

The act changes the general penalty for (1) violating the livestock statutes and related regulations or (2) obstructing the DoAg commissioner or his agents when performing their official duties. The general penalty applies when specific penalties are not otherwise provided. Under the general penalty, a violator is subject to a $250 fine for a first violation and a class D misdemeanor for a second (and, presumably, each subsequent) violation. (Under prior law, the general penalty was a class D misdemeanor (see Table on Penalties).)

The act also imposes a penalty for misleading or attempting to mislead the commissioner by removing or altering a livestock's official identification or falsifying a certificate of veterinary inspection. A violator is subject to a $250 fine for a first violation and a class D misdemeanor for a second or subsequent violation.

§ 26 — NOTIFIABLE OR REPORTABLE DISEASE REPORTING

The act requires laboratories and veterinarians that test livestock or poultry to notify the state veterinarian about any positive test results for notifiable or reportable diseases. A notification must be made (1) within 24 hours after getting the test results and (2) as the DoAg commissioner prescribes. (By law, the state veterinarian must provide a list of reportable diseases annually (CGS § 22-26f).)

Under the act, anyone who violates this requirement is subject to an administrative civil penalty of up to $500 for a first violation and up to $1,000 for a second or subsequent violation.

§ 27 — COMMISSION SALES STABLES

By law, those who sell livestock at public auctions (i.e., commission sales stable licensees) must abide by certain statutory requirements. Under prior law, dairy and breeding animals coming from outside the state for auction had to arrive

with a health certificate from their state of origin and a DoAg-issued importation permit. The act allows, as an alternative, the animals to be examined by a licensed accredited veterinarian who will issue interstate health certificates at the licensee's expense.

§ 28 — INSPECTIONS OF LOCAL DOG KENNELS

PA 23-17, § 3, requires municipal and regional ACOs to inspect local dog kennels annually and upon receipt of a complaint. The act allows, rather than requires, the ACOs to do these inspections beginning July 1, 2023.

§ 29 — REPEALED STATUTES

The act repeals the following sections of the general statutes, the contents of which are mostly incorporated in other sections of the act:

1. CGS § 22-284, on handling outbreaks of the contagious disease anthrax or charbon;
2. CGS § 22-304, on controlling disease in imported cattle;
3. CGS § 22-318, on importing feeder cattle;
4. CGS § 22-318b, on allowing DoAg, upon a herd owner's request, to issue interstate health charts for a fee for livestock to be sold (the act does not incorporate this provision);
5. CGS §§ 22-291 to -293, on tuberculosis-free accredited herds and livestock sale and purchase reports; and
6. CGS §§ 22-310 to -313, on requirements for certain cattle and goats.

BACKGROUND

Related Act

PA 23-184, § 12, prohibits owners and keepers of livestock from allowing their livestock to roam at large and makes a violation an infraction.

PA 23-190—SB 965
Environment Committee
Appropriations Committee

AN ACT PROVIDING FUNDING FOR THE REMOVAL OF HAZARDOUS OR DEAD TREES BY MUNICIPALITIES

SUMMARY: By law, the Local Capital Improvement Program (LoCIP), administered by the Office of Policy and Management (OPM), provides municipal grant funds for eligible local capital improvement projects, including hazardous tree removal or trimming for nonutility related hazardous branches, limbs, and trees on municipal property or in a municipal right-of-way.

OPM distributes LoCIP funds to municipalities based on a statutory formula. In addition to the distribution, this act requires OPM, for FYs 24 and 25, to authorize expense reimbursements for tree removal or trimming projects from funds appropriated to OPM for these projects.

The law also generally requires LoCIP applications to have a certification that the project for which the municipality seeks funding is consistent with its local capital improvement plan. The act allows the OPM secretary, for any fiscal year, to (1) authorize reimbursement for these tree removal or trimming projects before the municipality has added the project to its local capital improvement plan and (2) require the municipality to certify that it is taking steps to amend its plan to include the project. This exception already applies to projects like establishing bikeways and greenways, land acquisition for public uses, and certain technology upgrades.

EFFECTIVE DATE: July 1, 2023

BACKGROUND

Related Act

PA 23-124 generally revises the LoCIP funding process by requiring OPM to annually distribute LoCIP grant funding by June 30, rather than reimbursing individual eligible project costs.

PA 23-196—sSB 1146
Environment Committee

AN ACT CONCERNING REVISIONS TO VARIOUS PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

TABLE OF CONTENTS:

SUMMARY: This act makes changes in various statutes and programs related to the Department of Energy and Environmental Protection (DEEP), as summarized in the section-by-section analysis below.
EFFECTIVE DATE: Upon passage

§ 1 — CONSERVATION OFFICER TRAINING REQUIREMENTS

Requires conservation officers to become POST-certified within one year after being appointed; updates training requirements for special conservation officers and certain lake patrolmen

Under prior law, each DEEP-appointed conservation officer or special conservation officer had to either complete a police training course at the state police training school or an equivalent course approved by the Department of Emergency Services and Public Protection (DESPP) commissioner. The act instead requires each conservation officer to become certified by the Police Officer Standards and Training Council (POST) within one year after being appointed. It also requires each special conservation officer to become POST-certified or complete a DESPP commissioner-approved equivalent course.

For lake patrolmen appointed by DEEP as special conservation officers to enforce boating laws in their respective jurisdictions, the act requires each to complete a police training course at a POST-approved training academy. Prior law required them to complete a course at the state police training school or an equivalent DESPP commissioner-approved course.

§§ 2 & 3 — PUBLIC HEARING NOTICE ON FISHING REGULATIONS

Requires the DEEP commissioner to post notice of a public hearing on proposed fishing regulations on DEEP's website and the state's eRegulations system; requires her to give the notice to affected municipalities so they may post it on their websites

The act requires the DEEP commissioner to post notice of a public hearing on proposed fishing regulations for inland and marine fishing (including sport fishing and commercial fishing activities) on DEEP's website and the state's eRegulations system, as well as in newspapers as under existing law. The act requires her to post notice at least 14 days before a hearing.

The act also requires the commissioner, or her designee, to give a copy of a notice on (1) inland fishing regulations to each municipality where the waters are located and (2) marine fishing regulations to each coastal municipality with people substantially affected by the regulations, for publication on the municipalities' websites.

§§ 4 & 5 — EMERGENCY CLOSED SEASON FOR THREATENED REGULATED SPECIES

Authorizes the DEEP commissioner to declare an emergency closed season for any regulated species threatened with undue depletion, rather than just a threatened fish species; specifies that this authority applies to recreational and commercial fishing

The act expands the DEEP commissioner's authority to declare an emergency closed season because of undue species depletion to any regulated species, not just a threatened fish species. "Regulated species" include any bait species, crustaceans, finfish, horseshoe crabs, sea scallops, squid, or whelk (CGS § 26-1). The act also specifies, by removing a statutory conflict, that the commissioner's emergency closure powers apply to both recreational and commercial fishing.

§ 6 — LAMPREY FISHING NEAR FISHWAYS PROHIBITED

Prohibits lamprey fishing within 250 feet of a fishway (or other distance the DEEP commissioner sets)

The act prohibits lamprey fishing within 250 feet of a fishway. The DEEP commissioner may determine and post a different distance she decides is necessary. Existing law already prohibits all other fishing near fishways. (A fishway is a passageway for fish, usually near dams and artificial obstructions.)

Any person who violates the fishing prohibition is subject to a $250 fine. Each fish taken or possessed is a separate offense (CGS § 26-141).

§ 7 — TRANSFERRING COMMERCIAL FISHING LICENSES

Expands the circumstances under which DEEP may temporarily reissue or permanently transfer certain commercial fishing licenses

The act expands the circumstances under which DEEP may temporarily reissue or permanently transfer certain commercial fishing licenses (i.e., principal commercial fishing licenses, general commercial fishing licenses, or commercial lobster pot fishing licenses).

Temporary License Reissue

Under prior law, the DEEP commissioner could temporarily reissue a commercial fishing license while the licensee was incapacitated and unable to operate a vessel or fish. DEEP could issue a temporary license only to a member of the licensee's immediate family or crew, and for either 12 months, or the period of incapacity, whichever was shorter.

The act instead allows the commissioner to temporarily reissue a license due to a licensee's own incapacity or an immediate family member's medical situation that prevents the licensee from fishing. The temporary license is valid for the duration of the licensee's incapacity or family member's medical situation. The act specifies that any landings made under the temporary license may count toward the requirements for a permanent license transfer.

Permanent License Transfer

By law, the DEEP commissioner may permanently transfer a commercial fishing license to another person if the original licensee landed regulated species in at least five of the prior eight years and reported landings to the commissioner for at least 30 fishing days in each year. The act also allows the commissioner to permanently transfer a license if the original licensee owned a vessel that landed regulated species under a quota-managed species license endorsement in at least five of the prior eight years and reported landings to the commissioner for at least 30 fishing days in each year.

Additionally, the act allows a recipient of a transferred license to use a vessel that is 20% greater, rather than 10% as under prior law, than the length of the largest vessel the original licensee used when fishing with a trawl net.

Transfer After the Licensee's Death

The act expands the circumstances under which the DEEP commissioner may transfer a license following the death of a licensee. By law, she may transfer the license for a two-year period from the date of the licensee's death by using the permanent transfer process described above.

Under the act, if the deceased held a license for less than five calendar years, the DEEP commissioner may transfer the license as long as the licensee landed regulated species, or owned a vessel that did so under a quota-managed species license endorsement, for at least six months of each year in which the licensee held the license and reported the landings to the commissioner as required for at least 30 fishing days each year.

§§ 8 & 9 — PERMIT OR LICENSE APPLICATION PUBLIC NOTICE

Requires certain permit or license applicants to publish notice of their application on the affected municipality's and DEEP's websites; requires DEEP to publish certain tentative determinations on its website

The act modifies the public notice requirements for applications for certain DEEP-issued permits and licenses for various regulated activities (e.g., constructing dams, constructing solid waste facilities, dredging, stream channel encroachment). By law, an applicant must publish notice of an application in a local newspaper. The act also requires the applicant to publish notice on the website where the affected municipality posts local land use decisions and on DEEP's website.

By law, the DEEP commissioner must publish her tentative determination on an application at least 30 days before approving or denying the application. She must publish it in the affected area's local newspaper with substantial circulation at the applicant's expense. Under the act, if the application relates to a single-family residential property, she also must publish her tentative determination on the affected municipality's website where local land use decisions are posted and on DEEP's website.

§§ 10 & 11 — OPEN SPACE AND WATERSHED LAND ACQUISITION PROGRAM GRANTS

Provides an exception to the general program rule that state grants cannot be made for land that is already committed for public use; specifies criteria for the exception to apply

The Open Space and Watershed Land Acquisition Program (OSWA) gives state grants to municipalities, land trusts,

and water companies to buy land to be preserved as open space in perpetuity.

Prior law prohibited OSWA grants for land that was already committed for public use. The act creates an exception to this. Under the act, land will not be considered "already committed for public use" if it is subject to a conservation easement or restriction that resulted from a federally funded land conservation program, municipal conservation grant program, or private conservation grant program before the state's permanent conservation easement is recorded.

Under the act, in order for this exception to apply, the following must happen:

1. the non-state conservation easement or restriction must be executed after the OSWA grant agreement has been executed;
2. any non-federal holder of easements must subordinate their interests in the land to the state's interests when the state's permanent conservation easement is recorded;
3. funds associated with non-state easements or restrictions (i.e., federal funds, municipal grant funds, or private grant funds) must be used as matching funds for the OSWA grant; and
4. the DEEP commissioner must determine that the conveyance of the other conservation easement or restriction, in combination with the acquisition of the state's interest under OSWA, is one concurrent property acquisition.

PA 23-202—sSB 1147
Environment Committee
Appropriations Committee

AN ACT CONCERNING THE ENVIRONMENTAL JUSTICE PROGRAM OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

SUMMARY: This act makes changes in the state's environmental justice law, which generally requires applicants seeking to construct, expand, or site certain facilities in environmental justice communities to engage in a public participation process. Specifically, the act does the following:

1. provides specific exemptions for minor modifications to existing permits and expanded permits, and also broadly provides that the environmental justice law must not be construed to apply to permit renewals or permit modifications;
2. generally requires applicants subject to the law, other than applicants for expanded permits, to (a) file an assessment of environmental or public health stressors and (b) submit and receive approval of a public participation report to show compliance with the requirements for informal public meetings (e.g., notice, public comment, and video recording);
3. expands the notice that must be given about an upcoming informal public meeting to include online posts and direct mail to households within one-half mile of the involved affecting facility;
4. requires the newspaper advertisement, which must be published under existing law between 10 and 30 days before the public meeting, to include information on how interested people can review project documents (i.e., any complete needs assessment, alternatives assessment, environmental impact analysis, and assessment of environmental and public health stressors);
5. requires the facility's applicant to accept oral and written comments from any interested person and provide an opportunity for meaningful public participation at the informal public meeting;
6. requires the chief elected official or town manager, when negotiating a community environmental benefit agreement to mitigate an affecting facility's impacts, to select a resident of the potentially affected environmental justice community to participate in the negotiations;
7. requires mitigation in a community benefit agreement to have a nexus and be proportional to the impacts of the proposed facility; and
8. allows the Department of Energy and Environmental Protection (DEEP) or the Connecticut Siting Council, as applicable, to assess a reasonable fee on an applicant to cover the costs of implementing the environmental justice law, including costs for giving technical assistance to applicants and environmental justice communities, in addition to any other fee authorized by law, rule, or regulation.

The act requires the DEEP commissioner to adopt any necessary and proper regulations to carry out the environmental justice law's purposes. It allows the Siting Council to follow the same regulations in a decision to approve an application.

The act also allows DEEP or the Siting Council, as applicable, to deny a permit for a new affecting facility if it finds that approving the permit would result in adverse cumulative environmental or public health stressors in the environmental justice community that are greater than those experienced in other communities. They may additionally impose reasonable conditions on a permit to mitigate environmental and public health impacts if they make the same findings.

Lastly, the act makes technical and conforming changes.
EFFECTIVE DATE: October 1, 2023

SCOPE OF THE LAW

The environmental justice law's requirements generally apply to applications for a certificate of environmental compatibility and public need, a new or expanded permit, or siting approval from DEEP or the Siting Council involving an "affecting facility" in an "environmental justice community" (see BACKGROUND). The act exempts minor modifications of existing permits from the law's requirements. The act also specifies that the law must not be construed to apply to permit renewals or permit modifications (but appears to include provisions explicitly applying to permit modifications).

Under the act, a "permit" collectively refers to the approval issued in the above applications. Specifically, it is any individual facility permit, license, certificate, or siting approval DEEP or the Siting Council issues to a facility that sets the regulatory and management requirements for an activity regulated under the laws for (1) certificates of environmental compatibility and public need and (2) air pollution, solid waste facility, or water discharge permits. It does not include an authorization or approval needed to (1) remediate certain hazardous waste sites or (2) extend the time to complete a facility's construction.

The act also specifies that a "major source" of air pollution for purposes of determining whether a facility is an affecting facility under the law is either (1) as defined by the federal Clean Air Act (CAA), as under existing law, or DEEP's rules or regulations or (2) a facility that directly emits, or has potential to emit, at least 100 tons of any air pollutant or other CAA applicable criteria.

STRESSOR ASSESSMENT AND PUBLIC PARTICIPATION DOCUMENTS

By law, applicants for these affecting facilities generally must (1) file, and receive approval for, a meaningful public participation plan before filing their permit, certificate, or approval application and (2) consult with the chief elected officials of the towns in which the proposed facility will be located or expanded to evaluate the need for a community environmental benefit agreement (see *Public Participation Plan*, below).

The act generally requires the applicants to additionally (1) file an assessment of environmental and public health stressors and (2) submit and receive approval of a public participation report on compliance with the law's public participation plan requirements. It exempts applicants for expanded permits from these new requirements and no filing is needed until DEEP adopts the new regulations the act requires (see below).

Assessment of Environmental or Public Health Stressors

The act requires this assessment to evaluate the potential environmental and public health stressors (i.e., sources of environmental pollution that cause a potential public health impact) related to the proposed new or expanded affecting facility. It must also identify (1) any adverse environmental or public health stressor that cannot be avoided if a permit is granted and (2) the environmental or public health stressors that the affected environmental justice community already experiences.

Public Participation Plan

By law, "meaningful public participation" gives environmental justice community residents an appropriate opportunity to participate in decisions about a proposed new or expanded facility that may adversely affect their environment or health.

Among other things, the meaningful public participation plan must identify how the applicant will publicize the date, time, and nature of the informal public meeting about the proposed facility, in addition to the newspaper notice that existing law already requires, and the direct mail notice the act requires to be sent to nearby households (see *Direct Mail Notice*, below). By law, these methods must include posting certain signs and giving written notice to local and state elected officials. The act additionally requires postings on relevant websites and social media platforms to give notice about the meeting, but the notice must also be readily found by searching for the affecting facility's name.

Public Participation Report

The public participation report the act requires to be submitted to and approved by DEEP must include (1) an affidavit stating that the applicant complied with the law's notice (e.g., signs, online, newspaper, direct mail) and public meeting requirements; (2) all written comments received; and (3) responses to concerns and questions presented in the written and

verbal comments, along with any changes to the proposed activity or affecting facility. It must also include a video recording of the informal public meeting.

Under the act, this public participation report must be submitted to DEEP or the Siting Council, as applicable, within 30 days after the informal public meeting. Applicants for an expanded permit are exempt from the report requirement.

INFORMAL PUBLIC MEETING

Public Participation

The environmental justice law requires the applicant for a proposed or expanded facility to make a reasonable and good faith effort to give the public clear, accurate, and complete information about the affecting facility proposal at an informal public meeting. The information must include the potential environmental and public health impacts.

The act requires the applicant to (1) accept written comments, submitted by mail or electronically, and oral comments from any interested party and (2) provide an opportunity for meaningful public participation at the meeting. The applicant must also video record the meeting and submit the video with the public participation report (see above).

Multiple Public Meetings

Under the act, if a permit applicant applies for more than one new proposed affecting facility, the applicant must only comply with the environmental justice law once unless DEEP or the Siting Council, as applicable, determines that more than one informal public meeting is needed due to the complexity of the applications involved. The act specifies that this limitation does not restrict DEEP's or the Siting Council's authority to hold or require a public hearing under another state or federal law, rule, or regulation.

Prior law allowed DEEP to waive the requirement for an additional informal public meeting if the Siting Council had already approved a meaningful public participation plan and the associated informal public meeting was held. The act instead allows this waiver if the Siting Council approves the plan or public participation report, as applicable.

Direct Mail Notice

The act adds a direct mail notice requirement to inform households near the proposed or existing affecting facility that is the subject of the informal public meeting but exempts applicants for an expanded permit from this requirement.

Specifically, at least 30 days before the informal public meeting, the applicant must mail a notice about the meeting to all households within one-half mile of the new proposed or existing affecting facility. The notice must be written in all languages spoken by at least 15% of the population that lives in this radius and include the following information:

1. the meeting's date, time, and location;
2. a description of the proposed affecting facility and a map showing its location;
3. how an interested person can review project documents, including any complete needs assessment, alternatives assessment, environmental impact analysis, or assessment of environmental or public health stressors;
4. addresses for mailed and online submissions for written public comments; and
5. any other information DEEP or the Siting Council deems appropriate.

The applicant must then mail notice to these same households about any (1) subsequent public participation opportunities that occur as part of the permit approval process before DEEP or the Siting Council and (2) notice of tentative or final determination. Applicants for an expanded permit are exempt from these notice requirements.

COMMUNITY ENVIRONMENTAL BENEFIT AGREEMENT

By law, the applicant for a proposed expanded or new affecting facility must consult with the chief elected officials of the towns in which the facility will be located to evaluate whether there must be a community environmental benefit agreement. For facilities that will be in a municipality that already has at least five affecting facilities, this agreement is required. The act prohibits the DEEP commissioner from issuing a notice of tentative determination for a new or modified permit unless the applicant submits a copy of the executed agreement with the municipality. The act also exempts minor modifications or improvements of existing permits from the benefit agreement requirement that otherwise applies for municipalities with five or more affecting facilities.

A community environmental benefit agreement is a written agreement where an owner or developer of real property that will be used for an affecting facility agrees to provide financial resources to mitigate the facility's impacts. It is negotiated by the chief elected official or town manager and must be approved by the municipality's legislative body. The

act requires the chief elected official or town manager to select a resident of the potentially affected environmental justice community to participate in the agreement's negotiations.

By law, an agreement's mitigation may be on-site or off-site improvements, activities, and programs, including things like environmental education, electric vehicle charging infrastructure, asthma screening, air monitoring, urban forestry, and trails. But the act requires it to have a nexus and be proportional to the impacts caused by the proposed facility.

IMPLEMENTING REGULATIONS

The act requires the DEEP commissioner to adopt needed and proper regulations to implement the environmental justice law, as amended by the act, including provisions on the following:

1. procedures and requirements for creating the meaningful public participation plan and public participation report;
2. identifying and measuring the relative impact of environmental and public health stressors across communities;
3. tools for stakeholder industries and sectors to use that consider any environmental or public health stressors, including those that help inform decisions about potential locations for proposed affecting facilities that comply with the law; and
4. standards for denying or placing conditions on permits.

When developing the regulations, the commissioner must consult with stakeholder industries and sectors.

PERMIT DECISIONS

Final Action

Complete Application. For applications filed on or after November 1, 2023, the act deems them insufficient if the applicant fails to fulfill the law's notice and public meeting requirements, as amended by the act. Similarly, the act makes an application insufficient if its applicant fails to receive approval of a required public participation report.

Decision Timeframe. Prior law prohibited DEEP or the Siting Council from acting on a permit, certificate, or approval within 60 days after the informal public meeting. The act (1) extends this restriction to acting on license applications and (2) instead prohibits acting within the 60-day period or before it approves the public participation report, whichever is earlier.

New Review Requirements. The act imposes a new review process for applications DEEP reviews for a proposed affecting facility (but not for an expanded permit), which is set out in the act's new required regulations (see IMPLEMENTING REGULATIONS, above). It allows the Siting Council to also use the regulation's process for reviewing applications. This new process does not take effect, however, until the regulations' adoption, and the act does not set a deadline for doing this.

Under the act, DEEP or the Siting Council, as applicable, may deny a permit application for a proposed affecting facility if it finds that approving it would, together with other environmental or public health stressors affecting the environmental justice community involved, produce adverse cumulative stressors that are higher than those experienced by other communities in the state, county, or other geographic area, as DEEP or the Siting Council determines. For DEEP, the determination must be made in accordance with the new regulations the act requires; for the Siting Council, the determination may be made according to them.

If there is a hearing on an application that is subject to the environmental justice law, compliance with the applicable regulations must be considered at the hearing.

The act requires DEEP or the Siting Council, as applicable, to give the applicant of a proposed affecting facility written notice about its tentative determination on compliance with the regulations. It also requires them to post any determination made under this new process on their respective websites.

The act allows DEEP or the Siting Council, as applicable, when granting a permit, to impose reasonable conditions on a proposed affecting facility's construction or operation to mitigate environmental and public health impacts.

Permit Conditions

The act allows DEEP or the Siting Council, as applicable, to apply reasonable conditions on a new permit for an affecting facility (not for an expanded facility) related to its construction and operation to protect the environment and public health. They may do this only after:

1. reviewing the public participation report and any other relevant information like testimony and written comments and
2. finding that approval of the permit, as proposed, together with other environmental or public health stressors

affecting the environmental justice community involved, produce adverse cumulative stressors that are higher than those experienced by other communities in the state, county, or other geographic area, as DEEP or the Siting Council determines.

For DEEP, the determination must be made in accordance with the new regulations the act requires; for the Siting Council, the determination may be made according to them.

Continuing Operations

The act specifies that it does not limit an applicant's right to continue facility operations when a permit approval is pending to the extent that it has that right by law, rule, or regulation.

BACKGROUND

Affecting Facilities

By law, an "affecting facility" is generally any:

1. electric generating facility with a capacity of more than 10 megawatts;
2. sludge and solid waste incinerator or combustor;
3. sewage treatment plant with a daily capacity of more than 50 million gallons;
4. intermediate processing center, volume reduction facility, or multi-town recycling facility with a combined monthly volume of more than 25 tons;
5. new or expanded landfill, including one with ash, construction and demolition debris, or solid waste;
6. medical waste incinerator; and
7. major air pollution source under the CAA (e.g., large factories).

Exemptions to the law include (1) parts of electric generating facilities that use fuel cells or non-emitting and non-polluting renewable resources such as wind, solar, and hydropower; (2) facilities that obtained a Siting Council certificate by January 1, 2000; and (3) facilities under the state higher education system's control with a satisfactory environmental impact evaluation.

Environmental Justice Communities

An "environmental justice community" is (1) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality. The Department of Economic and Community Development annually designates distressed municipalities based on high unemployment and poverty, aging housing stock, and low or declining rates of job, population, and per capita income growth (CGS § 32-9p).

Related Act

PA 23-205, § 191, creates a process under which an elector or voter in a town with a population of up to 10,000 can petition for a town referendum on the DEEP commissioner's denial of a facility permit under this law.

PA 23-206—sSB 896
Environment Committee

AN ACT CONCERNING TREE REMOVAL ON PROPERTIES UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner to report annually, beginning by January 1, 2024, to the Environment Committee on the department's hazardous tree removal activities in state parks during the prior year. It specifies the minimum information that DEEP must include in the report.

Separately, the act makes it a state goal to increase, by January 1, 2040, the total percentage of environmental justice communities that are covered by tree canopy by 5% of the total area of those communities with a current tree canopy cover of less than 40%. It does this explicitly to ensure state residents equitably enjoy open space and tree cover benefits. By law, an "environmental justice community" is (1) any U.S. census block group, as determined by the most recent census, for

which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (2) a distressed municipality (CGS § 22a-20a).
EFFECTIVE DATE: Upon passage, except the tree canopy provision takes effect October 1, 2023.

HAZARDOUS TREE REMOVAL REPORT

Under the act, DEEP's annual report must include the following information:

1. each state park where a hazardous tree removal project was done in the prior calendar year;
2. the total acreage for each project;
3. an explanation of whether the projects consisted of removing fallen trees or cutting down trees;
4. the reasons for each project;
5. the total cost for each project and the funding sources;
6. a description of the removal of any hazardous tree or group of hazardous trees with unique characteristics like age, caliper, species, canopy, or aesthetics; and
7. a description of any planned or anticipated hazardous tree removal project in any state park for the next calendar year.

PA 23-182—HB 6930
Finance, Revenue and Bonding Committee

AN ACT CONCERNING REVISIONS TO THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM, A DEFERRED RETIREMENT OPTION FOR PARTICIPATING MEMBERS AND THE DEVELOPMENT OF BEST PRACTICES FOR GOVERNANCE STRUCTURES OF MUNICIPAL RETIREMENT PLANS

SUMMARY: This act makes various changes in the statutes that govern the Connecticut Municipal Employees Retirement System (CMERS). Primarily, for CMERS members who retire on or after July 1, 2025, it does the following:

1. changes the range of potential cost of living adjustments (COLAs) to pension benefits, by increasing the maximum COLA from 6.0% to 7.5% and phasing out the 2.5% minimum COLA;
2. requires a minimum one-year waiting period for a retiree's first COLA; and
3. creates a pension incentive for CMERS members to continue working past age 60 with at least 30 years of service (or age 55 with 27 years of service for police and firefighters).

The act also (1) temporarily rescinds authorization for the State Retirement Commission to create a deferred retirement option plan (which, in practice, it has not created) for CMERS members, and reinstates this authority starting on July 1, 2025, and (2) requires all municipalities to give the state comptroller certain information about their retirement systems by September 1, 2023, and the comptroller and certain other state officials to prepare a report on the best practices for municipal retirement plans by July 1, 2024. It also codifies current practice for determining CMERS pension benefits and makes related minor, conforming, and technical changes.
EFFECTIVE DATE: Upon passage

COST OF LIVING ADJUSTMENTS

By law, CMERS members who retire after January 1, 2002, receive annual COLAs depending on the change in the consumer price index for urban wage earners and clerical workers (CPI) over the preceding 12-month period. The COLA is calculated as 60% of the CPI increase for the first 6%, plus 75% of the CPI increase over 6%. The act maintains this method of calculating the COLA in the future within the limits of the new maximum and minimums it establishes.

Under prior law (which remains applicable for those who retire before July 1, 2025), the COLA must be at least 2.5% but no more than 6%, and the retiree received the first COLA starting on the first July 1 after they retire. For CMERS members who retire on or after July 1, 2025, the act increases the maximum COLA to 7.5% and creates a one-year minimum waiting period before the first annual COLA becomes effective. More specifically, they will not receive this first COLA until the July 1 after they have completed 12 months of retirement (which means no COLA until the second July 1 after retirement).

The act also begins phasing out the minimum COLA for these retirees, annually lowering it based on retirement date, as shown in the table below.

Minimum COLA Phase-Out Schedule

Retirement Date	*Minimum COLA*
July 1, 2025, through June 30, 2026	2.0%
July 1, 2026, through June 30, 2027	1.5%
July 1, 2027, through June 30, 2028	1.0%
July 1, 2028, through June 30, 2029	0.5%

For members who retire on or after July 1, 2029, if the CPI increases by 2% or less over the preceding 12-month period, then the COLA must equal the CPI's percentage change. If the CPI increases by more than 2%, then the COLA must be the higher of either (1) 2% or (2) 60% of the increase for the first 6% plus 75% of the increase over 6%. The maximum annual COLA remains at 7.5%.

DEFINITIONS

By law, a CMERS member may retire and receive a normal pension benefit after 25 years of aggregate service in a participating municipality or after reaching age 55, with at least five years of continuous service or 15 years of aggregate service (CGS § 7-428). The act specifies that "aggregate service" is active service plus any other form of service a member

obtains as allowed under CMERS law, and "active service" is service with a participating municipality for which the member made contributions to CMERS (neither term was defined in prior law).

BENEFITS UNDER EXISTING PRACTICE AND THE ACT

Under existing practice, and codified by the act, the normal pension benefit for a CMERS retiree depends on whether the retiree worked in a position covered by the Social Security Old Age and Survivors Insurance System. For retirees who are not covered by Social Security, the annual pension amount is generally calculated using a 2% pension multiplier (i.e., 2% of their final average salary (FAS, the average of their three highest-paid years) multiplied by their number of service years, prorated by month).

Retirees who are covered by Social Security also receive a pension using a 2% multiplier if they retire before they become eligible for Social Security benefits (at age 62) and are not receiving Social Security disability benefits (prior law did not explicitly require this.) However, once such a retiree becomes eligible for Social Security benefits at age 62, starts receiving disability benefits, or retires at age 62 or older, their CMERS pension is calculated as 1.5% of their FAS up to the "breakpoint" salary for the year they retired, plus 2% of their FAS above the breakpoint, multiplied by their service years, prorated by month. By law, the "breakpoint" is $117,200 in 2023 (i.e., $10,700 increased by 6% each year since 1982 and rounded to the nearest one hundred dollars).

(Prior law specified a different calculation, which in practice had not been used for years.)

INCENTIVE TO WORK PAST AGE 60

For CMERS members who retire on or after July 1, 2025, the act creates an incentive to continue working after reaching age 60 and completing 30 years of service (i.e., 60/30), or age 55 with 27 years of active service (i.e., 55/27) for members of a paid municipal fire department or regular members of a paid municipal police department. This incentive generally allows these members to increase their pension multiplier by 0.2% for each extra year worked.

Under the act, those retirees who are not covered by Social Security receive 2.2% (rather than 2.0%) of their FAS for each extra year (i.e., past 60/30 or 55/27) that they continue working for the municipality, prorated by month.

Those retirees who are covered by Social Security, but not yet eligible for benefits or receiving disability benefits, also receive 2.2% of their FAS for each extra year worked. But once they become eligible for Social Security benefits, or receive disability benefits, they receive 1.7% (rather than 1.5%) of their FAS up to the breakpoint, plus 2.2% (rather than 2.0%) of their FAS above the breakpoint for each extra year, prorated by month.

DEFERRED RETIREMENT OPTION PLAN

In general, a deferred retirement option plan (DROP) is an arrangement under which an employee continues working even though they are eligible to retire and receive pension benefits. But instead of having the continued compensation and additional years of service counted toward the pension benefit, the employer deposits funds into a separate DROP account during each year of the continued employment, which earns interest or investment earnings, and is paid to the employee upon retirement instead of the increased pension amount.

Since July 1, 2000, prior law allowed the retirement commission to create a DROP and set how it could be adopted by municipalities participating in CMERS (in practice, the commission has not done this). The act rescinds this authority and then generally reinstates it starting on July 1, 2025, by allowing the commission to create a DROP and set how it would be offered to CMERS members. The act eliminates the provision that gave CMERS member towns the option of adopting a DROP.

As under prior law, the newly offered plan must (1) allow pension-eligible CMERS members to choose to participate; (2) include a fixed time period for member participation, up to five years, and a specified interest rate credit for member accounts; and (3) have all of its other provisions determined by the commission, as long as the CMERS consulting actuary certifies that its structure has no anticipated impact that would increase municipal contribution rates to CMERS.

The act also requires the retirement commission, within four years after creating the DROP, to (1) obtain an evaluation of the plan from the consulting actuary and (2) review and assess the evaluation to determine the plan's cost to the pension fund. After receiving the evaluation, the commission may discontinue the plan.

BEST PRACTICES REPORT

The act requires each municipality, by September 1, 2023, to give the state comptroller the following information for each retirement plan the municipality offers:

1. a statement of whether the municipality has formally adopted an investment policy statement;
2. summary plan documents for the previous five fiscal years, but not for years when there were no changes to the plan or documents;
3. the five most recent actuarial valuations;
4. the form and governance structure of the municipal entity, if any, that manages or oversees the plan;
5. whether the municipality uses a third-party advisor or administrator to manage or oversee the plan; and
6. the estimated fees the municipality paid in each of the five previous fiscal years for investments under the plan.

The comptroller determines how the municipalities must provide this information.

The act requires the comptroller, state treasurer, and Office of Policy and Management secretary to jointly develop best practices for the governance structures of municipal retirement plans. By July 1, 2024, they must jointly submit a report to the Finance, Revenue and Bonding and Planning and Development committees. The report must at least include (1) a summary of the current governance structures and management arrangements municipalities use for their retirement plans and the estimated fees they pay for investments under the plans; (2) the best practices they develop and any recommendations for legislative changes to help municipalities implement the best practices; and (3) recommendations on how the state can partner with municipalities to improve managing municipal retirement plans, reduce their investment fees, and increase their rate of return.

PA 23-16—sSB 1103
General Law Committee
Appropriations Committee

AN ACT CONCERNING ARTIFICIAL INTELLIGENCE, AUTOMATED DECISION-MAKING AND PERSONAL DATA PRIVACY

SUMMARY: This act requires the executive and judicial branches to (1) annually do an inventory of all their systems that employ artificial intelligence (AI) and (2) make policies and procedures on developing, procuring, using, and assessing systems that use AI. It also requires them to publicly post the inventory and policies and procedures online.

Beginning February 1, 2024, the act prohibits the executive and judicial branches from implementing any system that uses AI unless they have done an impact assessment to make sure the system will not result in any unlawful discrimination or disparate impact against specified people or groups of people based on actual or perceived characteristics (e.g., age and race).

It also establishes a 21-member working group to make recommendations to the General Law Committee on certain AI issues. Among other things, the working group must engage stakeholders and experts on how to develop best practices for the ethical and equitable use of AI in state government.

Separately, the act prohibits state contracting agencies from entering a contract unless it has a provision requiring the business to comply with the consumer data privacy law.

EFFECTIVE DATE: July 1, 2023, except the working group provision is effective upon passage and the consumer data privacy provision is effective October 1, 2023.

§§ 1-3 & 5 — AI DEFINITION

Under the act, "AI" means (1) a set of techniques, including machine learning, designed to approximate a cognitive task or (2) an artificial system that meets certain criteria. These criteria are as follows:

1. performs tasks under varying and unpredictable circumstances without significant human oversight or can learn from experience and improve performance when exposed to data sets;
2. is developed in any context, including software or physical hardware, and solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action; or
3. is designed to (a) think or act like a human, including a cognitive architecture or neural network, or (b) act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communication, decision-making, or action.

§§ 1 & 3 — AI INVENTORY

The act requires the Department of Administrative Services (DAS), beginning by December 31, 2023, to annually do an inventory of all systems that employ AI that executive branch state agencies use. It also requires the judicial branch, beginning by this same date, to do an annual inventory of systems it uses. A state agency is any executive branch department, board, council, commission, or institution, including the offices of the governor, lieutenant governor, state treasurer, attorney general, secretary of the state, and state comptroller and all operations of an executive branch agency that are funded by the General Fund or a special fund (CGS § 4d-1).

The act requires that each inventory include at least the following information for each system:

1. the name of the system and its vendor, if any;
2. a description of the system's general capabilities and uses; and
3. whether the system (a) was used to independently make, inform, or materially support a conclusion, decision, or judgment and (b) underwent an impact assessment before its implementation.

The act requires (1) DAS to make these inventories publicly available through the state's open data portal and (2) the judicial branch to make them available on its website.

Ongoing Assessments

Beginning February 1, 2024, the act requires DAS to do ongoing assessments of systems employing AI that state agencies use to make sure that no system will result in any unlawful discrimination or disparate impact against specified people or groups of people (see below). DAS must do these assessments following policies and procedures the Office of Policy and Management (OPM) establishes (see below).

Beginning on the same date, the act similarly requires the judicial branch to do ongoing assessments for the same purpose.

§§ 2 & 3 — AI POLICIES AND PROCEDURES

The act requires OPM to develop and establish policies and procedures by February 1, 2024, on the development, procurement, implementation, utilization, and ongoing assessment of systems that employ AI that state executive branch agencies use. It separately requires the judicial branch, by this same date, to do the same with respect to its systems that employ AI.

The act requires, at a minimum, that OPM's and the judicial branch's policies and procedures include provisions that:

1. govern the procurement, implementation, and ongoing assessment of the systems;
2. are sufficient to ensure that no system (a) results in any unlawful discrimination against any person or group of people, or (b) has any unlawful disparate impact on any individual or group of individuals based on any actual or perceived differentiating characteristic, including age, genetic information, color, ethnicity, race, creed, religion, national origin, ancestry, sex, gender identity or expression, sexual orientation, marital status, familial status, pregnancy, veteran status, disability, or lawful source of income;
3. require a state agency or the branch to assess a system's likely impact before implementing it; and
4. provide for DAS or the branch to do ongoing assessments of the systems to ensure that no system results in any unlawful discrimination or disparate impact described above.

The act allows OPM or the branch to revise the policies and procedures if the OPM secretary or chief court administrator determines a revision is needed. OPM and the branch must post the policies and procedures and any revision on their respective websites.

Beginning February 1, 2024, the act prohibits state agencies and the judicial branch from implementing any system that employs AI:

1. unless the agency or branch has done an impact assessment following the policies and procedures to ensure the system will not result in any unlawful discrimination or disparate impact or
2. if the agency head or the chief court administrator, as applicable, determines that the system will result in any unlawful discrimination or disparate impact.

§ 5 — AI WORKING GROUP

The act establishes a 21-member working group to make recommendations to the General Law Committee on certain issues concerning AI. The working group is part of the legislative branch and must engage stakeholders and experts to:

1. make recommendations on, and develop best practices for, the ethical and equitable use of AI in state government;
2. make recommendations for the policies and procedures the act requires OPM to establish (see above);
3. assess the White House Office of Science and Technology Policy's "Blueprint for an AI Bill of Rights" and similar materials and make recommendations on (a) regulating AI's use in the private sector based on, among other things, the blueprint, and (b) adopting a Connecticut AI bill of rights based on the blueprint; and
4. make recommendations on adopting other AI legislation.

Voting Members

Under the act, the working group includes the following 10 voting members with their qualifications listed in the table below. In addition, all voting members must have professional experience or academic qualifications in AI, automated systems, government policy, or another related field.

Working Group Voting Member Appointment and Qualifications

Appointing Authority	*Member Qualifications*
House speaker	Representative of industries developing AI
Senate president pro tempore	Representative of industries using AI
House majority leader	Academic with a concentration in the study of technology and technology policy
Senate majority leader	Academic with a concentration in the study of government and public policy

Appointing Authority	*Member Qualifications*
House minority leader	Representative of an industry association for industries developing AI
Senate minority leader	Representative of an industry association for industries using AI
General Law Committee chairpersons (one appointment each)	Not specified
Governor	Two Connecticut Academy of Science and Engineering (CASE) members

The act requires appointing authorities to make initial appointments within 30 days after the act's passage (i.e., by July 7, 2023), and fill any vacancies. Any working group action must be taken by a majority vote of all voting members present, and no action may be taken unless at least 50% of voting members are present.

Nonvoting Ex-Officio Members

The working group also includes 11 nonvoting, ex-officio members. These members are the General Law Committee chairpersons and the following officials or their designees:

1. attorney general;
2. state comptroller;
3. state treasurer;
4. DAS commissioner;
5. chief data officer;
6. Freedom of Information Commission executive director;
7. Commission on Women, Children, Seniors, Equity and Opportunity executive director;
8. chief court administrator; and
9. CASE executive director.

Chairpersons and Meetings

The act makes the General Law Committee chairpersons and the CASE executive director the working group's chairpersons. They must schedule the group's first meeting, to be held within 60 days after the act's passage (i.e., by August 6, 2023).

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

Report

The act requires the working group to submit a report on its findings and recommendations to the General Law Committee by February 1, 2024. The working group terminates on this date or the date it submits the report, whichever is later.

§ 4 — CONSUMER DATA PRIVACY LAW

Beginning July 1, 2023, existing law (i.e., the consumer data privacy law) sets a framework for controlling and processing personal data. The framework requires a controller (i.e., an individual or legal entity that determines the purpose and means of processing personal data) to limit the collection of personal data and establish security practices, among other things. The law's consumer data privacy requirements generally apply to individuals and entities (1) doing business in Connecticut or producing products or services targeted to Connecticut residents and (2) controlling or processing personal data of numbers of consumers above set thresholds during the previous calendar year. Regardless of any state law, the act prohibits state contracting agencies from entering any contract with a business on or after October 1, 2023, unless the contract has a provision requiring the business to comply with all applicable provisions of the consumer data privacy law.

By law, a state contracting agency is an executive branch agency, board, commission, department, office, institution, or council. The definition excludes (1) the offices of the secretary of the state, state treasurer, state comptroller, and attorney

general with respect to their constitutional functions and (2) any state agency with respect to contracts specific to the constitutional and statutory functions of the Office of the State Treasurer (CGS § 4e-1).

PA 23-19—sSB 1102
General Law Committee

AN ACT CONCERNING PHARMACIES AND PHARMACISTS

SUMMARY: This act makes changes in the laws on pharmacists and consumer access to medications. Specifically, it:

1. creates a licensing process for institutional pharmacies located in health care facilities (e.g., hospitals) to compound sterile pharmaceuticals and sell them at retail;
2. allows pharmacists to order and administer tests for COVID-19, HIV, and influenza;
3. allows pharmacists to prescribe and dispense HIV-related prophylaxis if a patient tests negative after a pharmacist-administered HIV test;
4. expands the vaccine types that pharmacists can administer and allows pharmacy technicians to administer vaccines;
5. allows pharmacists to administer an epinephrine cartridge injector to someone experiencing anaphylaxis;
6. allows pharmacies to operate mobile pharmacies in temporary locations with the Department of Consumer Protection's (DCP) approval;
7. requires pharmacies to maintain a plan to manage unscheduled closings and specifies actions that can and must be taken during these closures;
8. requires DCP to adopt regulations on prescription pickup lockers at pharmacies, and allows for their use before the regulations are adopted under specified circumstances; and
9. requires the Department of Public Health (DPH) to establish and contract for a statewide program providing HIV pre- and post-exposure prophylaxis drug assistance, if there is specified funding for it (in doing so, the act replaces an existing, narrower program).

The act also makes minor, technical, and conforming changes (§§ 9-16).

EFFECTIVE DATE: July 1, 2023, except the HIV prophylaxis drug program provision is effective upon passage.

§§ 1 & 6-8 — HEALTH CARE INSTITUTIONAL PHARMACIES' STERILE COMPOUNDING

The act establishes a process to allow institutional pharmacies located in licensed health care facilities ("health care institutional pharmacies") to compound sterile pharmaceuticals for retail sale and subjects them to the same requirements that apply to other retail pharmacies compounding sterile pharmaceuticals. Under prior law, health care institutional pharmacies (1) were generally not licensed as pharmacies and (2) could not compound sterile pharmaceuticals for retail sale. The act authorizes DCP to adopt regulations creating a class or classes of pharmacy licenses specifically for health care institutional pharmacies. It also explicitly authorizes health care institutions to apply for a pharmacy license, subject to the same existing licensure requirements as pharmacists and others applying for a license.

Sterile Compounding for Retail Sales

Under existing law, if a pharmacy licensee wants to compound sterile pharmaceuticals, it must seek DCP's approval by applying for an addendum to its pharmacy license application and submit to a DCP inspection. The act requires a health care institutional pharmacy that wants to sell compounded sterile pharmaceuticals at retail to obtain a pharmacy license and similarly apply for an addendum and undergo an inspection.

By deeming health care institutional pharmacies that compound sterile pharmaceuticals for retail sale "sterile compounding pharmacies," the act also subjects them to the same requirements that apply to other retail pharmacies (e.g., required notices to DCP), including requirements adopted by regulation.

Compounding for Non-Retail Uses

Under prior law, an institutional pharmacy within a licensed health care facility did not need to apply for DCP approval to compound sterile pharmaceuticals. But like other sterile compounding pharmacies, it had to comply with applicable state, federal, and U.S. Pharmacopeia standards, unless it received a temporary extension to do so. The act generally eliminates provisions in law regulating these institutional pharmacies' compounding of sterile pharmaceuticals and specifies that the

law on retail sterile compounding pharmacies does not prohibit a licensed hospital from compounding sterile pharmaceuticals for its patients consistent with federal law. In doing so, it also eliminates provisions specifically requiring institutional pharmacies to (1) prepare and maintain a policy and procedure manual and (2) inform DCP which pharmacist is responsible for overseeing the compounding of sterile pharmaceuticals.

§§ 2 & 5 — EXPANDED SCOPE OF PRACTICE

The act expands pharmacists' scope of practice by authorizing them to (1) administer additional vaccines and epinephrine cartridge injectors (§ 5); (2) order and administer COVID-19, HIV, and influenza related tests (§ 2); and (3) prescribe HIV-related prophylaxis if an HIV test they ordered and administered comes back negative (§ 2). It also allows pharmacy technicians meeting certain criteria to administer the same vaccines as pharmacists (§ 5).

Pharmacists' Administration of Vaccines

By law, pharmacists who comply with DCP regulations on vaccine administration training may administer to adults any approved vaccine on the Centers for Disease Control and Prevention's (CDC) adult immunization schedule, if ordered by a health care provider. Under prior law, for children ages 12 to 17, they could administer an influenza vaccine ordered by a health care provider if they had the parent's or guardian's consent. (Under temporary federal rules, pharmacists can also currently administer various vaccines to children ages three and older (see BACKGROUND).)

The act permanently expands the types of vaccines pharmacists can administer to people ages 12 or older. It also eliminates the requirement that a pharmacist-administered vaccine only be administered if ordered by a health care provider. Under the act, vaccines must be administered in compliance with DCP regulations and according to the manufacturer's package insert or a prescribing practitioner's (e.g., doctor or an advanced practice registered nurse) orders. Specifically, the act allows pharmacists to additionally administer any vaccine:

1. on the adult immunization schedule and authorized by the U.S. Food and Drug Administration (FDA) (prior law only permitted administration of approved vaccines; the FDA sometimes issues emergency authorizations for vaccines before full approval);
2. not on the adult immunization schedule but for which the vaccine administration instructions are available on the CDC's website; or
3. prescribed by a prescribing practitioner for a specific patient.

Under the act, pharmacists can administer vaccines to any patient ages 18 or older. For patients who are ages 12 to 17, they may only do so with (1) the consent of the patient's parent, legal guardian, or other person having legal custody or (2) proof that the patient is an emancipated minor. The act correspondingly aligns the law on consenting to influenza vaccines for minors with these requirements.

The act requires the pharmacist, before administering a vaccine, to make a reasonable effort to review the patient's vaccination history to prevent a requested vaccine's inappropriate use.

Under existing law, DCP must adopt regulations requiring that pharmacists administering vaccines complete an immunization training course. The act correspondingly extends this training requirement to pharmacists administering the additional vaccines the act allows them to administer.

Pharmacy Technicians' Administration of Vaccines

The act extends to registered and certified pharmacy technicians the authority to administer the same vaccines that pharmacists can administer (see above). (Under temporary federal rules, pharmacy technicians may already administer certain vaccines (see BACKGROUND).)

Under the act, a pharmacy technician can administer vaccines if the technician:

1. successfully completes (a) a course, certified by the American Council for Pharmacy Education, of hands-on training on vaccine administration and (b) at least one hour of annual continuing education on immunization;
2. received training at their employing pharmacy on the process for administering vaccines to patients and was evaluated by the managing pharmacist (who must be authorized to administer vaccines); and
3. only administers vaccines at the direction of the pharmacist on duty.

The act also specifies that each year, from September 1 through the following March 31, a certified and registered pharmacy technician does not count toward the minimum pharmacist-to-technician ratio set in regulations if the technician is authorized to administer vaccines under the act and exclusively performs duties related to administering vaccines during that period.

Pharmacists' Administration of Epinephrine

If a pharmacist has taken the training required to administer a vaccine (see above), the act allows him or her to administer an epinephrine cartridge injector to a patient reasonably believed, based on the pharmacist's knowledge and training, to be experiencing anaphylaxis. This authorization applies regardless of whether the patient has a prescription for an epinephrine cartridge injector.

The pharmacist or his or her designee must call 9-1-1 either before or immediately after administering the epinephrine cartridge injector. The pharmacist must also document the date, time, and circumstances in which he or she administered it, and maintain the documentation for at least three years.

COVID-19, HIV, and Influenza Testing by Pharmacists

COVID-19 and Influenza Testing. Under temporary federal rules, pharmacists can order and administer COVID-related tests. The act permanently allows pharmacists to order and administer COVID-19 and influenza tests if they are employed by a:

1. hospital or
2. pharmacy that has a DPH-approved complete clinical laboratory improvement amendment application for certification for a COVID-19 or influenza test.

They may do so for any patient aged 18 or older. For patients who are ages 12 to 17, they may only do so with (1) the consent of the patient's parent, legal guardian, or other person having legal custody or (2) proof that the patient is an emancipated minor. The act specifies that pharmacists working outside a hospital must comply with any training requirements DCP sets.

HIV Testing. After DCP adopts regulations on HIV testing and prophylaxis (see below), pharmacists may order and administer HIV-related tests, under substantially similar conditions that apply to COVID-19 and influenza testing (e.g., they must work for a qualifying pharmacy and cannot test children under age 12). The act specifies that pharmacists working outside a hospital must comply with any training requirements set in regulation.

Pharmacists Prescribing HIV Prophylaxis

If a pharmacist orders and administers an HIV-related test and the result is negative, the pharmacist may prescribe and dispense to the patient pre- or post-exposure HIV-related prophylaxis. The pharmacist may do so only if (1) he or she completed the training required by regulations (see below), (2) the patient meets the criteria on the package insert, and (3) prophylaxis is prescribed and dispensed in conformity with the state's pharmacy laws and related regulations.

Disclosure of Test Results and Prophylaxis Prescriptions

Under the act, when pharmacists administer a COVID-19, influenza, or HIV test, they must give the patient written test results and maintain a record of them for at least three years. They must also notify the (1) patient's primary care provider, if the patient identifies one, and (2) local health director for the area in which the patient lives and DPH, in the same way as required for reportable diseases.

Pharmacists must also disclose the results to the DCP commissioner or his designee, upon request. Similarly, if a pharmacist prescribes HIV-related prophylaxis, DCP may request a copy of the test results, prescription records, and any other documents the commissioner requires by regulations.

Confidentiality. The act requires any information disclosed by a pharmacist to DCP under the act or related regulations to be kept confidential, regardless of any conflicting provisions in the Freedom of Information Act. The act limits DCP's use of the information to performing its pharmacy law-related enforcement duties.

If DCP brings an enforcement action and in it uses any information the act makes confidential, the act allows DCP to disclose it to the parties to the action only if required by applicable law. Further disclosure is prohibited, except to a tribunal, the Commission of Pharmacy, an administrative agency, or the court with jurisdiction. These entities must ensure that the information is subject to a qualified protective order, as defined by the federal Health Insurance Portability and Accountability Act (HIPAA) (i.e., ensure information cannot be used for other purposes and must be returned or destroyed at the end of the proceeding).

Regulations Related to Testing and HIV Prophylaxis Prescribing

The act requires the DCP commissioner to adopt regulations to implement the act's testing and prescribing authorizations. In doing so, he must consult with the DPH commissioner, the Commission of Pharmacy, a statewide professional society representing the interests of physicians practicing medicine in Connecticut, and a statewide organization representing the interests of health care professionals and scientists specializing in the control and prevention of infectious diseases. The regulations must:

1. ensure compliance with all applicable CDC guidance;
2. ensure that HIV-related prophylaxis is prescribed and dispensed in accordance with its FDA approval;
3. establish permissible administration routes;
4. establish prescription duration limits of up to 60 days for any pre-exposure prophylaxis and 30 days for any post-exposure prophylaxis;
5. specify how frequently a pharmacist must treat a patient and when the patient must be referred to his or her primary care provider or other identified health care provider;
6. specify circumstances in which a pharmacist must recommend that a patient undergo screenings for sexually transmitted infections other than HIV;
7. establish requirements on private areas for consultations between pharmacists and patients;
8. establish training requirements on (a) how to obtain a patient's complete sexual history, (b) delivering a positive HIV-related test result to a patient, (c) referring a patient who has tested positive for HIV to available services, and (d) using HIV-related prophylaxes for patients who have tested negative;
9. identify qualifying training programs accredited by the CDC, the Accreditation Council for Pharmacy Education, or another appropriate national accrediting body; and
10. establish a control and reporting system.

§ 3 — OPERATING MOBILE PHARMACIES

The act allows retail pharmacies to apply to DCP for permission to operate a mobile pharmacy that (1) conducts temporary pharmacy operations, vaccination events, or opioid antagonist training and prescribing events or (2) offers pharmacy services to an underserved community. DCP sets the application form and must approve it, in writing, before a mobile pharmacy can operate. DCP may inspect the mobile pharmacy as needed, including before it begins operations.

With the Commission of Pharmacy's advice and consent, the DCP commissioner may adopt regulations to implement the act's mobile pharmacy provisions.

Operational Requirements

Unless DCP approves an exception, mobile pharmacies cannot (1) operate in one place for more than seven consecutive days, (2) operate for more than 14 days within a five-mile radius of the prior mobile pharmacy location, or (3) serve as an overnight storage space for drugs.

Mobile pharmacies must be supervised by a pharmacist. A pharmacy that operates one must:

1. keep records on which drugs it removes from the pharmacy premises for use in the mobile pharmacy and which ones it dispenses;
2. update the pharmacy's records within 24 hours after dispensing a drug through the mobile pharmacy;
3. inventory and return unused drugs to the pharmacy premises by the close of business each day unless DCP waives the act's prohibition on storing drugs in the mobile pharmacy overnight;
4. store drugs in a way that prevents diversion, and meets the storage conditions specified by the drugs' manufacturers;
5. establish and maintain a patient communication plan to ensure patient access to prescription refills if the mobile pharmacy is unavailable; and
6. store and handle controlled substances in conformity with DCP regulations, if the federal Drug Enforcement Administration allows mobile pharmacies to store controlled substances.

DCP may order a mobile pharmacy to close if it determines that (1) the mobile pharmacy failed to comply with the act's requirements or existing requirements on practicing pharmacy, drugs, or devices; (2) it is unsafe to store drugs in the mobile pharmacy or dispense them from it; or (3) there is insufficient security.

§ 4 — UNSCHEDULED PHARMACY CLOSURES AND PRESCRIPTION PICKUP LOCKERS

The act creates rules for pharmacies when they face an unscheduled closure, including customer and prescriber notification and planning requirements. It requires DCP to adopt regulations to (1) implement the act's provisions on unscheduled pharmacy closures and (2) allow and regulate prescription pickup lockers (see below).

Plan's Contents

The act requires retail pharmacies to have a plan to manage unscheduled closings and annually review and, if necessary, update it. The plan must also be given to and reviewed with all pharmacy personnel annually.

The plan must include the name of:

1. the person responsible for notifying the Commission of Pharmacy about an unscheduled closing;
2. the person responsible for updating the operation hours in the pharmacy's electronic record system so that it will not accept electronically transmitted prescriptions during the unscheduled closing;
3. the person responsible for updating the pharmacy's telephone system during an unscheduled closing to (a) ensure orally transmitted prescriptions are not accepted during the unscheduled closing and (b) provide a message that alerts patients to the closure and their ability to obtain their prescriptions from a nearby pharmacy;
4. all pharmacies located within a two-mile radius, or the next closest pharmacy if there is no pharmacy within that radius; and
5. the person responsible for posting a sign stating the closure's duration at the pharmacy's entrance and at each entrance of the structure containing it, if any.

Requirements During Unscheduled Closing

When a pharmacy experiences an unscheduled closing, the pharmacist manager of the pharmacy or, if the pharmacy operates more than five pharmacy locations in Connecticut, the pharmacy district manager must:

1. modify the pharmacy's operating hours in its electronic record system to prevent accepting electronically transmitted prescriptions during the unscheduled closing;
2. adjust the pharmacy's telephone system to prevent accepting orally transmitted prescriptions during the unscheduled closing;
3. provide a telephone system message alert to patients notifying them that the pharmacy is closed and they may obtain medications from a nearby pharmacy;
4. post signs at the pharmacy's entrance, and at each entrance of the structure if the pharmacy is located within another structure, stating that the pharmacy is closed, the duration of the unscheduled closing, and providing (a) a list of all pharmacies within a two-mile radius or (b) the next closest pharmacy if there is no pharmacy within a two-mile radius; and
5. on the request of another pharmacy, transfer a prescription and reverse any third-party payor claims associated with the already dispensed prescription.

Under the act, the "pharmacy district manager" is the person who supervises at least three Connecticut pharmacies and is responsible for their activities, including staffing, payroll, and hiring.

Dispensing Prescriptions Awaiting Pickup at a Closed Pharmacy

If a pharmacy verifies that another pharmacy is experiencing an unscheduled closing, on a patient's request, it may dispense a prescription that is dispensed and waiting for pickup at the closed pharmacy. It may do so using information from the closed pharmacy, the electronic prescription drug monitoring program, or another source that the pharmacist believes is reasonably accurate. If a prescription is dispensed under these circumstances, the dispensing pharmacy must contact the closed pharmacy within 24 hours after it reopens to transfer the prescription.

Under the act, these transfers are subject to existing requirements for prescription transfers, which generally require the:

1. transferring pharmacist to cancel the original prescription in his or her records and indicate in the records the pharmacy to which the prescription is transferred and transfer date and
2. receiving pharmacist to indicate in his or her records the (a) transfer and the transferring pharmacy and pharmacist's names, (b) original prescription's issue date and number, (c) date the original prescription was first dispensed, (d) number of refills authorized by the original prescription and complete refill record as of the transfer date, and (e) number of valid refills remaining as of the transfer date.

The act requires the pharmacy that experienced the unscheduled closure to give the dispensing pharmacy all information needed for the transfer. It must also reverse any third-party payor claims associated with the transferred prescription within 24 hours after it reopens.

Secure Prescription Pickup Lockers

The act requires DCP to adopt regulations on unscheduled pharmacy closures and include provisions on placing a "secured container" at a pharmacy that allows patients to collect dispensed prescriptions (prescription pickup lockers).

Before adopting the regulations, DCP may temporarily allow the use of prescription pickup lockers. Pharmacies must first submit protocols on using these lockers to DCP for its written approval. They may only be approved if the lockers:

1. (a) weigh more than 750 pounds or are affixed to the pharmacy building's structure and (b) are located immediately adjacent to the pharmacy's location;
2. limit access to authorized pharmacy personnel and individuals retrieving prescriptions with a unique identification system;
3. are under constant video surveillance;
4. can maintain a record of all products placed inside and the date and time each individual prescription is accessed; and
5. comply with any other DCP protocols ensuring patient confidentiality, protecting public health and safety, and preventing prescription diversion.

§ 17 — HIV PROPHYLAXIS DRUG ASSISTANCE PROGRAM

The act requires DPH to establish and contract for a statewide program providing HIV pre- and post-exposure prophylaxis (PrEP and PEP) drug assistance, as long as there is at least $25,000 of annual AIDS service funding for it. The act's program replaces an existing, narrower program providing $25,000 in annual PEP funding for certain under- or uninsured sexual assault victims.

The new program must give financial assistance to people at risk of acquiring HIV to help pay for these medications. This may include, among other things, (1) payments for copayments, coinsurance, or other out-of-pocket costs and (2) up to full cost payments toward deductibles for people who are underinsured and for whom the program is the payer of last resort.

DPH must give priority to people at increased risk of acquiring HIV or who have had a recent exposure, but cannot purchase PrEP or PEP medication and for whom the program is a payer of last resort.

Similar to the existing, program, medications funded under the act must be prescribed by a physician and consistent with the CDC's recommendations.

The act allows the DPH commissioner to adopt implementing regulations. She may also implement necessary policies and procedures to administer the program, as long as she posts her intent to adopt regulations in the eRegulations System within 20 days after their implementation. The policies and procedures remain in effect until the regulations are adopted.

BACKGROUND

Federal PREP Act and Administration of Vaccines

The federal Public Readiness and Emergency Preparedness Act authorizes the federal Health and Human Services (HHS) secretary to issue declarations protecting certain covered persons from liability related to the administration or use of medical countermeasures (42 U.S.C. § 247d–6d). Under this authority, the HHS secretary issued declarations authorizing (1) state-licensed pharmacists, under certain criteria, to order and administer (a) vaccinations to minors ages three and older and (b) COVID-19 tests and (2) pharmacy technicians to administer certain vaccinations under a pharmacist's supervision. (HHS recently issued guidance stating that it plans to extend specified authority under these provisions through 2024.)

PrEP and PEP

According to the CDC, PrEP is a way for people with substantial risk of contracting HIV to lower that risk by taking specified medication as either a daily pill or an injection every two months. When someone is exposed to HIV these medications can prevent the virus from causing a permanent infection.

PEP is the use of antiretroviral medications to lower the risk of contracting HIV after a single high-risk potential exposure. For maximum effectiveness, it should be taken as soon as possible after the exposure and must be taken within

72 hours.

PA 23-49—sHB 6241
General Law Committee

AN ACT CONCERNING FARM WINERY PERMITTEES

SUMMARY: Existing law generally limits where farm winery permittees may sell, ship, and offer their products from to a single location, which is the winery's principal premises on their permits. This act allows permittees, with prior Department of Consumer Protection (DCP) approval, to also sell the wine, brandies, grappa, and eau-de-vie they manufacture at up to three retail outlets on secondary, winery-related premises. Specifically, the outlets must:

1. be located on land that (a) the permittee uses to grow fruit and produce alcoholic beverages it exclusively manufactures and (b) is leased or owned by the permit's "backer" (i.e., generally, the permittee or proprietor of a permittee-associated business (CGS § 30-1(4))) and
2. not be located within a "grocery store" (see BACKGROUND) or any other retail outlet unless state law allows otherwise.

The act also allows permittees who suffer a significant loss of their winery's fruit crop to have their loss be used to satisfy state law's average crop requirement. By law, farm winery permittees must generally grow, on land they control, an average crop of fruit equal to at least 25% of the fruit used to make their wine. An "average crop" is generally defined each year as the average yield of the permittee's two largest annual crops out of the preceding five years.

Under the act, permittees who have a significant fruit crop loss may, by December 31 of the year in which the loss occurred, certify the loss to the DCP commissioner as he prescribes. If the commissioner determines that the qualitative or quantitative reduction in crop yield constitutes a significant loss and the permittee was not at fault for the loss, then that year's lost crop is deemed to satisfy the average crop requirement.
EFFECTIVE DATE: Upon passage

BACKGROUND

Grocery Stores

For purposes of the act, a "grocery store" is any store commonly known as a delicatessen, food store, grocery store, or supermarket and (1) that is primarily engaged in the retail sale of various canned goods and dry goods such as coffee, flour, spices, sugar, and tea, whether packaged or in bulk, regardless of whether the store sells (a) fresh fruits and vegetables or (b) fresh, prepared, or smoked fish, meat, and poultry, and (2) does not include any store that is primarily engaged in the retail sale of bakery products, candy, nuts and confectioneries, dairy products, eggs and poultry, fruits and vegetables, or seafood (CGS § 30-20(a)).

PA 23-50—sHB 6548
General Law Committee

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING ALCOHOLIC LIQUOR REGULATION

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§ 12 — ELIMINATION OF SUNSET DATE FOR CERTAIN PERMITTEES FOR ON-PREMISES CONSUMPTION TO SELL FOR OFF-PREMISES CONSUMPTION

Eliminates the sunset date for certain permittees for on-premises consumption to sell alcohol for off-premises consumption

§ 16 — FESTIVAL PERMITS

Allows (1) for-profit entities to sponsor festivals and (2) manufacturer permittees that hold an out-of-state shipper's permit for beer to make certain types of sales at a festival and ship directly to visitors

§ 17 — FALSE STATEMENTS

Prohibits anyone assisting an applicant, backer, or permittee with a liquor application from submitting a false statement; subjects violators to a civil fine of up to $1,000 and a CUTPA violation

§§ 18 & 26 — FIRE INSPECTIONS

Limits the requirement that liquor permit applicants submit fire safety-related documents to the initial application; specifies that completing the annual required fire inspection for permittees for on-premises alcohol consumption is not a precondition for permit renewal

§ 19 — PERMITTEE REQUIREMENTS

Requires permittees to be a backer's director, employee, member, officer, partner, or shareholder

§§ 24 & 25 — KEGS

Lowers, from six to four gallons, the minimum liquid capacity needed to be considered a keg to meet industry standards; allows manufacturer permittees for beer to sell kegs

§ 27 — LIQUOR LIABILITY INSURANCE STUDY

Requires the Liquor Control Commission to (1) study the potential impact of requiring permittees to have liquor liability insurance and (2) report its findings to the General Law Committee

SUMMARY: This act makes various unrelated changes in the Liquor Control Act. Among other things, it does the following:

1. establishes (a) two temporary liquor permits, one for auctions and another for noncommerical entities (e.g., charities) and (b) an outdoor open-air permit;
2. conforms law with practice by allowing alternating proprietorships (i.e., sharing permit premises to produce alcoholic beverages) and contract manufacturing agreements (i.e., contracting to produce alcoholic beverages on behalf of another);
3. expands the farmers' market sales and festival permits to allow additional types of sales;
4. eliminates the sunset date for certain permittees for on-premises consumption to sell sealed containers of alcoholic liquor (e.g., beer, wine, or spirits) for off-premises consumption;
5. explicitly prohibits anyone assisting an applicant, backer, or permittee with a liquor permit application from submitting a false statement;
6. lowers, from six to four gallons, the minimum liquid capacity needed to be considered a keg and allows manufacturers to sell kegs;
7. eases certain permit requirements, such as decreasing the frequency of certain cleanings and the prerequisites for renewal;
8. requires the Liquor Control Commission to study the potential impact of requiring permittees to have liquor liability insurance; and
9. makes various minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, unless otherwise specified below.

§§ 1, 8, 11, 14, 17, 21-22 & 28 — TEMPORARY LIQUOR PERMIT FOR NONCOMMERCIAL ENTITIES

Replaces several of prior law's permits that were temporary or related to nonprofits and charities with a new temporary liquor permit for noncommercial entities

The act replaces several of prior law's permits that were temporary or related to nonprofits and charities with a new temporary liquor permit for a noncommercial entity. Specifically, the act's new permit replaces and repeals the following: special club permit for picnics; temporary permit for outings, picnics, or social gatherings; charitable organization permit; nonprofit public television corporation permit; and nonprofit corporation permit (CGS §§ 30-25, -35, -37b, -37d and -37h).

Under the act, a noncommercial entity is an academic institution, charitable organization, government organization, nonprofit organization or similar entity that is not primarily dedicated to obtaining a commercial advantage or monetary compensation.

Nature and Duration of Permit

As under prior law for the replaced permits, the temporary liquor permit for a noncommercial entity is, among other things, revocable at the Department of Consumer Protection's (DCP) discretion and expires annually. The permit is purely a personal privilege and does not constitute property. By law, the application fee is $10 for each application.

Notice and Placarding

By law, alcoholic liquor permit applicants must generally give notice of a new permit in the newspaper and place placards visible from the road that include certain information, such as the business's name and location. As under prior law for the replaced and repealed permits, the act exempts temporary liquor permittees for a noncommercial entity from these requirements.

Sales

The new permit allows the sale of beer, spirits, or wine at any fundraising event, outing, picnic, or social gathering ("event") conducted by a bona fide noncommercial entity, club, or golf country club. The act requires one of these entities to be the permit's backer (i.e., proprietor) and prohibits a for-profit entity from being the backer. The permit also allows for retail sales of beer, spirits, or wine at an in-person or online auction if the auction is part of a fundraising event to benefit the tax-exempt activities of the noncommercial entity, club, or golf country club.

Profits

Under the act, all profits from the auction or sale of the beer, spirits, or wine must be retained by the backer or permittee

conducting the event. No portion of the profits may be paid, directly or indirectly, to any individual or other corporation.

Dates

The permit must be issued subject to DCP approval and is effective only for specified dates and times limited by the department. The combined total of events for which a permit is issued must not exceed 12 in any calendar year and the approved dates and times for each event must be displayed on the permit. The combined total of days for which the permit is issued must not exceed 20 days in any calendar year.

Hours of Sale

Under the act, each permit is subject to the hours of sale established under the allowable alcohol times and hours law for restaurants, among others. By law, with minor exceptions, these allowable hours are between 9:00 a.m. and 1:00 a.m. the next morning on Monday through Thursday, 9:00 a.m. and 2:00 a.m. the next morning for Friday and Saturday, and 10:00 a.m. and 1:00 a.m. the next morning on Sunday.

Permit

The permittee must display the permit and the days for which the permit has been issued in a prominent location next to the event entrance. The permit fee is $50 per day.

Donations

The act allows a manufacturer permittee, a wholesaler permittee, or package store permittee to donate to a temporary liquor permittee for a noncommercial entity, any beer, spirits, or wine they manufacture, distribute, or sell, respectively.

Off-Site Farm Winery Sales and Wine, Cider, and Mead Tasting Permit

Prior law allowed an off-site farm winery sales and wine, cider, and mead tasting permittee to sell and offer free samples of their products at up to seven events or functions per year held under a temporary liquor permit, a charitable organization permit, or a nonprofit corporation permit. The act eliminates prior law's requirement that these events be held at charitable or nonprofit functions, and instead allows these permittees to hold up to seven off-site events at any location under certain circumstances.

Wholesaler Sales and Donations

Prior law prohibited wholesaler permittees from selling alcoholic liquor to a temporary permittee for outings, picnics, or special gatherings or to a charitable organization permittee. The act extends this wholesaler-related prohibition to the temporary liquor permit for noncommercial entities, which replaces the temporary permits mentioned above. As under existing law, these permittees must purchase alcoholic liquor only from package store permittees.

The act also allows wholesaler permittees to donate any beer, spirits, or wine to these permittees for which they hold distribution rights.

EFFECTIVE DATE: July 1, 2023

§§ 2 & 3 — ALTERNATING PROPRIETORSHIP AGREEMENTS

Allows host manufacturers, under certain conditions, to have a tenant manufacturer share or rent their permit premises to produce alcoholic beverages

The act conforms law with practice by allowing a host manufacturer and tenant manufacturer to enter into an alternating proprietorship agreement, but under certain conditions. Under the act, an "alternating proprietorship agreement" or "agreement" is a written agreement between a host manufacturer and at least one tenant manufacturer under which the host agrees to share permit premises with, or rent them to, a tenant manufacturer for producing alcoholic beverages.

Agreement Requirements

The act requires the agreement to provide the following:

1. if the host manufacturer is sharing the permit premises with the tenant manufacturer, the host or tenant must be deemed to be in exclusive control and possession of those portions of the permit premises that the respective manufacturer is actively using to produce and store alcoholic beverages under the agreement and
2. each manufacturer must separately hold title to all (a) ingredients, packaging supplies, and raw materials that he or she uses to produce alcoholic beverages under the agreement, all of which must be conspicuously labeled to identify which manufacturer possesses it, and (b) alcoholic beverages the manufacturer produces on the permit premises under the agreement, until the alcohol is removed.

The act specifies that these provisions must not be construed to prohibit a tenant manufacturer from purchasing ingredients, packaging supplies, or raw materials from the host manufacturer before the tenant manufacturer begins producing alcoholic beverages under the agreement.

Separation Requirements

The act requires, during all stages of production, that each alcoholic beverage a manufacturer produces under an agreement be maintained (1) separately from those produced by other manufacturers and (2) in a way that makes the beverage's manufacturer readily identifiable.

Assumption of Risk of Loss

Under the act, each manufacturer assumes any risk of loss of an alcoholic beverage that he or she produces under a given agreement. The tenant manufacturer cannot return to the host any alcoholic beverage that he or she produces under the agreement.

Independence

The act requires each manufacturer that is party to an agreement to:

1. ensure the independence of his or her brands, marketing, product registrations, sales, and trademarks and
2. separately maintain control and responsibility over the alcoholic beverages he or she produces under the agreement, as well as the production quantity of, and formula development and quality control standards for, the alcoholic beverages.

The act specifies that this separation requirement does not preclude a tenant manufacturer from paying a host manufacturer for services rendered by a host manufacturer's employee for assisting the tenant manufacturer with any aspect of its operation.

Under the act, each manufacturer under an agreement must do the following:

1. maintain separate records on its production, sales, and any other matter the law requires;
2. file separate licensing, production, and sales reports with federal and state authorities as the law requires;
3. separately pay any alcoholic beverages tax due under the agreement;
4. be approved, licensed, or qualified by the federal Alcohol and Tobacco Tax and Trade Bureau (TTB) as required by federal law;
5. be responsible for obtaining the manufacturer's (a) certificates of label approval (i.e., federal certificate that authorizes the bottling of wine, distilled spirits, or malt beverages, for commerce purposes (27 C.F.R. § 4.10)); and (b) brand registrations from DCP; and
6. label each alcoholic beverage that it produces under the agreement with the manufacturer's business name and the address of the permit premises.

Prohibitions

The act prohibits any manufacturer who is a party to an agreement from being owned by anyone who owns another manufacturer that is also a party to the agreement, unless the manufacturers are producing different classes of alcoholic beverages.

The act specifies that the alternating proprietorship provision should not be construed to prohibit (1) multiple manufacturers from equally sharing the ownership or use of any permit premises or (2) an out-of-state manufacturer from entering into an alternating proprietorship agreement with a host manufacturer as a tenant manufacturer, if the out-of-state

manufacturer applies for the relevant Connecticut manufacturer permit.

Regulations

The act allows DCP to adopt regulations to implement the alternating proprietorship provision.
EFFECTIVE DATE: October 1, 2023

§§ 2 & 4 — CONTRACT MANUFACTURING AGREEMENTS

Allows manufacturers to produce an alcoholic beverage on behalf of a contracting party (i.e., manufacturer, wholesaler, or certain out-of-state shipper's permittees)

The act conforms law with practice by allowing a primary manufacturer to produce alcohol on a contracting party's behalf on the manufacturer's permit premises under a contracting manufacturing agreement. Under the act, a "contracting party" is a manufacturer permittee, a wholesaler permittee, or an out-of-state shipper's permittee for alcoholic liquor that owns the recipe for an alcoholic beverage. A "contract manufacturing agreement" or "agreement" is a written agreement, including a custom crush agreement, in which a primary manufacturer agrees to produce an alcoholic beverage on behalf of a contracting party. A "custom crush agreement" is a contract manufacturing agreement where a primary manufacturer produces wine on a contracting party's behalf using the contracting party's grapes or other fruit.

Primary Manufacturer Responsibilities

The act requires the primary manufacturer to do the following under the agreement on the contracting party's behalf:

1. maintain, at all times during the agreement, exclusive control and possession of all premises where it produces alcoholic beverages;
2. have sole responsibility for producing all alcoholic beverages;
3. label all alcoholic beverages produced with its business name and address;
4. maintain title to (a) all ingredients that it uses during the production process unless the agreement is a custom crush agreement, (b) all machinery and supplies that it uses during the alcoholic beverage production process, and (c) each alcoholic beverage it produces until the alcoholic beverage is removed from its permit premises;
5. maintain appropriate production records on all alcoholic beverages it produces;
6. obtain from the federal TTB any certificate of label approval required for an alcoholic beverage that it produces; and
7. file any state registration requirements for an alcoholic beverage that it produces.

The act also requires the primary manufacturer to pay any tax due on the alcoholic beverages it has produced for the contracting party. The act allows the agreement to require that the contracting party reimburse the primary manufacturer for the tax paid.

Inspections

Under the act, the primary manufacturer must also give DCP, upon inspection or request, an up-to-date list and copies of all contract manufacturing agreements to which it is a party and production records on the agreements. This information must be given to DCP in an electronic format unless it is commercially impractical.

Prohibitions

The act also prohibits (1) a primary manufacturer from selling at retail for off-premises consumption or at wholesale any alcoholic beverage it produces on behalf of the contracting party if a wholesaler permittee has the distribution rights for the alcoholic beverage, and (2) the contracting party from producing any alcoholic beverage on the primary manufacturer's permit premises.

Regulations

The act authorizes DCP to adopt regulations to implement these provisions.
EFFECTIVE DATE: October 1, 2023

§§ 2, 5, 9, 18 & 23 — TEMPORARY AUCTION PERMITS

Establishes a temporary auction permit to allow the permittee to sell alcohol through an auction; allows the alcohol to be obtained from individual collectors, package stores, and cancelled restaurant and cafe permittees

The act establishes a temporary auction permit that allows the permittee to hold an auction conducted by an auctioneer to sell beer, spirits, and wine obtained from one or more individual collectors, package store permittees, or cancelled restaurant or cafe permittees.

An "auctioneer" is anyone who (1) regularly provides professional services by auctioning items for sale and (2) does not hold an alcoholic liquor permit. An "individual collector" is anyone who is not a backer (i.e., proprietor); permittee; or a backer's director, officer, or employee.

The auction may be held in person or online during the hours that a retailer for off-premises consumption (e.g., package store) may sell alcohol under existing law (e.g., between 8:00 a.m. and 10:00 p.m. on Monday through Saturday and between 10:00 a.m. and 6:00 p.m. on Sunday, but not on Thanksgiving Day, Christmas, or New Year's Day).

Application

To get a permit, an auctioneer must apply to DCP, as the department prescribes, at least 60 days before the first day of the auction. The applicant must serve as the permit's backer. Each permit is valid for one auction and is effective for a period of up to three consecutive days. DCP may not issue more than four permits to an auctioneer in any given calendar year. The permit fee is $175 per day.

Notice and Placarding, and Remonstrance

By law, alcoholic liquor permit applicants must generally publish notice about a new permit in the newspaper and place placards visible from the road that include certain information, such as the business's name and location. Additionally, any 10 individuals who are at least age 18 may object to an applicant's suitability or proposed location by filing a remonstrance (i.e., protest) with DCP who must then hold a hearing. The act exempts temporary auction permit applicants from the notice, placard, and remonstrance-related requirements.

Nature and Duration of Permit

Under the act, the temporary auction permit is, among other things, revocable at DCP's discretion and expires annually. The permit is purely a personal privilege and is not property.

Obtaining Alcohol

The act only allows the auctioneer to accept alcohol that was lawfully acquired by (1) an individual collector or (2) the specified permittees or cancelled permittees who purchased it from a wholesaler permittee. The alcohol must bear an intact seal from the alcohol manufacturer.

The act allows an individual collector, package store permittee, and cancelled restaurant or cafe permittee to sell or consign the alcohol to the auctioneer.

Unsold Consigned Alcohol

Under the act, all unsold consigned alcohol must be returned within 10 days after the auction's final day. The act generally prohibits unsold consigned alcohol from being resold, offered for sale, or used on the permit premises, except for those returned to a package store.

Exemptions

Under the act, alcohol sold at an auction under this permit is exempt from the state's brand registration and price posting requirements and the prohibition on selling below minimum retail cost. However, the act requires that a bid start above the minimum retail price requirement for package store alcohol.

Samples and Tastings

The act allows the permittee to offer free tasting samples of any alcohol that is to be sold at auction, if the permittee notifies DCP that it intends to do so at least 30 days before the auction's first day. The department must set the notification's form and manner. Tastings may only occur when a package store is allowed to sell alcohol. The act prohibits offering tastings (1) to any minor or intoxicated person or (2) from more than 10 uncorked or open cans or bottles at any one time.

Municipal Option

Under the act, any town or municipality may, by ordinance or zoning regulation, prohibit permittees from offering free samples at events or functions held in the town or municipality.

Shipping

The act allows permittees to deliver and ship directly to the consumer any alcohol purchased at the auction held under the permit. Any shipment to a consumer outside the state is subject to all applicable laws of the jurisdiction where the consumer is located. When shipping the alcohol directly to a Connecticut consumer, the permittee must:

1. ensure that the shipping label on each container states: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY";
2. obtain the signature of a person who is at least age 21 at the delivery address before delivery, after requiring the person to prove his or her age with a valid motor vehicle operator's license or valid identity card;
3. not ship this alcohol to any address in Connecticut where the sale of alcoholic liquor is prohibited by local option; and
4. make the shipment through an in-state transporter permittee.

Regulations

The act authorizes DCP to adopt regulations to implement the act's temporary auctioneer provisions.

EFFECTIVE DATE: October 1, 2023

§§ 2, 6, 13, 18 & 20 — OUTDOOR OPEN-AIR PERMITS

Establishes an outdoor open-air permit that is substantially similar to existing law's seasonal outdoor open-air permit, except it is valid year-round

Outdoor Open-Air Permit

The act establishes an outdoor open-air permit that is substantially similar to existing law's seasonal outdoor open-air permit, except it is valid year-round. The new permit allows the retail sale of alcoholic liquor for on-premises consumption with a $4,000 permit fee. This consumption is allowed on a lot, yard, green, or other outdoor open space under certain conditions, including where the:

1. retail sale and consumption of alcoholic liquor is allowed in the space by applicable local zoning, health, and fire marshal officials;
2. permitted premises is less than one square acre;
3. permitted area is enclosed by a temporary fence or wall at least 30 inches high; 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 on the premises when the permittee is selling the alcohol. The food may be prepared on the premises, provided by a food truck or caterer, or prepackaged. Making area menus for delivery available also complies with the food requirement. The act specifies that food does not have to be purchased with an alcoholic beverage.

The act allows tents, mobile units, and other temporary fixtures within the permitted premises. A permittee must maintain the permitted premises consistent with all applicable local zoning, health, and fire requirements.

Under the act, the permit is issued by DCP and limited to the hours of operation during which restaurant permittees are statutorily allowed to serve alcohol (generally 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))).

The act makes the outdoor open-air permit nonrenewable, and limits backers to one permit application per calendar year. It exempts the permittees from existing law's noticing, placarding, and remonstrance-related requirements, like it does for temporary auction permits (see above).

The act also allows the outdoor open-air 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 alcohol.

The act also makes a conforming change allowing a restaurant, cafe, or in-state transporter permittee to hold an outdoor open-air permit.

EFFECTIVE DATE: October 1, 2023

§ 7 — BEER OR WINE PIPELINE CLEANINGS

Decreases, from weekly to biweekly, how often certain permittees must clean beer or wine pipes and barrel tubes

Regulations require permittees to clean beer or wine pipes and barrel tubes used to dispense alcoholic beverages at least once a week (Conn. Agencies Regs., § 30-6-A23). The act requires DCP, by October 1, 2023, to amend these regulations to decrease the frequency of these required cleanings to once every two weeks. Under these regulations, the cleanings must be done with a hydraulic pressure mechanism, hand pump suction, a force cleaner, or any other DCP-approved system for this purpose. After cleaning the lines or tubes, they must be rinsed with clear water until all chemicals, if used to clean, are removed.

EFFECTIVE DATE: October 1, 2023

§§ 10, 15 & 19 — FARMERS' MARKET ALCOHOL SALES PERMIT

Expands the farmers' market sales permit to allow manufacturer permittees for spirits to sell their product at a farmers' market; allows manufacturer permittees for spirits and beer to offer free tastings of their product at farmers' markets

Spirits

By law, manufacturer permittees for beer; farm winery; and wine, cider, and mead may obtain a farmers' market sales permit allowing them to sell their product at farmers' markets. The act expands the farmers' market sales permit to also allow manufacturers of spirits to sell spirits at a farmers' market. It also makes a conforming change allowing these manufacturers to also hold the farmers' market sales permit by adding these permits to existing law's exemption for holding two permits.

Existing law allows these sales at the farmers' market if the permittee (1) has an invitation from the farmers' market; (2) only sells these products by the bottle or in sealed containers; and (3) is present, or has an authorized representative present, at the time of any sale. The permit authorizes the sale of these products during an unlimited number of appearances at a farmers' market and at up to 10 locations per year. Any town or municipality, by ordinance or zoning regulation, may prohibit the sale of these products at a farmers' market held in the town or municipality. The annual fee for the permit is $250 with a $100 nonrefundable filing fee.

Tastings

Existing law allows permittees for farm winery and wine, cider, and mead to sell and offer free tastings of their products at a farmers' market organized by a nonprofit. The act allows manufacturer permittees for spirits and beer to do the same.

§ 12 — ELIMINATION OF SUNSET DATE FOR CERTAIN PERMITTEES FOR ON-PREMISES CONSUMPTION TO SELL FOR OFF-PREMISES CONSUMPTION

Eliminates the sunset date for certain permittees for on-premises consumption to sell alcohol for off-premises consumption

The act eliminates the June 5, 2024, sunset date for the law that allows manufacturer, hotel, restaurant, club, nonprofit, and certain cafe permittees to sell and deliver sealed alcoholic liquor for off-premises consumption. Among other things, the law includes the following requirements:

1. alcoholic liquor sold for off-premises consumption must be accompanied by food prepared on the permit premises;
2. sales must be consistent with all local ordinances where the premises is located;

3. containers, other than the manufacturer's original sealed container, must be securely sealed in a way that prevents consumption without removing the tamper-evident lid, cap, or seal;
4. sales and deliveries must be made (a) only during the hours package stores may operate under state law and (b) by the permittee's direct employee (or a third-party vendor or entity that holds an in-state transporter permit); and
5. sales must comply with specified per-customer, per-order limits (i.e., 196 ounces for beer, one liter for spirits, and 1.5 liters for wine).

EFFECTIVE DATE: July 1, 2023

§ 16 — FESTIVAL PERMITS

Allows (1) for-profit entities to sponsor festivals and (2) manufacturer permittees that hold an out-of-state shipper's permit for beer to make certain types of sales at a festival and ship directly to visitors

By law, a festival sponsor may organize and sponsor a festival in Connecticut by inviting eligible manufacturers to participate. The act allows Connecticut for-profit entities to be a sponsor if they are registered with the secretary of the state to do business in Connecticut and do not hold another alcoholic liquor permit. The act sets the permit fee at $275 for these for-profit sponsors. Under existing law, unchanged by the act, a nonprofit entity festival sponsor's permit fee is $75.

The act also removes a specific restriction on manufacturer permittees that hold an out-of-state shipper's permit for beer to make certain types of sales at a festival. Under the act, these permittees may now:

1. sell and directly ship alcoholic liquor to festival visitors who buy the alcohol at the festival, if allowed under its permit;
2. sell, at retail, bottles and other sealed containers of alcoholic liquor for consumption off the festival premises, subject to its permit limitations (e.g., three liters of spirits per day and nine gallons of beer per day); and
3. sell, at retail, alcoholic liquor by the glass or receptacle for consumption on the festival premises, so long as each glass or receptacle is embossed or permanently labeled with the festival's name and date.

By law, a festival permittee may sell or offer samples or tastings between 8:00 a.m. and 10:00 p.m. on Monday through Saturday, and between 10:00 a.m. and 6:00 p.m. on Sunday.

§ 17 — FALSE STATEMENTS

Prohibits anyone assisting an applicant, backer, or permittee with a liquor application from submitting a false statement; subjects violators to a civil fine of up to $1,000 and a CUTPA violation

The act prohibits anyone who assists an applicant, backer, or permittee in submitting a liquor permit application from submitting, or causing to submit, any false statement connected to the application. It also prohibits them from engaging in any conduct that delays or impedes DCP in processing the application. A violation is deemed a violation of the Connecticut Unfair Trade Practices Act (CUTPA).

The commissioner, after providing an opportunity for a hearing, may impose a civil penalty of up to $1,000 per violation on anyone who violates this provision. He may also order the person to pay restitution to the applicant, backer, or permittee. Under the act, all civil penalties paid, collected, or recovered must be deposited in the consumer protection enforcement account, which DCP uses to enforce the licensing and registration laws it administers.

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining 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. CUTPA 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, 2023

§§ 18 & 26 — FIRE INSPECTIONS

Limits the requirement that liquor permit applicants submit fire safety-related documents to the initial application; specifies that completing the annual required fire inspection for permittees for on-premises alcohol consumption is not a precondition for permit renewal

Prior law generally required individuals applying for an alcoholic liquor permit or seeking a renewal to, among other

things, submit documents establishing that certain building, fire, and zoning codes and ordinances related to hours or sale would be met. The act limits this requirement to the initial application only.

The act also specifies that completing the annual required fire inspection for permittees for on-premises alcohol consumption is not a precondition for permit renewal.

Regardless of the requirements of the local fire marshal's inspection law, the act requires a local fire marshal, deputy fire marshal, fire inspector, or other fire code inspector or fire investigator in a municipality, at least once per calendar year, to inspect all premises in the municipality that operate under a permit that allows for on-premises alcohol consumption.

EFFECTIVE DATE: October 1, 2023

§ 19 — PERMITTEE REQUIREMENTS

Requires permittees to be a backer's director, employee, member, officer, partner, or shareholder

The act requires a permittee to be a backer's director, employee, member, officer, partner, or shareholder. For this purpose, an "employee" is an individual whose (1) manner and means of work performance are subject to the backer's control or right of control, and (2) compensation is reported, or required to be reported, on a federal Form W-2 issued by, or caused to be issued by, the backer.

§§ 24 & 25 — KEGS

Lowers, from six to four gallons, the minimum liquid capacity needed to be considered a keg to meet industry standards; allows manufacturer permittees for beer to sell kegs

Liquid Capacity

The act lowers the minimum liquid capacity needed to be considered a keg, from six to four gallons, to meet industry standards. As a result, more containers must follow keg identification requirements (see below). As under existing law, a keg must be a brewery-sealed individual container of beer.

Manufacturer Permittees for Beer

The act allows a manufacturer permittee for beer to sell kegs for off-premises consumption and extends existing law's requirements to these sales. As under existing law for package and grocery stores, the permittee must, at the time of sale, (1) place an identification tag on the keg; (2) require purchasers to sign a receipt; and (3) inform them that the deposit, if any, must be forfeited if the keg is returned without an intact and readable tag. The seller may inform buyers of this fact either verbally or by posting a conspicuous sign at the point of sale.

By law, the tag must be a numbered label DCP furnishes that clearly identifies the seller. It must be made and attached so that the beer manufacturer can easily remove it for keg cleaning and reuse. DCP may charge a reasonable fee, up to the actual cost, for supplying the tags and customer receipts.

The customer signature receipt must be a form provided by DCP stating the purchaser's name, address, driver's license number, or other identification set by regulation. The seller must keep a copy of all receipts on the premises and available for inspection and copying by department and criminal justice agencies for six months.

As under existing law, the act prohibits manufacturers from refunding a keg deposit if the keg (1) does not have the required identification tag or (2) has one that is defaced and unreadable.

Under the act, a manufacturer permittee who violates these provisions may have his or her permit revoked or suspended.

§ 27 — LIQUOR LIABILITY INSURANCE STUDY

Requires the Liquor Control Commission to (1) study the potential impact of requiring permittees to have liquor liability insurance and (2) report its findings to the General Law Committee

The act requires the Liquor Control Commission to study the potential impact of requiring each person seeking a liquor permit or its renewal to attest that he or she has obtained liquor liability insurance. By January 1, 2024, the commission must report to the General Law Committee on the study.

PA 23-52—sHB 6768
General Law Committee

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING PRESCRIPTION DRUG REGULATION

TABLE OF CONTENTS:

SUMMARY: This act makes various changes related to the practice of pharmacy and access to medications. Among other things, it does the following:

1. establishes a new Department of Consumer Protection (DCP) registration for dispensing group practices and dispensing assistants that dispense prescriptions directly to patients instead of through pharmacies,
2. authorizes pharmacists to prescribe emergency or hormonal contraception under certain conditions,
3. allows businesses to operate vending machines selling over-the-counter (OTC) medications if they obtain a DCP permit, and
4. allows prescribing practitioners and pharmacists to work with various entities to increase the public's access to

opioid antagonists.

EFFECTIVE DATE: Upon passage, except the provision creating a new DCP registration for dispensing group practices and dispensing assistants is effective January 1, 2024.

§ 1 — REGISTRATION FOR DISPENSING GROUP PRACTICES AND ASSISTANTS

Establishes a new DCP registration for dispensing group practices and dispensing assistants that dispense prescriptions directly to patients instead of through pharmacies; establishes related requirements, advertising restrictions, and grounds for disciplinary actions

The act establishes a new DCP registration for "dispensing group practices" that dispense legend (i.e., prescription) drugs or devices directly to patients instead of through pharmacies.

Under the act, a "dispensing group practice" is a group practice with two or more physicians that dispenses legend drugs or devices prescribed by prescribing practitioners the practice employs or affiliates with. It dispenses the drugs or devices through either a centralized dispensing practitioner or pharmacist it employs.

A "centralized dispensing practitioner" is an individual who the dispensing group practice employs or affiliates with and designates as the prescribing practitioner authorized to dispense legend drugs and devices on behalf of the practice's other prescribing practitioners.

Dispensing Group Practice Registration

The act prohibits a group practice from dispensing legend drugs or devices as a dispensing group practice unless it gets a DCP registration.

A group practice must apply to DCP as the department prescribes and designate a centralized dispensing practitioner or pharmacist it employs to be DCP's primary contact.

The act establishes an initial and renewal registration fee of $200 and requires renewal every two years.

Prescription Drug Monitoring Program Registration

The act requires dispensing group practices that dispense, or propose to dispense, more than a 72-hour supply of a legend drug or device to (1) register for access to the state's electronic prescription drug monitoring program and (2) comply with the program's reporting and usage requirements.

Under the act, dispensing group practices are exempt from this requirement if they (1) dispense, or propose to dispense, less than a 72-hour supply of a legend drug or device and (2) only dispense them as professional samples.

Pharmacist Duties

Under the act, a dispensing group practice that employs a pharmacist to dispense legend drugs or devices is not required to get a pharmacy license for the practice's premises.

The act requires the pharmacist to directly report to a prescribing practitioner who the group practice employs or is affiliated with. The pharmacist may also (1) supervise dispensing assistants the group practice employs, (2) perform in-process and final checks without getting any additional verification from the prescribing practitioner, and (3) perform any component of pharmacy practice.

Dispensing Assistant Registration

The act establishes a new DCP registration for dispensing assistants and prohibits anyone from acting as a dispensing assistant unless they obtain this registration. It establishes an initial and renewal registration fee of $100 and requires renewal every two years.

Under the act, a registered dispensing assistant employed by a dispensing group practice may perform the duties of a pharmacy technician if he or she is under the supervision of a (1) prescribing practitioner the practice employs or affiliates with or (2) pharmacist the practice employs.

Dispensing assistants are subject to the same responsibilities and liabilities in state law and regulation that apply to pharmacy technicians.

Prescribing Practitioners

The act permits a prescribing practitioner employed by, or affiliated with, a dispensing group practice to dispense legend drugs or devices to his or her patients without using a centralized dispensing practitioner or pharmacist employed by the practice.

It also prohibits a centralized dispensing practitioner or pharmacist employed by a dispensing group practice from dispensing, or ordering the dispensing of, a legend drug or device or a controlled substance for a person who is not being treated by one of the practice's prescribing practitioners.

It similarly prohibits a dispensing group practice from accepting or dispensing a prescription from a prescribing practitioner it does not employ or affiliate with.

Advertising

The act prohibits a dispensing group practice from exhibiting inside or outside of its premises or including in any of its advertising (1) the words "drug store," "pharmacy," "apothecary," or "medicine shop," or any combination of these or (2) any other display, symbol, or word indicating that the dispensing group practice or its premises is a pharmacy.

Disciplinary Action

The act authorizes DCP to take the following disciplinary actions against a dispensing group practice or dispensing assistant: (1) deny an initial or renewal registration; (2) revoke, suspend, or place conditions on a registration; and (3) assess a civil penalty of up to $1,000 per violation.

The department may take these actions if the dispensing group practice or a centralized dispensing practitioner, dispensing assistant, or pharmacist employed by, or acting on behalf of, the group practice violates the act's provisions or state pharmacy laws or regulations on dispensing legend drugs or devices.

§ 2 — PHARMACISTS' AUTHORITY TO DISPENSE LEGEND DEVICES

Allows pharmacists to authorize or refill prescriptions for legend devices approved to be used in combination with prescription medications; establishes related notification requirements

The act allows pharmacists to authorize or refill a prescription for a legend device if the device is approved by the federal Food and Drug Administration for combined use with a drug that a prescribing practitioner prescribes to a patient.

A pharmacist who does so must identify the prescribing practitioner who prescribed the associated drug and notify the practitioner in writing, within 72 hours of the dispensing, disclosing that the pharmacist dispensed the legend device to the patient.

§ 3 — PHARMACISTS' AUTHORITY TO PRESCRIBE EMERGENCY AND HORMONAL CONTRACEPTION

Authorizes pharmacists to prescribe emergency or hormonal contraception to patients under certain conditions

The act authorizes pharmacists to prescribe, in good faith, emergency or hormonal contraception to a patient if the pharmacist completes the actions listed below before doing so.

It also allows DCP to adopt implementing regulations.

Educational Training Program

Under the act, the pharmacist must complete an educational training program, accredited by the Accreditation Council for Pharmacy Education, that (1) covers prescribing emergency and hormonal contraceptives by pharmacists and (2) addresses appropriate (a) patient medical screenings, contraindications, drug interactions, treatment strategies, and modifications and (b) patient referrals to medical providers.

Document Review

The act requires the pharmacist to review the most current version of the federal Centers for Disease Control and Prevention's (CDC) U.S. Medical Eligibility Criteria for Contraceptive Use, or any successor document, before prescribing

emergency or hormonal contraception. If the pharmacist deviates from this document's guidance, the act requires that the pharmacist document his or her rationale for doing so.

Screening Document

Under the act, the pharmacist must complete a screening document before the initial dispensing of emergency or hormonal contraception to a patient. The document must be completed for returning patients at least once per calendar year after that.

DCP must make the screening document available on its website. The pharmacist, or the pharmacy that he or she works for, must keep the document for at least three years. The pharmacy must also make the document available to DCP for inspection upon request.

The act explicitly states that it does not prevent the pharmacist, in his or her professional discretion, from (1) requiring more frequent screenings or (2) issuing a prescription for hormonal contraception for up to 12 months.

Counseling and Notification Requirements

If a pharmacist determines that prescribing a patient emergency or hormonal contraception is clinically appropriate, then the pharmacist must do the following:

1. counsel the patient on what he or she should monitor and when to seek more medical attention,
2. notify any health care provider the patient identifies as his or her primary care provider or give the patient any relevant documentation if he or she does not disclose this, and
3. give the patient a document outlining age-appropriate health screenings that are consistent with CDC recommendations.

Pharmacy Technicians

The act authorizes pharmacy technicians, at a pharmacist's request, to help the pharmacist prescribe emergency or hormonal contraception to a patient by (1) giving the patient screening documentation; (2) taking and recording the patient's blood pressure; and (3) documenting the patient's medical history, so long as the pharmacy technician completed an educational training program that meets the same requirements as those for pharmacists described above.

§ 4 — PHARMACIES AND MEDICATION ABORTION

Requires pharmacists to give patients a list of nearby pharmacies that dispense medication to terminate a pregnancy if the pharmacy does not have a supply; prohibits pharmacists from being subject to automatic reciprocal discipline in Connecticut for another jurisdiction's disciplinary action based solely on terminating a pregnancy

If a pharmacy is approved to dispense medication to terminate a pregnancy but does not have a supply of it, then the act requires its pharmacist to provide a patient seeking the medication a list of the nearest pharmacies that dispense it.

Under the act, a pharmacist currently or previously licensed in another state or jurisdiction cannot be subject to automatic reciprocal discipline in Connecticut for any disciplinary action taken in another state or jurisdiction if it was based solely on terminating a pregnancy under conditions that do not violate Connecticut law.

Background — Related Acts

PA 23-31, § 18, rescinds automatic reciprocal discipline against a pharmacist or health care professional licensed in another state or jurisdiction if the discipline in that location was based solely on terminating a pregnancy under conditions that would not violate Connecticut law or regulation.

PA 23-128, §§ 1 & 2, generally prohibits the Department of Public Health (DPH) and DCP (and related boards and commissions) from denying a credential or disciplining a credentialed provider due to disciplinary actions in other U.S. jurisdictions solely based on the person's alleged participation in reproductive health care services.

§§ 5 & 7 — FLAVORING ADDITIVES IN COMPOUNDED DRUGS

Allows flavoring agents already approved for use to be added to prescriptions by pharmacies that do not otherwise compound sterile pharmaceuticals

The act exempts the addition of flavoring agents from laws on sterile compounding. Existing law already allows pharmacies to add flavoring agents that meet certain requirements to a prescription (e.g., oral children's medication) at a prescriber's or patient's, among others', request. The act also expands an existing authorization to adopt regulations on sterile compounding to include this exemption.

§ 6 — MEDICATION SALES VIA VENDING MACHINES

Allows businesses to operate vending machines selling OTC medications like acetaminophen and ibuprofen and drug testing devices if they get a DCP nonlegend drug permit

Under existing law, to sell OTC drugs at retail outside a pharmacy, a store must annually get a nonlegend drug permit from DCP. The act also allows DCP to issue these permits to businesses seeking to operate vending machines.

The act also makes a violation of the nonlegend drug permit law punishable by a fine of up to $1,000, rather than $100 to $500 as under prior law.

Under the act, vending machines containing OTC medications must be owned and operated by a business holding a nonlegend drug permit. Businesses need only one permit per location where vending machines are operated. Each machine must also be registered with DCP. When registering the machine, the applicant must designate an individual who is responsible for properly maintaining it.

Machine Operation

Under the act, vending machines can sell OTC drugs as well as (1) OTC devices or test strips that allow someone to test for a particular substance prior to injection, inhalation, or ingestion to prevent accidental overdose and (2) sundries and other nonperishable items.

The act requires the business registering a vending machine, as well as the person designated as responsible for its maintenance, to ensure that each machine meets the following criteria:

1. maintains the proper temperature and humidity for each drug offered in the machine as required by the drug's manufacturer;
2. does not contain drug packages that have more than a five-day supply, according to the manufacturer's directions;
3. contains only drugs and devices in their original containers, labeled and packaged as state and federal law require;
4. offers only drugs and devices that are unexpired and unadulterated and not recalled (if a drug is recalled, it must be promptly removed); and
5. does not offer drugs or devices that (a) require age verification or (b) are subject to quantity limits or sales restriction under state or federal law.

The act also requires them to ensure that vending machines have the following features:

1. a clear and conspicuous attached written statement (a) disclosing the name, address, and toll-free telephone number of its owner and operator and (b) advising a consumer to check the expiration date of drug and device products before using them and
2. an attached written notice, in a size and prominent location visible to consumers, stating: "Drug tampering or expired product? Notify the Department of Consumer Protection, Drug Control Division, by calling (toll-free DCP telephone number)."

§§ 8-11 — UNIFORM FOOD, DRUG AND COSMETIC ACT

Makes a minor clarifying change to the Uniform Food, Drug and Cosmetic Act

The act specifies that failure to comply with applicable provisions in the United States Pharmacopeia on sterile and nonsterile compounding is prohibited under the state's Uniform Food, Drug and Cosmetic Act (§ 11).

The act also makes technical and conforming changes.

§ 12 — EXPANDING OPIOID ANTAGONIST ACCESS

Allows prescribing practitioners and pharmacists to work with various entities to increase the public's access to opioid antagonists, for example, by making them available in vending machines and needle exchange machines

Existing law allows prescribing practitioners or pharmacists to enter into agreements to distribute opioid antagonists

(used to treat opioid overdose, e.g., Narcan) for further distribution or administration to community health organizations, emergency medical service providers, government agencies, law enforcement agencies, and local and regional boards of education ("host agencies"). The act specifies that they may enter into agreements with these host agencies to provide any intranasally or orally administered opioid antagonist. The act also allows prescribing practitioners or pharmacists to enter into agreements with host agencies to distribute opioid antagonists through secured boxes or vending machines, or with syringe services programs to distribute them through secured machines, meeting the act's specifications as described below.

The act extends existing law's criminal, civil, and administrative liability protection provisions to prescribing practitioners and pharmacists who enter into agreements with host agencies and syringe services programs under the act's provisions on secured machines and boxes and vending machines. It also expands the DCP commissioner's authority to adopt regulations to include implementing the act's provisions.

The act specifies that its provisions as to host agencies do not prevent the inclusion of an opioid antagonist in a container that also includes an automated external defibrillator or any other product used to treat a medical emergency (i.e., a container that would not qualify under the act as a secure box or machine or vending machine).

For pharmacists, as under existing law, the act's provisions only apply to those who are certified to prescribe opioid antagonists.

Secure Boxes on Host Agencies' Premises

The act allows prescribing practitioners or pharmacists to enter into agreements with host agencies to permit the agencies to install on the agency's premises a secure box containing an intranasally or orally administered opioid antagonist. Under the act, a "secure box" is a container that meets the following criteria:

1. is securely affixed in a public location and is tamper-resistant,
2. can be accessed by people for public use but does not contain more opioid antagonist than necessary to serve the local community,
3. is temperature controlled or stored in an environment with temperature controls, and
4. is equipped with an alarm capable of (a) detecting and transmitting a signal when accessed by someone and (b) alerting first responders to the access unless it is commercially impracticable.

These agreements must contain provisions that do the following:

1. address environmental controls necessary to store the opioid antagonist;
2. set procedures for (a) replenishing opioid antagonists and (b) monitoring their expiration dates and disposing of them when expired; and
3. require signage on (a) the presence of opioid antagonists and (b) usage directions, in the language or languages spoken in the local community.

The act specifies that if the host agency is unable to stock and maintain the secure box, then it must remove it and related signage within five days or sooner after discovering this.

Vending Machines Operated in Cooperation With Host Agencies

The act allows prescribing practitioners or pharmacists to enter into agreements with host agencies to operate a vending machine for distributing an opioid antagonist for nasal administration. The act requires these vending machines to (1) be in an area that maintains a temperature consistent with the manufacturer's instructions or (2) have the ability to maintain the appropriate environment itself. Presumably, unlike secure boxes (see above), vending machines do not have to be located on the host agency's premises.

The act requires the following to be clearly and conspicuously displayed on the outside of each vending machine, adjacent to it, or upon its distribution of an opioid antagonist:

1. information on the signs and symptoms of an overdose and directions for using the opioid antagonist;
2. information on in-state services to treat opioid use disorder; and
3. a website or a quick response code (QRC) directing people to online information on the signs and symptoms of an overdose, overdose response, and directions for using an opioid antagonist.

Syringe Services Programs' Secured Machines

Existing law allows registered syringe services programs, after receiving DCP approval, to use secure, immobile machines to provide patients with up to 10 hypodermic needles and syringes at a time. 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 (CGS § 21a-65). (Syringe services programs, overseen by DPH,

provide needle and syringe exchange services to intravenous drug users in communities impacted by HIV or hepatitis C.)

The act allows prescribing practitioners or pharmacists to enter into agreements with syringe services programs to include an opioid antagonist in the programs' DCP-registered, secure needle exchange machines. As is the case for agreements on host agencies' secure boxes (see above), the agreements with syringe services programs must contain provisions that do the following:

1. address environmental controls necessary to store opioid antagonists;
2. set procedures for (a) replenishing opioid antagonists and (b) monitoring their expiration dates and disposing of them when expired; and
3. require signage on (a) the presence of opioid antagonists and (b) usage directions, in the language or languages spoken in the local community.

The act specifies that these secured needle exchange machines can also distribute test strips that allow someone to test for a particular substance prior to injection, inhalation, or ingestion to prevent accidental overdose.

§ 13 — MEDICAL MARIJUANA CERTIFICATION VIA TELEHEALTH

Indefinitely permits providers to certify medical marijuana patients and provide follow-up care via telehealth

The act indefinitely permits physicians, advanced practice registered nurses, and physician assistants 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 and regulations on medical marijuana certifications through telehealth.

Prior law allowed these providers to do this only through June 30, 2023.

PA 23-79—sHB 6699
General Law Committee

AN ACT CONCERNING CANNABIS REGULATION

TABLE OF CONTENTS:

Updates the scope of duties of a cannabis establishment's financial manager; limits criminal history checks to key employees, managers, and owners of a cannabis establishment or cannabis laboratory

§§ 19 & 21 — DISPROPORTIONATELY IMPACTED AREAS

Modifies the criteria and procedure used to identify disproportionately impacted areas used as a qualification for cannabis social equity purposes under RERACA

§§ 19 & 27 — "CONTROL" UNDER RERACA

Defines "control" under RERACA and modifies the amount of control individuals must have in a cannabis business to qualify as a "social equity applicant," "social equity partner," and "equity joint venture"

§§ 19 & 41 — LABELING AND PACKAGING

Adds cannabis labeling and packaging requirements, including requiring packages to be tamper- and light-resistant, limiting the packages' colors, and requiring additional warnings; prohibits packaging from being similar to products that do not contain cannabis

§§ 19, 23 & 34-35 — PRODUCT AND FOOD AND BEVERAGE MANUFACTURERS

Allows a product manufacturer to expand its authorized activities to include the authorized activities of a food and beverage manufacturer and vice versa, with DCP approval; requires product manufacturers, when manufacturing edible products, to use equipment that is sanitary and regularly inspected, and to label all edible cannabis products

§ 20 — DCP REPORT ON LOTTERY AND CANNABIS LICENSES

Requires DCP to make quarterly reports for three years beginning October 1, 2023, to the governor and General Law Committee on certain statistics and estimates on the cannabis establishment lotteries and licenses

§ 22 — DCP APPLICATION

Allows DCP to accept dispensary facility and producer applications after the Social Equity Council identifies certain criteria; generally prohibits those with access to cannabis establishment applications and related materials from disclosing certain information, subject to certain exceptions

§ 24 — PREVENTION AND RECOVERY SERVICES FUND

Specifies that money from the Prevention and Recovery Services Fund may be appropriated for certain services preventing youth cannabis use and developing a public awareness campaign of the mental and physical risks of cannabis use by youths and use during pregnancy

§ 25 — SOCIAL EQUITY LOTTERY

Generally prohibits applicants from applying more than once in any application period; allows social equity applicants to remove backers subject to Social Equity Council approval and makes minor changes to provisions on lottery rankings and application completeness; extends the expiration date, from 14 to 24 months, for most existing provisional licenses

§§ 26, 28 & 33 — EQUITY JOINT VENTURES

Prohibits equity joint ventures that are retailers or hybrid retailers that share certain common owners from being located within 20 miles from one another; specifies that equity joint ventures created by converting dispensary facilities are not subject to the lottery

§ 36 — PRODUCT PACKAGER

Specifies that product packagers must use their own employees or a transporter when obtaining cannabis from certain cannabis establishments and allows packagers to sell, transfer, or transport cannabis to and from certain places, rather than just to them

§ 37 — DELIVERY SERVICES

Limits the requirement that delivery services only use full-time employees to those with 12 or more delivery employees, but specifies that they must still enter into a labor peace agreement with a bona fide labor organization

§ 40 — BONA FIDE LABOR ORGANIZATION

Requires DCP to establish a list of bona fide labor organizations for purposes of cannabis laws, and sets criteria for unions to be included on the list; requires unions to make certain attestations regarding their practices and affiliations

§ 41 — PROVIDING POLICIES AND PROCEDURES TO LICENSEES

Requires the DCP commissioner to provide, to each cannabis licensee, policies and procedures issued to carry out RERACA's purposes and protect public health and safety

§ 43 — ADVERTISEMENTS

Allows certain professional services to advertise cannabis or cannabis-related services; expands the billboard prohibition of advertising between certain hours to all billboards; allows certain outdoor business signs near certain buildings

§ 45 — MANUFACTURER HEMP

Requires manufacturer hemp to be tested in accordance with the laboratory testing standards; allows manufacturers to have a sample retested; requires manufacturers to maintain records according to any policies, procedures, or regulations needed to implement RERACA; prohibits manufacturer hemp products containing synthetic cannabinoids from being offered for sale; allows the DCP commissioner to summarily suspend credentials for certain unauthorized sales; requires certain warnings and disclosures on manufacturer hemp; makes it a CUTPA violation to violate certain manufacturer hemp provisions

§ 49 — CANNABIS OMBUDSMAN

Establishes the Office of the Cannabis Ombudsman within the healthcare advocate's office, within available appropriations; among other things, requires the ombudsman to represent the interests of qualifying medical marijuana patients and caregivers

§ 54 — TASK FORCE ON CERTAIN SALES OF HOME-GROWN CANNABIS

Establishes a 13-member task force to study the potential health, safety, and financial impact of allowing people who cultivate cannabis at home to sell, at retail, the cannabis at events

SUMMARY: This act makes various changes to the laws around adult-use cannabis, hemp, and medical marijuana. Among other things, it:

1. establishes a "high-THC hemp product" category and classifies it as marijuana or cannabis, thus subjecting it to various licensing and regulatory requirements (e.g., must be sold only by licensed establishments, tested, and sold only to those age 21 or older except under the medical marijuana program);
2. differentiates between laboratories for controlled substances and those for cannabis (i.e., marijuana);
3. expands who may serve as a medical marijuana caregiver by allowing those with certain controlled substances convictions to serve and allowing those with a grandparent or spousal relationship with a patient to care for more than one qualifying patient at a time;
4. expands the definition of cannabis flower to include the flower being chopped or ground and specifies that "cannabis products" contain at least one other ingredient;
5. modifies the criteria and procedure used to identify disproportionately impacted areas used as a qualification for cannabis social equity purposes under the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA);
6. defines "control" under RERACA and modifies the amount of control individuals must have in a cannabis business to qualify as a "social equity applicant," "social equity partner," and "equity joint venture";
7. adds more labeling and packaging requirements, including requiring that packages be tamper- and light-resistant; limiting the package's colors; prohibiting packaging from being similar to products that do not contain cannabis; and adding more warnings;
8. allows product manufacturers to manufacture edible cannabis products with the Department of Consumer

Protection's (DCP) approval;
9. requires DCP to make quarterly reports on certain statistics and estimates on cannabis lotteries and licenses and establishes a task force to study the potential health, safety, and financial impact of allowing individuals who cultivate cannabis in their residences to sell, at retail, the cannabis at events;
10. makes various changes to DCP adult-cannabis application, lottery, and equity joint venture provisions, such as specifying the confidentiality and permissible disclosures of application materials;
11. requires DCP to publish a list of bona fide labor organizations for purposes of cannabis laws and sets criteria for unions to be included on the list;
12. allows certain professional services to advertise cannabis or cannabis-related services and expands the billboard advertising prohibition between certain hours to all billboards, not just electronic or illuminated ones;
13. requires manufacturer hemp (i.e., intended for human ingestion, inhalation, absorption, or other internal consumption) to have certain warnings and disclosures on the packaging and allows manufactuer hemp that fails a laboratory test to be retested before disposal;
14. establishes the Office of the Cannabis Ombudsman within the healthcare advocate's office and requires the ombudsman to, among other things, represent the interests of qualifying medical marijuana patients and caregivers; and
15. makes various other minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2023, unless otherwise specified below.

§§ 1 & 45-46 — HIGH-TETRAHYDROCANNABINOL (THC) HEMP PRODUCTS AND POLICE TRAINING

Establishes the category of "high-THC hemp product" and classifies it as marijuana or cannabis, thus subjecting it to various licensing and regulatory requirements; requires DESPP to publish a training bulletin for cannabis and high-THC hemp products; requires POST and the Division of Criminal Justice to include in existing annual training, a session on investigating and enforcing standards for cannabis and high-THC hemp products

The act establishes the category of "high-THC hemp product" and classifies it as marijuana or cannabis, thus subjecting it to various licensing and regulatory requirements (e.g., must be sold only by licensed establishments, tested, and sold only to those age 21 or older except under the medical marijuana program).

Under the act, a "high-THC hemp product" is a manufacturer hemp product that has (or is advertised, labeled, or offered as having) a total THC that exceeds the following:

1. for a hemp edible, topical, or transdermal patch: (a) one milligram on a per-serving basis or (b) five milligrams on a per-container basis;
2. for a hemp tincture, including oil intended for ingestion by swallowing, buccal administration (i.e., between the gums and mouth cheek), or sublingual absorption (i.e., placing under tongue to dissolve): (a) one milligram on a per-serving basis or (b) 25 milligrams on a per-container basis;
3. for a hemp concentrate or extract, including a vape oil, wax, or shatter: 25 milligrams on a per-container basis; or
4. for a manufacturer hemp product not described above: (a) one milligram on a per-serving basis, (b) five milligrams on a per-container basis, or (c) 0.3% on a dry-weight basis for cannabis flower or cannabis trim.

The act also modifies the marijuana and cannabis definitions to replace hemp products that exceed 0.3% total THC concentration on a dry-weight basis with high-THC hemp products. It also makes this change for the exemption for cannabidiol derived from hemp, by specifying that high-THC hemp products are not included within this exemption. Correspondingly, the act removes the prior exemption stating that marijuana does not include manufacturer hemp products.

Police Training on High-THC Hemp Products and Cannabis

The act requires, by October 31, 2023, the Department of Emergency Services and Public Protection (DESPP), in consultation with DCP, to publish a training bulletin, informing local law enforcement agencies and officers of the investigation and enforcement standards concerning cannabis and high-THC hemp products.

Existing law requires the Police Officer Standards and Training Council (POST), in conjunction with the chief state's attorney's office, among others, to annually provide instruction on new legal developments related to policing to the chief law enforcement officer of each municipality and certain designated individuals. By October 31, 2023, and annually thereafter if needed, the act requires the Division of Criminal Justice and POST to include in each course of instruction, a session on investigation and enforcement standards concerning cannabis and high-THC hemp products.

§§ 11, 14-19, 29-32, 34-39 & 42 — CANNABIS TESTING LABORATORIES

Differentiates between laboratories for controlled substances and those for cannabis and establishes statutory license fees for these laboratories; requires DCP to adopt regulations for laboratories to test marijuana samples from certain individuals; allows DCP to waive minimum security or safeguard requirements; prohibits applicants who are denied a license or registration from applying for certain credentials for a year

The act differentiates between laboratories for controlled substances and those for cannabis (i.e., marijuana) by renaming the latter as "cannabis testing laboratories." It makes corresponding changes for laboratory employees to rename them as cannabis testing laboratory employees. The act also makes various minor, technical, and conforming changes to effectuate these new names.

Under the act, any individual or entity who obtained a DCP license by June 30, 2023, which is still active on July 1, 2023, as a laboratory authorized to do cannabis testing may act as a cannabis testing laboratory. Under these conditions, the laboratory licensee is deemed to be a licensed cannabis testing laboratory for the duration of the prior license and is eligible for renewal as a cannabis testing laboratory when the license expires.

Similarly, the act allows those with a laboratory employee credential to be deemed a registered cannabis testing laboratory employee and renew under the same conditions as laboratories.

License Fees

The act establishes a provisional license for a cannabis testing laboratory, which has a $500 fee, and a final license and renewal fee of $1,000. By regulation, a medical marijuana laboratory had a license and renewal fee of $200 (Conn. Agencies Regs., § 21a-408-29).

The act also makes a conforming change by eliminating the requirement that DCP regulations establish a licensing and renewal fee.

Regulations

Existing law requires the DCP commissioner to adopt regulations on certain laboratory standards. The act also requires him to adopt regulations setting procedures for cannabis testing laboratories to accept medical marijuana samples from caregivers, qualifying patients, and consumers (i.e., someone at least age 21) for testing.

Correspondingly, the act allows a cannabis testing laboratory or employee to acquire marijuana from these people provided the sample is acquired under the regulations.

Security or Safeguard Requirements

The act allows DCP to waive any minimum security or safeguard requirements for a cannabis testing laboratory under certain conditions. A laboratory must submit a written request in a commissioner-prescribed form proposing an equally safe alternative. DCP may issue a written waiver if it determines that the proposed alternative provides equal or greater protection for public health and safety. In allowing the alternative, DCP must assess the potential for product diversion, theft, and criminal activity under the proposed alternative and the likely impact that waiving the minimum security or safeguard requirement will have on public health and safety.

License and Registration Denials

By law, if the DCP commissioner denies a cannabis license or registration and the denial was sustained after a hearing, an applicant may not, for one year after the denial, apply for a cannabis establishment, backer, or key employee license or an employee registration. The act also prohibits the applicant from applying for a cannabis testing laboratory license or cannabis laboratory employee registration for one year.

§ 12 — MEDICAL MARIJUANA PATIENT CAREGIVERS

Expands who may serve as a caregiver for a medical marijuana patient by allowing people with certain controlled substances convictions to serve; allows caregivers with a grandparent or spousal relationship to care for more than one qualifying patient at a time

The act expands who may serve as a caregiver for a medical marijuana qualifying patient by allowing those who have been convicted of a violation of any law related to the illegal manufacture, sale, or distribution of controlled substances to serve in this role. Prior law prohibited them from serving.

The act also allows caregivers with a grandparent or spousal relationship with the patient to care for more than one qualifying patient at a time. Existing law already allows those with a parental, guardianship, conservatorship, or sibling relationship to do so. By law, a caregiver is someone at least age 18, other than the patient or the patient's health care professional (e.g., physician), who is responsible for managing the patient's well-being with respect to medical marijuana use (CGS § 21a-408).

§ 19 — CANNABIS DEFINITIONS

Expands the definition of cannabis flower to include the flower being chopped or ground; excludes chopping or grinding as a form of processing for cannabis trim; specifies that "cannabis products" contain at least one other ingredient

The act modifies certain definitions under RERACA, including expanding "cannabis flower" to include the flower being chopped or ground and specifying that "cannabis products" contain at least one other ingredient or component.

Under prior law, a "cannabis flower" was the flower of a plant of the genus cannabis (including abnormal and immature flowers) that had been harvested, dried, and cured, and before it was processed and transformed into a cannabis product, but did not include the plant's leaves or stem. The act expands the definition by requiring only one specified action (e.g., harvested, dried, or cured under prior law), rather than all of them. It also expands the list of actions to include the flower of the plant that has been chopped or ground.

Under prior law, "cannabis trim" included all parts (including abnormal or immature parts) of the cannabis plant, other than cannabis flower, that had been harvested, dried, and cured, and before it was processed and transformed into a cannabis product. The act excludes chopping or grinding as a form of processing.

Under prior law, a "cannabis product" included cannabis in the form of a product that contained cannabis, which could be combined with other ingredients, and was intended for use or consumption. The act instead defines it as any product intended for use or consumption containing cannabis and at least one other cannabis or noncannabis ingredient or component. It also narrows an exclusion from the "cannabis product" definition by excluding cannabis flower rather than the raw cannabis plant as under prior law.

The act also adds a definition of "edible cannabis product" (see §§ 35 & 41 below).

§§ 19 & 39 — KEY EMPLOYEES

Updates the scope of duties of a cannabis establishment's financial manager; limits criminal history checks to key employees, managers, and owners of a cannabis establishment or cannabis laboratory

Financial Manager

Under prior law, a cannabis establishment's financial manager was a key employee who was generally responsible for overseeing a cannabis establishment's financial operations, including various tasks (e.g., revenue generation). The act redefines the scope of the manager's duty by specifying that the financial operations under this person's oversight include one or more of the following: (1) revenue and expense management, (2) distributions, (3) tax compliance, (4) budget development, or (5) budget management and implementation. Prior law specified a generally similar, but non-exclusive, list of financial operations (e.g., prior law included revenue generation rather than revenue and expense management).

By law, key employees (i.e., those in management positions) must be at least age 21 and have a DCP license.

Criminal Background Check

Under prior law, the DCP commissioner had to generally 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 initial license. The act limits this background check requirement to key employees, managers, and owners of applicants for a cannabis establishment or cannabis testing laboratory license. Similar to prior law, it allows the commissioner to require background checks for renewal applications.

By law, DCP must charge the applicant a fee equal to the amount the department is charged to do these checks.

Under the act, an "applicant" is an entity applying for a license and an "owner" is an individual with more than 5% ownership interest in an applicant. A "manager" is an individual who is not a key employee and has an ownership interest

in, and executive control of, an applicant. "Executive managerial control" is the authority or power to direct or influence the applicant's direction or operation through agreement, board membership, contract, or voting power.

Under the act, a key employee, manager, or owner must be denied a license if the key employee's background check reveals a disqualifying conviction. By law, a disqualifying conviction is a conviction in the last 10 years of certain offenses (e.g., certain fraud-related crimes).

§§ 19 & 21 — DISPROPORTIONATELY IMPACTED AREAS

Modifies the criteria and procedure used to identify disproportionately impacted areas used as a qualification for cannabis social equity purposes under RERACA

The act modifies the criteria and process used to identify "disproportionately impacted areas" under RERACA. It replaces the prior unemployment rate and historical drug conviction metrics used to identify eligible census tracts with a calculation based on (1) a poverty rate metric and (2) ranking of historical conviction rates for drug-related offenses by census tract. The act also eliminates the requirement that the Social Equity Council annually determine and publish its list of disproportionately impacted areas, instead requiring the council to do so only once, by August 1, 2023.

Definition

Under prior law, a "disproportionately impacted area" was a U.S. census tract in the state that had, as determined by the Social Equity Council, (1) a historical conviction rate for drug-related offenses greater than 10% or (2) an unemployment rate greater than 10%. Beginning August 1, 2023, the act instead defines the area as a U.S. census tract in the state that the council identifies using the process below.

Identification Process

Prior law required the Social Equity Council, annually by August 1, to identify one or more disproportionately impacted areas and publish a list of them on the council's website. To do so, the council had to use the most recent five-year U.S. Census Bureau American Community Survey estimates or any successor data.

The act instead requires the council, by August 1, 2023, to use poverty rate data from the same most recent census survey estimates, population data from the most recent decennial census, and conviction information from DESPP's databases to identify all U.S. census tracts in the state that are disproportionately impacted areas. The council must publish a list of these tracts on its website.

Rankings

Under the act, when identifying and preparing the list of disproportionately impacted areas, the council must:

1. exclude any census tract with a poverty rate that is less than the statewide poverty rate;
2. rank the remaining tracts in order, from greatest to least, based on their historical conviction rate for drug-related offenses; and
3. include census tracts in the order of rank described above until including the next tract would cause the total population of all included tracts to exceed 25% of the state's population.

By law, the "historical conviction rate for drug-related offenses" is, for a given area, the historical conviction count for certain drug 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 DESPP.

§§ 19 & 27 — "CONTROL" UNDER RERACA

Defines "control" under RERACA and modifies the amount of control individuals must have in a cannabis business to qualify as a "social equity applicant," "social equity partner," and "equity joint venture"

The act defines "control" under RERACA to mean, unless the context otherwise requires, the direct or indirect power to direct, or cause the direction of, a cannabis establishment's management and policies. In doing so, the act modifies how

control is determined for individuals in a cannabis business to qualify as a "social equity applicant," "social equity partner," and "equity joint venture" by amending these definitions (see *Background*).

Under prior law, (1) a social equity applicant and partner was a person (e.g., an individual or business) that was at least 65% owned and controlled by an individual or individuals meeting certain income and residency criteria and (2) an equity joint venture was a business entity that was at least 50% owned and controlled by an individual or applicant meeting the social equity applicant income and residency criteria. Instead of having these percentage thresholds for control, the act requires that the individual have the direct or indirect power to direct, or cause the direction of, a cannabis establishment's management and policies. As under prior law, the individual must also own at least 65% or 50% of the business, as applicable.

Background

Social Equity Applicant and Partner. By law, to qualify as a "social equity applicant" or "social equity partner," an individual must have (1) had average household income of less than 300% of the state median over the three tax years immediately before the application and (2) been 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.

Under certain conditions, a medical marijuana producer seeking to expand into the adult-use market may enter into an agreement with a social equity partner to provide the partner 5% of the grow space to establish a social equity business (CGS § 21a-420*l*).

Equity Joint Venture. By law, equity joint ventures partnering with a licensed producer, cultivator, or dispensary facility pay reduced fees. Additionally, equity joint ventures are not subject to the lottery.

§§ 19 & 41 — LABELING AND PACKAGING

Adds cannabis labeling and packaging requirements, including requiring packages to be tamper- and light-resistant, limiting the packages' colors, and requiring additional warnings; prohibits packaging from being similar to products that do not contain cannabis

Under existing law, the cannabis-related regulations that the DCP commissioner must adopt must include specified labeling and packaging requirements. The act modifies one of these requirements and adds multiple requirements, as described below.

Labeling and Packaging Requirements

Universal Symbol. Under prior law, DCP's regulations had to (1) require that cannabis or cannabis product labeling and packaging include a universal symbol to indicate that a product contains cannabis and (2) prescribe how the product and packaging must use and exhibit the symbol. The act eliminates the requirement that the cannabis or cannabis product label or package include symbols to indicate it contains cannabis. The act instead requires that the labeling and packaging indicate that the cannabis or cannabis product contains THC and is not legal or safe for individuals younger than age 21.

Resistance and Sealing. Existing law requires that the packaging be child-resistant, including a requirement that an edible product be individually wrapped. The act also (1) requires that the packaging be tamper- and light-resistant and (2) specifies how each of these requirements must be met.

Under the act, a package is deemed to be:

1. child-resistant if it satisfies the federal standard for special packaging (i.e., designed or constructed to be significantly difficult for children under age five to open within a reasonable time, but not difficult for normal adults to use (16 C.F.R. § 1700.1(b)(4)));
2. tamper-resistant if the packaging has at least one barrier to, or indicator of, entry that would prevent its contents from being accessed or adulterated without indicating to a reasonable person that it had been breached; and
3. light-resistant if the packaging is entirely and uniformly opaque and protects all of its contents from the effects of light.

The act also requires:

1. that packaging for cannabis intended for multiple servings be resealable in a way that makes it continuously child-resistant and preserves the contents' integrity, and
2. impervious packaging that protects the contents from contamination and exposure to any toxic or harmful substance, including any glue or other adhesive or substance incorporated in the packaging.

Cannabis Content-Related Information

Potency and Chemotypes. The act requires that the labeling and packaging for any cannabis concentrate cannabis product whose total THC percentage exceeds 30% include a warning that the product has high potency and may increase the risk of psychosis.

The act also requires information about chemotypes (i.e., chemically distinct composition differences), which must be displayed as follows:

1. "High THC, Low CBD" where the THC to CBD ratio is greater than five to one and the total THC percentage is at least 15%;
2. "Moderate THC, Moderate CBD" where the ratio of THC to CBD is at least one to five, but not greater than five to one, and the total THC percentage is between 5% and 15%;
3. "Low THC, High CBD" where the ratio of THC to CBD is less than one to five and the total THC percentage is less than 5%; or
4. the chemotype described above that most closely fits the cannabis or cannabis product, as determined by mathematical analysis of the ratio of THC to CBD.

Unique Identifier. The act requires that cannabis packaging be clearly labeled with a unique identifier before being sold and transferred to a consumer or a qualifying medical marijuana patient or caregiver. The identifier must be (1) printed directly on the package or affixed on a separate label, other than an extended content label and (2) generated by a cannabis analytic tracking system DCP maintains and uses to track cannabis under the policies, procedures, and regulations.

Package Contents. Under the act, the package must include the following information on the cannabis contained in it. The information must be in legible English, black lettering, Times New Roman font, flat regular typeface, on a contrasting background, and in uniform size of not less than one-tenth of one inch, based on a capital letter "K." The following information must also be available on the cannabis establishment's website:

1. the cannabis name, as registered with DCP under the policies, procedures, and regulations;
2. the expiration date, which must not account for any refrigeration after the cannabis is sold and transferred to the consumer, qualifying patient, or caregiver;
3. the net weight or volume, expressed in metric and imperial units;
4. the standardized serving size, expressed in customary units, and the number of servings included, if applicable;
5. directions for use and storage;
6. each active ingredient, expressed in metric units and as a percentage of volume, comprising at least 1% of the cannabis, including cannabinoids; isomers; esters; ethers; salts; and salts of isomers, esters, and ethers;
7. a list of all known allergens, as identified by the federal Food and Drug Administration, contained in the cannabis, or the denotation "no known FDA identified allergens" if that is the case;
8. the following warning statement within, and outlined by, a red box:
   "This product is not FDA-approved, may be intoxicating, cause long-term physical and mental health problems, and have delayed side effects. It is illegal to operate a vehicle or machinery under the influence of cannabis. Keep away from children.";
9. at least one of the following warning statements, rotated quarterly on an alternating basis:
   "Warning: Frequent and prolonged use of cannabis can contribute to mental health problems over time, including anxiety, depression, stunted brain development and impaired memory."
   "Warning: Consumption while pregnant or breastfeeding may be harmful."
   "Warning: Cannabis has intoxicating effects and may be habit-forming and addictive."
   "Warning: Consuming more than the recommended amount may result in adverse effects requiring medical attention.";
10. all information necessary to comply with labeling requirements imposed under state or federal law, including the state Uniform Food, Drug and Cosmetic Act (CGS §§ 21a-91 to 21a-120), state Bakeries, Food Manufacturing Establishments and Food Warehouses law (CGS §§ 21a-151 to 21a-159), the federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.), and the federal Fair Packaging and Labeling Act (15 U.S.C. § 1451 et seq.) for similar products that do not contain cannabis; and
11. any additional warning labels for certain cannabis products as the commissioner may require and post on DCP's website.

Visual Requirements

The act requires that the policies, procedures, and regulations prohibit packaging that is (1) visually similar to any commercially similar product that does not contain cannabis, or (2) used for any good that is marketed to individuals

reasonably expected to be under age 21.

The regulations, policies, and procedures must allow packaging to include a picture of the cannabis product and contain a logo of one cannabis establishment. The logo may be comprised of up to three colors besides black and white. The packaging must be entirely and uniformly one color and must not incorporate any information, print, embossing, debossing, graphic, or hidden feature, other than any permitted or required label.

The act requires edible cannabis product packaging and labeling to be entirely black and white or a combination of them. This does not apply to the warning labels and picture described above, but includes the cannabis establishment's logo.

The act requires that delivery device cartridges (e.g., vape pens) be labeled, in a clear and legible manner and in as large a font as the device reasonably allows with only certain information. This includes:

1. the cannabis establishment name where the cannabis is grown or manufactured,
2. the cannabis brand,
3. the total THC and total CBD content contained within the cartridge,
4. the expiration date, and
5. the unique identifier generated by DCP's cannabis analytic tracking system.

The act additionally allows a cannabis establishment to emboss, deboss, or similarly print the name of the establishment's business entity, and one logo with up to three colors, on a delivery device cartridge.

Under the act, for the purposes of RERACA, "edible cannabis product" means a cannabis product intended for human consumption. Under existing law, the commissioner's policies, procedures, and regulations must generally limit the standard serving of an edible cannabis product (other than a medical marijuana product) to five milligrams of THC.

(PA 23-166, § 7, delayed the effective date of the labeling and packaging provisions from July 1, 2023, to October 1, 2023.)

§§ 19, 23 & 34-35 — PRODUCT AND FOOD AND BEVERAGE MANUFACTURERS

Allows a product manufacturer to expand its authorized activities to include the authorized activities of a food and beverage manufacturer and vice versa, with DCP approval; requires product manufacturers, when manufacturing edible products, to use equipment that is sanitary and regularly inspected, and to label all edible cannabis products

The act allows a product manufacturer to expand its authorized activities to include the authorized activities of a food and beverage manufacturer and vice versa. In both cases, the manufacturers must receive DCP written approval and the expansion must be done under certain conditions.

The act requires the manufacturer to submit to DCP a completed license expansion application in a commissioner-prescribed form with the expansion fee. Under the act, for a food and beverage manufacturer seeking to expand its activities, the application and renewal fee is $25,000. For a product manufacturer seeking to expand, the application and renewal fee is $5,000. These fees are in addition to the licensing fees for the respective licenses.

A manufacturer that expands its operations must comply with all provisions related to the expanded activities, including applicable laws, regulations, policies, and procedures. If there is a conflict between any provisions, the provision that imposes the more stringent public health and safety standard prevails.

Product Manufacturers

The act requires product manufacturers to label all edible cannabis products and have all equipment it uses to manufacture these products be sanitary and regularly inspected. These actions must be done in accordance with all applicable requirements of the (1) adult cannabis laws, regulations, policies, and procedures; (2) U.S. Department of Agriculture; and (3) FDA.

§ 20 — DCP REPORT ON LOTTERY AND CANNABIS LICENSES

Requires DCP to make quarterly reports for three years beginning October 1, 2023, to the governor and General Law Committee on certain statistics and estimates on the cannabis establishment lotteries and licenses

Between October 1, 2023, and October 1, 2026, the act requires DCP to submit a report by the first day of January, April, July, and October on certain statistics and estimates on the cannabis establishment lotteries and licenses. DCP must submit the report to the governor and the General Law Committee.

The report must include, for the quarter ending on the last day of the month immediately before the day DCP submits the report:

1. the number of applicants that were selected from the lottery, broken down by license type;
2. the number of provisional and final licenses that DCP issued under RERACA, broken down by license type, and by town and county for final licenses; and
3. the mechanism by which DCP issued each license under RERACA, including by lottery, to equity joint ventures, and to cultivators located in disproportionately impacted areas.

The report must also include DCP's good faith estimate on anticipated increases in the number of cannabis establishments during the next calendar year and any other information the department deems appropriate.

§ 22 — DCP APPLICATION

Allows DCP to accept dispensary facility and producer applications after the Social Equity Council identifies certain criteria; generally prohibits those with access to cannabis establishment applications and related materials from disclosing certain information, subject to certain exceptions

Dispensary Facility and Producer Applications

Prior law allowed DCP to accept applications for certain cannabis licenses within 30 days after the Social Equity Council identified the criteria for social equity applicants. The act expands the list of allowable applicants to include dispensary facilities and producers. As under existing law, applicants must indicate whether they want to be considered for treatment as a social equity applicant.

For dispensary facility licenses, the fee to enter the lottery is $500, and the fee for a provisional or final license or license renewal is $5,000. For producer licenses, the fee to enter the lottery is $1,000, the fee for a provision license is $25,000, and the fee for a final license or license renewal is $75,000. These license and renewal fees are the same as those under existing regulations (Conn. Agencies Regs., § 21a-408-29). The act makes a conforming change by eliminating the requirement that the DCP commissioner adopt regulations setting dispensary facility licensing fees meeting certain criteria (§ 13, effective July 1, 2023).

The act specifies that a producer that is approved for expansion into the adult use cannabis market pays the same renewal amount of $75,000, which the act also statutorily sets.

Application Information Disclosure

The act generally prohibits current or former state officers or employees, or employees of anyone who had access to a submitted application, to disclose the application or any information included in or submitted with it.

Under the act, the commissioner may disclose the following information about a submitted application:

1. the applicant's name, address, and social equity designation, if any;
2. the license type for which the application was submitted;
3. the applicant owner's name, e-mail address, and telephone number;
4. the ownership interest that an owner of a social equity applicant holds in the applicant, expressed as a percentage of all ownership interests in the applicant;
5. the name and address of the person serving as the applicant's primary business contact;
6. the application number assigned to the application;
7. the date the application was submitted to DCP;
8. information on the applicant's formation, including the applicant's business entity type, formation date and place, and business registration number as it appears on the secretary of the state's electronic business portal; and
9. the name of all cannabis businesses associated with the applicant and listed on the application.

In addition to the information described above, the commissioner may, in his sole discretion, disclose any personal information or financial document associated with a submitted application to:

1. a federal, state, or local government agency acting in the course of its governmental functions, or a person acting on behalf of the agency in performing these functions;
2. a college or university conducting research or assisting the state in reviewing applications, if it agrees not to disclose any personally identifying information or confidential business information and deidentifies any personal or financial information it receives from DCP before releasing any related report, study, survey, or similar document;
3. a court officer in connection with an administrative, arbitration, civil, or criminal proceeding in a court or before a government agency or self-regulatory body, including serving process, performing an investigation in anticipation of litigation, an order or the execution or enforcement of a court judgment or order, provided the

person given the information or document is a party in interest to the proceeding;
4. a state marshal while performing his or her duties; or
5. the applicant or the applicant's owner to confirm the accuracy of any information or document the applicant or owner submitted in connection with the application.

Under the act, any personal information or financial document the commissioner discloses to these entities or officials must remain confidential. In addition, the act prohibits anyone receiving this information or documentation from the commissioner from further distributing it in a way that allows another person to identify any person referenced in, and related to, the information or document, unless this disclosure is required under other applicable law.

EFFECTIVE DATE: Upon passage

§ 24 — PREVENTION AND RECOVERY SERVICES FUND

Specifies that money from the Prevention and Recovery Services Fund may be appropriated for certain services preventing youth cannabis use and developing a public awareness campaign of the mental and physical risks of cannabis use by youths and use during pregnancy

Under existing law, the Prevention and Recovery Services Fund is a separate, nonlapsing fund that must be appropriated for (1) substance abuse data collection and analysis and (2) substance abuse prevention, treatment, and recovery services. The act specifies that these services may include, among other things, (1) providing youth cannabis prevention services by local advisory councils on drug use and prevention that a municipality established under the federal Drug Free Schools and Communities Act of 1986, regional behavioral health action organizations, or youth service bureaus and (2) developing a public awareness campaign to raise awareness of the mental and physical health risks of cannabis use by youths and use during pregnancy.

§ 25 — SOCIAL EQUITY LOTTERY

Generally prohibits applicants from applying more than once in any application period; allows social equity applicants to remove backers subject to Social Equity Council approval and makes minor changes to provisions on lottery rankings and application completeness; extends the expiration date, from 14 to 24 months, for most existing provisional licenses

Rankings

The act eliminates a duplicative requirement that the third-party lottery operator rank applications numerically from one to the maximum number DCP sets. As under existing law, the operator must still rank all applications numerically in the order they were drawn, including those that exceed the number to be considered.

One Application per Business

The act prohibits applicants from applying more than once in any application period to the social equity lottery round, if applicable, or the general lottery. It requires a business entity applicant to register as such with the secretary of the state to do business in the state before applying. The applicant must include an attestation of doing so in the application.

Under the act, DCP must review the list of lottery applicants for each lottery independently for each round to determine whether any applicant has submitted more than one application under the same name. With one exception, DCP must disqualify all submitted applications by an applicant if it determines that an applicant has submitted more than one application in the social equity or general lottery round. DCP must remove the application from the pool of eligible applications it provides the third-party lottery operator for selection in the round.

The act allows a social equity applicant to have two entries in the general lottery round, if one of the entries is because he or she was not selected through the social equity lottery process and was subsequently placed into the general lottery. But the applicant is not eligible to receive more than one license from any round of the general lottery. If the applicant is selected twice in the general lottery, DCP must disqualify the second selection and request that the lottery operator identify the next-ranked application.

Under the act, a disqualification under these provisions does not result in a refund of lottery fees.

An "application period" means the established period when DCP may accept applications for a specific license type for the social equity or general lottery. "Round" means each time a lottery is run to determine the ranking of applicants after an application period concludes, for either lottery.

Determination of Ownership Cap

Prior law required the Social Equity Council to determine whether any application included a backer that would result in a common ownership violation of having two or more licenses in the same license type or category. The act expands this determination to include whether the lottery applicant has two or more licenses or includes a backer with managerial control over two such licenses. By law, this cap is in effect until June 30, 2025, and the following are considered the same license category: (1) a dispensary facility, retailer, and hybrid retailer license and (2) producer, cultivator, and micro-cultivator license (CGS § 21a-420i).

Backer Removal

Under prior law, an applicant could remove a backer before the application was submitted for a final license, unless the removal would result in a social equity applicant no longer qualifying as such. The act allows (1) social equity applicant removals as long as any change to a social equity applicant is reviewed and approved by the Social Equity Council before being reviewed by DCP and (2) backers to be removed from a cannabis establishment application selected through the general lottery at any time with notice to DCP.

Provisional Licenses

The act extends the expiration date, from 14 to 24 months, for provisional licenses DCP issues on or before June 30, 2023, other than for cultivator licenses for social equity applicants. As under prior law, such licenses that are issued on or after July 1, 2023, expire after 14 months. As under existing law, a provisional license may not be renewed.
EFFECTIVE DATE: Upon passage

§§ 26, 28 & 33 — EQUITY JOINT VENTURES

Prohibits equity joint ventures that are retailers or hybrid retailers that share certain common owners from being located within 20 miles from one another; specifies that equity joint ventures created by converting dispensary facilities are not subject to the lottery

Location Limitation

Prior law prohibited equity joint ventures that shared a common cultivator or backer from being located within 20 miles of another commonly owned equity joint venture. It also prohibited equity joint ventures that were retailers or hybrid retailers that shared a common producer or backer, or dispensary facility or backer or owner, from being located within 20 miles of another commonly owned equity joint venture.

The act instead prohibits equity joint ventures that are retailers or hybrid retailers from being located within 20 miles of each other if they share a (1) common cultivator backer or owner, (2) producer backer or owner, (3) dispensary facility backer or owner, or (4) hybrid retailer or owner.

Lottery Exemption

Under existing law, upon the Social Equity Council's written approval, equity joint venture applications created by a disproportionately impacted area cultivator or producer expanding its license are not subject to the lottery (CGS §§ 21a-420j & -420m). The act specifies that this exemption also applies to dispensary facilities converting to hybrid retailers who create an equity joint venture.

§ 36 — PRODUCT PACKAGER

Specifies that product packagers must use their own employees or a transporter when obtaining cannabis from certain cannabis establishments and allows packagers to sell, transfer, or transport cannabis to and from certain places, rather than just to them

The act specifies that a product packager must use its own employees or a transporter when obtaining cannabis from a producer, cultivator, micro-cultivator, food and beverage manufacturer, or product manufacturer. (A transporter is a person licensed to transport cannabis between cannabis establishments, laboratories, and research programs.)

Prior law allowed a product packager to sell, transfer, or transport cannabis to any cannabis establishment, laboratory, or research program if the packager only transported cannabis packaged at its own establishment and used its own employees or a transporter. The act allows the packager to perform these actions to and from these places.

§ 37 — DELIVERY SERVICES

Limits the requirement that delivery services only use full-time employees to those with 12 or more delivery employees, but specifies that they must still enter into a labor peace agreement with a bona fide labor organization

Prior law required a delivery service to use full-time employees (i.e., those who work at least 35 hours a week) to deliver cannabis. The act limits this requirement only to services that employ at least 12 individuals to deliver cannabis. By law and unchanged by the act, these employees must be registered with DCP, and a service may not employ more than 25 delivery employees at a time. The act specifies that none of its delivery services provisions excuse a service from the requirement that it enter into a labor peace agreement with a bona fide labor organization (see § 40 below).

§ 40 — BONA FIDE LABOR ORGANIZATION

Requires DCP to establish a list of bona fide labor organizations for purposes of cannabis laws, and sets criteria for unions to be included on the list; requires unions to make certain attestations regarding their practices and affiliations

By law, each provisional cannabis establishment licensee, dispensary facility, or producer, as a condition of its final license approval, license conversion, or approval for expanded authorization, must enter into a labor peace agreement with a "bona fide labor organization."

Under prior law, a bona fide labor organization was a labor union that (1) represented employees in this state regarding wages, hours, and working conditions; (2) had officers who were elected by a secret ballot or in another way consistent with federal law; (3) was free of any employer domination or interference and had not received any improper assistance or support from the employer; and (4) was actively seeking to represent cannabis workers in the state.

DCP List

For labor peace agreements entered into on and after October 1, 2023, the act redefines a "bona fide labor organization" as a labor union that is included on a list that DCP establishes and periodically updates. By that date, the act requires DCP to establish a list of labor unions that are actively seeking to represent cannabis workers in Connecticut and satisfy certain criteria that have certain similarities to what is required under prior law.

By September 1, 2023, the act requires DCP to accept applications from a labor union to be included on the list. Any labor union that wants to be included must apply to DCP on a form it prescribes.

Criteria

As part of the application, the labor union must attest, under penalty of false statement, that the union is actively seeking to represent cannabis workers in the state and satisfies at least two of the following criteria:

1. represents employees in this state with regard to wages, hours, and working conditions;
2. has been recognized or certified as the bargaining representative for cannabis employees employed at cannabis establishments in this state;
3. has executed one or more collective bargaining agreements with cannabis establishment employers in this state, and the agreement or agreements are still in effect when the union applies; or
4. has spent resources as part of one or more attempts to organize and represent cannabis workers employed at cannabis establishments in the state, which attempt or attempts remain active on the date of the labor union's application.

Additionally, the labor union must also attest that, for the three years immediately before applying, the union:

1. has filed the labor organization annual report required under federal law (29 U.S.C. § 431(b)),
2. has audited financial reports, and
3. was governed by a written constitution or bylaws.

Finally, the unions must attest that they:

1. are affiliated with regional or national associations of unions, including central labor councils;
2. are overseen by officers elected by secret ballot or otherwise in a manner consistent with federal law;

3. are free from domination or interference by any employer; and
4. have not received any improper assistance or support from any employer.

Notifying DCP of Certain Changes

The act requires a labor union to submit to DCP within 30 days, and in a form and manner DCP prescribes, (1) any changes in the above information to correct or update and (2) a notice when the union no longer satisfies the criteria set above. In the latter case, DCP must then remove the labor union from the list.

§ 41 — PROVIDING POLICIES AND PROCEDURES TO LICENSEES

Requires the DCP commissioner to provide, to each cannabis licensee, policies and procedures issued to carry out RERACA's purposes and protect public health and safety

By law, the DCP commissioner must adopt regulations to carry out RERACA's purposes and protect public health and safety. The law requires the commissioner to issue policies and procedures to implement RERACA before the regulations are adopted. And he must post the policies and procedures on the DCP website and submit them to the secretary of the state for posting on the eRegulations System.

The act requires the commissioner to also provide the policies and procedures, as he prescribes, to each licensee.

§ 43 — ADVERTISEMENTS

Allows certain professional services to advertise cannabis or cannabis-related services; expands the billboard prohibition of advertising between certain hours to all billboards; allows certain outdoor business signs near certain buildings

Professional Services

Prior law allowed only cannabis establishments to advertise any cannabis or cannabis-related services in Connecticut. The act also allows a person who provides professional services related to cannabis purchases, sales, or use to advertise cannabis or cannabis-related services.

Billboards

Prior law prohibited cannabis establishments from advertising by means of an electronic or illuminated billboard between the hours of 6:00 a.m. and 11:00 p.m. The act expands this prohibition to include all billboards, not just electronic or illuminated ones.

Outdoor Sign Exemption

Prior law exempted certain outdoor business signs posted at a cannabis establishment from the law's (1) required warning against underage use and (2) audience requirement (i.e., ascertaining that at least 90% of the audience is expected to be at least age 21). The act additionally exempts these signs from the law's prohibition on advertising cannabis or cannabis products or paraphernalia in any physical form visible to the public within 500 feet from certain buildings (i.e., elementary or secondary school grounds, recreation centers or facilities, child care centers, playgrounds, public parks, and libraries).

§ 45 — MANUFACTURER HEMP

Requires manufacturer hemp to be tested in accordance with the laboratory testing standards; allows manufacturers to have a sample retested; requires manufacturers to maintain records according to any policies, procedures, or regulations needed to implement RERACA; prohibits manufacturer hemp products containing synthetic cannabinoids from being offered for sale; allows the DCP commissioner to summarily suspend credentials for certain unauthorized sales; requires certain warnings and disclosures on manufacturer hemp; makes it a CUTPA violation to violate certain manufacturer hemp provisions

Laboratory Standards

By law, manufacturer hemp (i.e., intended for human ingestion, inhalation, absorption, or other internal consumption) must be tested by an independent testing laboratory in Connecticut. Prior law required that the laboratory test each sample for microbiological contaminants, mycotoxins, heavy metals, and pesticide chemical residue, and for purposes of conducting an active ingredient analysis, if applicable, as determined by the DCP commissioner. The act instead requires the samples to be tested according to the laboratory testing standards set in the policies, procedures, and regulations the commissioner adopts.

By law, the DCP commissioner must adopt regulations, policies, and procedures on various cannabis issues, including laboratory standards (CGS § 21a-421j).

Retesting

Under prior law, if a tested sample failed certain tests the manufacturer had to dispose of the entire batch from which it was taken. The act instead allows manufacturers to have the sample retested and reanalyzed and, if the results are satisfactory, use the hemp batch for manufacturing, processing, and sale.

Under the act, if a sample does not pass the microbiological, mycotoxin, heavy metal, or pesticide chemical test, the manufacturer licensee, if it chooses not to dispose of the batch at this stage, must (1) retest and reanalyze the hemp from which the sample was taken or (2) remediate the batch through a DCP-approved remediation plan sufficient to ensure public health and safety. For retesting, the manufacturer must have an employee from the same laboratory randomly select another sample from the same hemp batch. If the sample used to retest or reanalyze the hemp yields satisfactory results for all required testing, an employee from a different laboratory must randomly select a different sample from the same hemp batch for testing. If both samples yield satisfactory results for all required testing the hemp batch must be released for manufacturing, processing, and sale.

For remediation plans that are submitted to and approved by the DCP commissioner, the manufacturer can have any laboratory test the remediated sample and then a different laboratory must perform the final testing under substantially similar procedures as retesting.

Under the act, if the manufacturer does not retest, remediate, or pass subsequent laboratory testing then, as under prior law, it must dispose of the entire batch from which the sample was taken following DCP-established procedures.

Recordkeeping

Prior law required manufacturers to maintain records required by federal law and state law and regulations on hemp manufacturers. The act also requires them to maintain records according to any policies, procedures, or regulations the DCP commissioner adopts to implement RERACA. As under existing law, these records must be available to DCP immediately upon request and in electronic format, if available.

Advertising Restrictions

Prior law prohibited any claim of health impacts, medical effects, or physical or mental benefits on any advertising for, labeling of, or marketing of manufacturer hemp products. The act specifies that this applies regardless of whether the products were manufactured in Connecticut or elsewhere. By law, a violation is deemed a violation of the Connecticut Unfair Trade Practices Act (CUTPA).

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining 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.

Suspension

By law, manufacturer hemp product sellers do not need to be licensed if they only engage in the following activities:

1. retail or wholesale sale of manufacturer hemp products that require no further hemp manufacturing and that are obtained from someone authorized by law in Connecticut or another jurisdiction to manufacture hemp,
2. acquiring manufacturer hemp products only for resale, or

3. retail sale of manufacturer hemp products that are authorized under federal or state law.

The act allows the DCP or Department of Revenue Services commissioner to summarily suspend any credential their respective department issues to anyone selling manufacturer hemp products in violation of the provision above and those below. The suspension must be done in accordance with the Uniform Administrative Procedure Act's procedures for licensing matters (CGS § 4-182).

The act also makes a violation of this provision, and the manufacturer hemp provisions below, a CUTPA violation.

Synthetic Cannabinoids

The act prohibits manufacturer hemp products containing synthetic cannabinoids from being offered for sale in Connecticut or to a Connecticut consumer. By law, "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 (CGS § 21a-240(62)).

Packaging and Labeling

Under the act, no manufacturer hemp product offered for sale in Connecticut, or to a Connecticut consumer, may be packaged, presented, or advertised in a way that is likely to mislead a consumer by incorporating any statement, brand, design, representation, picture, illustration, or other depiction that:

1. bears a reasonable resemblance to trademarked or characteristic packaging of (a) cannabis offered for sale by a licensed Connecticut cannabis establishment or on tribal land by a tribal credentialed cannabis entity, or (b) a commercially available product other than a cannabis product; or
2. implies that the product (a) is a cannabis product, (b) contains a total THC concentration greater than 0.3% on a dry-weight basis, or (c) is a high-THC hemp product.

Food or Other Product for Human Ingestion. The act prohibits manufacturer hemp products that are a food, beverage, oil, or other product intended for human ingestion to be distributed or sold in Connecticut unless the package or package label contains the following:

1. a scannable barcode, website address, or quick response code that is linked to the certificate of analysis of the final form product batch by an independent testing laboratory and discloses certain information about the product (see below);
2. the product's expiration or best by date, if applicable;
3. a clear and conspicuous statement disclosing certain warnings (see below); and
4. if the product is intended to be inhaled, a clear and conspicuous warning that smoking or vaporizing is hazardous to human health.

The electronic notice must disclose the:

1. product's name;
2. product's manufacturer, packer, and distributor's name, address, and telephone number, as applicable;
3. batch number, which must match the batch number on the package or label; and
4. concentration of cannabinoids in the product, including total THC and any cannabinoids or active ingredients comprising at least 1% of the product.

The warnings must be that:

1. children or those who are pregnant or breastfeeding should avoid using the product before consulting with a health care professional about the product's safety,
2. products containing cannabinoids should be kept out of reach of children, and
3. the FDA has not evaluated the product for safety or efficacy.

Cosmetics. The act prohibits manufacturer hemp products that are topical, soap, or cosmetic from being distributed or sold in Connecticut unless the product has within the package or on a label affixed to the package:

1. a substantially similar electronic notice as required for food (see above);
2. the product's expiration or best by date, if applicable; and
3. a clear and conspicuous statement disclosing the following: "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY OR EFFICACY.".

(PA 23-166, § 7, delays the effective date of these manufacturer hemp provisions from July 1, 2023, to October 1, 2023.)

§ 49 — CANNABIS OMBUDSMAN

Establishes the Office of the Cannabis Ombudsman within the healthcare advocate's office, within available appropriations; among other things, requires the ombudsman to represent the interests of qualifying medical marijuana patients and caregivers

The act establishes, within available appropriations, an Office of the Cannabis Ombudsman, which is in the healthcare advocate's office for administrative purposes only. The Office of the Cannabis Ombudsman is under the direction of a cannabis ombudsman, who the healthcare advocate must appoint. The appointed individual must be familiar with the palliative use of marijuana and the medical cannabis system.

The ombudsman office must:

1. represent the interests of qualifying patients and caregivers and identify, investigate, and resolve complaints made by them or on their behalf;
2. monitor the palliative use of marijuana as allowed under the medical marijuana laws;
3. report actions, inactions, or decisions that may adversely affect qualifying patients' health, safety, welfare, or rights;
4. analyze, comment on, facilitate public comment on, and monitor the development and implementation of federal, state, and local laws, regulations, and other government policies and actions concerning qualifying patients' and caregivers' health, safety, welfare, and rights; and
5. recommend any changes to the laws, regulations, policies, and actions described above that the office deems appropriate to, among other things, improve the state's palliative marijuana market.

EFFECTIVE DATE: Upon passage

§ 54 — TASK FORCE ON CERTAIN SALES OF HOME-GROWN CANNABIS

Establishes a 13-member task force to study the potential health, safety, and financial impact of allowing people who cultivate cannabis at home to sell, at retail, the cannabis at events

The act establishes a 13-member task force to study the potential health, safety, and financial impact of allowing individuals who are authorized to cultivate cannabis in their residences to sell, at retail, the cannabis at events organized, at least in part, to facilitate these sales. The task force must (1) examine the impact that the sales would likely have on the state, including the impact on residents and the existing medical and recreational cannabis markets, and (2) if the task force recommends that the state authorize these sales, recommend any legislation needed to authorize and regulate the sales.

Under the act, the House speaker, Senate president pro tempore, and governor each must appoint two members and the House and Senate majority and minority leaders each must appoint one. Additionally, the DCP, public health, and mental health and addiction services commissioners or their designees serve as ex-officio members. The legislative appointments may be legislators. All initial task force appointments must be made by July 26, 2023. The appointing authority must fill any vacancy.

The act requires the House speaker and Senate president pro tempore to select the chairpersons, who must schedule the first task force meeting to be held by August 25, 2023. Under the act, the General Law Committee's administrative staff must serve as the task force's administrative staff.

By January 1, 2024, the task force must submit a report on its findings and recommendations to the General Law Committee. The task force terminates on the date it submits the report or January 1, 2024, whichever is later.

EFFECTIVE DATE: Upon passage

PA 23-84—sHB 6769
General Law Committee
Insurance and Real Estate Committee

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING REAL ESTATE LICENSING AND ENFORCEMENT

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Makes a real estate licensee's license renewable biennially rather than annually and accordingly adjusts fees; imposes fines for failure to complete continuing education requirements on time; modifies the deadlines and process for seeking reinstatement; enhances the appeals process for license denials

§ 29 — DISCLOSURES TO OTHER PARTY AND PROSPECTIVE PARTIES

Modifies requirements for licensees' disclosure of their clients' identity; requires additional disclosures to prospective parties (e.g., concerning agency relationship and fair housing)

§ 31 — PROSPECTIVE PARTIES' CONFIDENTIAL INFORMATION

Expands existing confidentiality law to prohibit real estate licensees from misusing prospective parties' confidential information

SUMMARY: This act makes various changes to the laws governing real estate business, including the laws on credentialing and the Department of Consumer Protection (DCP) commissioner's authority and oversight.

With regard to real estate credentials, the act (1) clarifies that an associate broker may work for another broker in a capacity that is similar to that of a real estate salesperson and (2) codifies a registration process for schools offering prelicensure and continuing education courses. For DCP-issued real estate licenses, the act makes them biennial, rather than annual, licenses and allows for license reinstatement within three, rather than two, years of expiration. It adds provisions applicable to all real estate licensees (i.e., brokers and salespeople) on their duty to disclose, or keep confidential, certain information. It also creates a process for transitioning or wrapping up a brokerage business in the event of a broker's death or incapacity.

The act also makes many minor and technical changes to the real estate licensing laws (i.e., chapter 392) to clarify existing requirements for real estate licensees or conform to existing practice. Among other minor changes, the act:

1. updates the definition of "advertising" used in the laws on real estate (i.e., chapter 392) to reflect the trend away from print advertising to online and electronic advertising (§§ 1, 32 & 40);
2. clarifies that when the real estate licensing laws refer to a "one-to-four-family residential property" the reference includes (a) a cooperative or condominium with up to four units and (b) an individual unit in a multiunit development (§§ 1 & 35-36);
3. specifically permits a real estate team to transfer the team's registration from one supervising licensee (broker) to another without applying for a new team registration (§ 9);
4. requires, when a team transfers to a new supervising licensee, the new supervising licensee to electronically update the team's registration information with DCP within 14 days (§ 16);
5. eliminates a requirement in the real estate license reciprocity law granting reciprocity to out-of-state credentialed

applicants only if the other state grants reciprocity to Connecticut licensees (§ 14);
6. eliminates a provision requiring applicants for a reciprocal license to consent to receiving service of process through the Connecticut Real Estate Commission (§ 14);
7. allows a Connecticut-licensed broker or salesperson to compensate an out-of-state broker or salesperson for referring a prospective party to a real estate transaction in Connecticut (§§ 27 & 32);
8. prohibits brokers from making unilateral offers of subagency or otherwise affiliating with a subagent (prior law allowed this with informed written consent) (§ 30);
9. unless it is commercially impractical, requires brokers to keep documents (e.g., purchase contracts, leases, options) in an electronic format, rather than allowing them to use any format to comply with existing law's records retention requirements (§ 33);
10. requires the provision of a one-page disclosure on housing discrimination and federal and state fair housing laws at the closing for any residential real property, not just closings for properties with at least two units (§ 37); and
11. clarifies the law stipulating who is exempt from real estate licensing laws, including specifying leasing agents and a broker's clerical staff are exempt (§ 39).

Regarding enforcement powers, the act clarifies that DCP has broad authority to investigate real estate licensees and others engaged in the real estate business and allows DCP or the Real Estate Commission to impose fines of up to $5,000 per violation. Under prior law, the cap was $2,000, except first violations of the law on illegal referral fees was capped at $1,000 (§§ 17 & 18). The act similarly raises the cap, from $1,000 to $5,000 on fines imposed by the Real Estate Commission on people engaging in real estate business without the required license (§ 9). The act sets fines for licensees who fail to complete required continuing education coursework on time (§ 15). It also repeals general penalty and appeal provisions, which largely are redundant to other existing provisions in the law (§ 44).

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

EFFECTIVE DATE: April 1, 2024

§§ 2 & 16 — SUPERVISING BROKERS' RELATIONSHIP WITH ASSOCIATE BROKERS

Clarifies that an associate broker may work for another broker ("supervising licensee") in a capacity that is similar to a real estate salesperson, which is consistent with existing practice

The act clarifies the relationship between supervising brokers ("supervising licensees") and associate brokers. The act prohibits associate brokers from practicing real estate unless the supervising licensee responsible for controlling and supervising the associate broker knows that the latter is engaging in real estate business and has consented to it.

Under the act, a "supervising licensee" is the real estate broker who is responsible for controlling and supervising another real estate licensee (i.e., broker or salesperson) or a team of them (i.e., any combination of at least two of them that advertise using a team name and are affiliated with a single supervising licensee). An "associate broker" is a broker affiliated with a supervising licensee in an employee or independent contractor capacity with authority to engage in real estate business on the supervising licensee's behalf. The act requires supervising licensees to be responsible for associate brokers' actions as they would for affiliated salespeople.

When an associate broker's affiliation with a supervising licensee ends, he or she must notify DCP by the earlier of 14 days after the (1) termination or (2) start of an affiliation with another supervising licensee. As is the case for salespeople under existing law, the act requires associate brokers who transfer their affiliation to a different broker to register the transfer with DCP, at a cost of $25.

The act specifies that associate brokers must comply with the same advertising standards required of other real estate brokers and specifically requires them to include the name of the supervising licensee in a prominent location in all their advertisements.

§§ 3-4, 12 & 17 — REAL ESTATE EDUCATION PROGRAMS

Generally replaces regulatory requirements on prelicensing and continuing education courses with similar statutory ones

The act creates a statutory scheme setting requirements for schools that offer real estate prelicensing or continuing education courses, which are generally similar to existing regulatory requirements related to (1) DCP registration, (2) instructor qualifications, and (3) course offering approvals.

It correspondingly eliminates a requirement that the DCP commissioner adopt regulations on approval of continuing education schools, but continues to allow the commissioner, in consultation with the Real Estate Commission, to adopt regulations on prelicensing or continuing education school approval, advertising, and course offerings.

DCP Registration

The act requires all schools that offer prelicensing or continuing education courses to register with the department biennially, as prescribed by the DCP commissioner. The registration fee is $100 biennially. The form must include an attestation that (1) all courses it offers comply with the applicable requirements (including being individually registered, as the act requires) and (2) the instructors teaching courses at the school meet the act's prescribed qualifications.

The act prohibits DCP from disapproving schools or courses just because courses are taught by electronic means.

The act subjects real estate school registrants to DCP or the Real Estate Commission's authority under existing law to investigate registrants, temporarily suspend or permanently revoke a registration, and fine violators of real estate credentialing laws up to $5,000 per violation.

Instructors

Under the act, an instructor must have:

1. at least five years of experience as a practicing real estate licensee;
2. expertise or a professional designation from an institute or society in the field in which the instructor teaches; or
3. (a) experience teaching a course in a formal education program or (b) attended an accredited college or university extension instructors' seminar.

If teaching a collegiate level course that is part of a degree program, the instructor must have (1) teaching experience and a master's degree in an appropriate field or (2) another combination of qualifications that the Real Estate Commission approves.

Course Registration

Under the act, each prelicensing or continuing education course a school offers must be registered with DCP. Only registered and approved courses count toward licensing or continuing education requirements. The cost to register each course is $50 and registrations are valid for five years. The school must submit to DCP an application, in a format the department specifies, that includes:

1. an outline of the course content detailing its duration and the amount of time spent on each subject covered;
2. the course instructor's name and contact information;
3. a copy of the certificate that will be issued to students upon completion or, if the school offers more than one course, the DCP-approved template course completion certificate;
4. the cancellation and refund policy;
5. an attestation that the course meets all legal requirements; and
6. if the course is in-person, the location.

For prelicensing courses, content must be delivered on an in-person basis or through electronic means incorporating a live online format. If a prelicensing or continuing education course is offered by electronic means that do not allow for real-time audio communication between the instructor and students, the school must include in the course periodic interactive assessments to confirm each student's level of comprehension and engagement.

For continuing education courses, the content does not need to be delivered live, but the course must be delivered in a way that prevents students from finishing it in less time than the duration specified in the application. The following meet this requirement:

1. offering a live online course format using telecommunications technology that allows for real-time audio communication between the instructor and students or
2. using technology that prohibits a student from completing the course in less time than the total course duration specified in the application the school filed with DCP.

§ 5 — ACKNOWLEDGEMENT OF INTERPRETER SERVICES

Requires parties to a real estate transaction or negotiation to sign a form that specifically acknowledges that a language interpreter's services were used

Form When Third-Party Serves as Interpreter

Under the act, if a buyer or renter uses an interpreter (other than the real estate licensee or their employee) for a real estate transaction or negotiation, the real estate licensee must give the buyer or renter and the interpreter a form with certain

language, which they must sign. The language must read as follows:

> "I, (name of buyer or renter), used (name of interpreter) to act as my interpreter during this real estate transaction or these negotiations. The obligations of this contract or other written agreement were explained to me in my native language by the interpreter. I understand the contract or other written agreement.
>
> (signature of buyer or renter)
>
> (relationship of interpreter to buyer or renter)
>
> I, (name of interpreter), acted as interpreter during this real estate transaction or these negotiations. The obligations of the contract or other written agreement were explained to (name of buyer or renter) in their native language. I understand the contract or other written agreement.
>
> (signature of interpreter)
>
> (relationship of interpreter to buyer or renter)."

Form When Real Estate Licensee Acts as Interpreter

If a real estate licensee acts as an interpreter for a buyer or renter while also engaging in a real estate transaction, the act requires the real estate licensee to get the buyer or renter's signature on a form the licensee must provide with the following language written in the buyer or renter's native language:

> "This real estate transaction or these negotiations were conducted in (buyer's or renter's native language), which is my native language. I voluntarily choose to have the Real Estate (Broker/Salesperson) act as my interpreter during the negotiations. The obligations of the contract or other written agreement were explained to me in my native language. I understand the contract or other written agreement."

Under the act, if the buyer's or renter's native language cannot be reduced to writing, the form must be in English.

§ 6 — WRAPPING UP OR TRANSITIONING BROKERAGE BUSINESS

Establishes a process for a brokerage business to wrap up or transition under the oversight of a custodial broker in the event of a broker's death or incapacitation

Under the act, if a broker dies or is mentally or physically incapacitated and unable to serve as a broker, the executor of his or her estate (or another legally authorized person) may apply to DCP requesting the appointment of a custodial broker. If DCP approves the application, it must appoint a custodial broker to serve a maximum 180-day term, unless DCP extends it after receiving a hardship application. Under the act, a "custodial broker" is a licensed broker who is temporarily appointed just to:

1. conclude the deceased or incapacitated broker's real estate business matters or transition them to another broker or
2. assist in transitioning the broker's ownership interest in a business entity engaged in real estate to comply with the law's requirements for broker businesses (e.g., ownership and control requirements).

Custodial brokers must preserve the financial interests of the deceased or incapacitated real estate broker or the estate of the deceased real estate broker. They cannot negotiate the purchase, sale, or lease of real estate on behalf of the deceased or incapacitated broker unless:

1. the prospective purchaser, seller, lessor, or lessee entered into a preexisting buyer agreement, listing agreement, or leasing agreement with the deceased or incapacitated broker and
2. the prospective purchaser or lessor has executed a contract or paid a deposit to a seller or lessee to reserve a right to purchase or lease.

Associates and Team Members

The act prohibits salespeople and team members from engaging in real estate business while the broker serving as their supervising licensee is deceased or incapacitated unless a custodial broker has been appointed.

Serving as the Designated Broker

If a business entity's designated broker (i.e., the person with the power to supervise and control a broker business

entity) is deceased or incapacitated, the business entity cannot conduct real estate transactions unless a custodial broker has been appointed.

If a custodial broker is appointed to serve as the business entity's designated broker, the business entity may engage in real estate transactions as it would if the designated broker was not a custodial broker.

§§ 7 & 33 — LEASING AGENTS' SCOPE OF WORK AND EMPLOYMENT

Outlines residential real estate activities a leasing agent may engage in and under whose affiliation

Under the act, a "leasing agent" is someone who acts as agent for a principal for a commission, fee, or other valuable consideration and engages in residential leasing or renting activity (e.g., collecting security deposits, offering or negotiating a rental, or collecting rent). The act specifies that leasing agents cannot engage in any activity that requires a broker or real estate salesperson's license, including (1) selling, offering, listing, negotiating, referring, or showing for sale; (2) entering into lease-to-own agreements; or (3) leasing commercial real estate.

Leasing agents must only work for and be employed by a development owner who, under the act, is the (1) owner of record of a multiunit development in which units are offered for lease or (2) parent company holding a 100% interest in the owner of record. "Multiunit developments" are residential complexes with at least 50 units that are rentals. Leasing agents must have a written contract before engaging in leasing activity for a development. Contracts must be maintained for at least seven years and provided in electronic form to DCP upon request.

§§ 11 & 15 — LICENSE RENEWALS, REINSTATEMENT, AND APPEALS

Makes a real estate licensee's license renewable biennially rather than annually and accordingly adjusts fees; imposes fines for failure to complete continuing education requirements on time; modifies the deadlines and process for seeking reinstatement; enhances the appeals process for license denials

Biennial Licenses

The act makes broker and salesperson licenses renewable biennially, rather than annually. It correspondingly increases the:

1. initial license fee for brokers from $565 to $1,130;
2. renewal fee for brokers from $375 annually to $750 biennially;
3. initial license fee (and identical renewal fee) for salespeople from $285 to $570;
4. continuing education processing fee from $4 annually to $8 biennially; and
5. amount of each real estate license renewal fee that goes to the Real Estate Guaranty Fund from $3 to $6.

Late Renewal and Reinstatement

Under the act, if a renewal application is submitted within 90 days after the credential's expiration, the applicant does not have to apply for reinstatement. But the applicant may be subject to the statutory late fee (10% of the renewal fee, but not less than $10 or more than $100) (CGS § 21a-4(c)).

Under the act, if more than 90 days elapse, but fewer than three years, an application for reinstatement is required. Under prior law, reinstatement could be sought only within two years from the license's expiration. As under existing law, reinstatement is discretionary and if the period during which reinstatement may be sought ends, the expired license holder must apply for a new license.

Under the act, reinstatement requirements vary depending on whether the person worked in the field without a required license. The act applies the same fee structure that already applies to reinstatements but adds requirements for continuing education. So, under the act:

1. if the applicant did not work, he or she must (a) pay the current year's renewal fee for reinstatement and (b) take any continuing education required for the year of, and the year before, the reinstatement and
2. if the applicant worked, he or she must (a) pay all license and late fees due for the period the credential was lapsed and (b) demonstrate completion of any continuing education required for the year before reinstatement.

For each year or fraction of a year from the date of expiration, the late fee is $375 for brokers and $285 for salespeople.

Military Reinstatements

The act gives people in the military up to three years, instead of the two years as under prior law, to seek a no-fee reinstatement. But the act also requires them to show that they completed at least six hours of continuing education, including the mandatory continuing education required for their license, during the calendar year before the date they file for reinstatement.

Continuing Education Delinquency Fee

Under the act, if a real estate licensee fails to complete the required continuing education for any two-year license period, they must pay:

1. $315 if the requirements were met within two months after the license period expired or
2. $625 if the requirements were met more than two months, but less than four, after the license period expired.

The department must prescribe how a licensee can report this information to it.

Appeals Following Denial

The act enhances existing law's appeals process for applicants who are refused a real estate license. As under existing law, applicants who are denied an initial or renewal license must be afforded an opportunity for a hearing.

The act specifies that following a denial, DCP must send a notice to the applicant disclosing the denial and informing them that they may request a hearing by submitting a written hearing request within 30 days after the notice was sent. If the applicant requests a hearing, DCP must send him or her a notice disclosing the grounds for the license denial. DCP must hold the hearing and, if the denial is sustained, the applicant may file a new application for the same license or renewal not sooner than one year after the denial date.

§ 29 — DISCLOSURES TO OTHER PARTY AND PROSPECTIVE PARTIES

Modifies requirements for licensees' disclosure of their clients' identity; requires additional disclosures to prospective parties (e.g., concerning agency relationship and fair housing)

Under prior law, real estate licensees who represented a seller, lessor, prospective purchaser, or lessee had to disclose, in writing, the identity of their client to any party to the transaction who did not have a broker or salesperson representing them. If it was a commercial transaction, the disclosure was required before the prospective purchaser or lessee signed the purchase contract or lease. For residential transactions, the disclosure was required at the beginning of the first personal meeting on the (1) prospective purchaser's or lessee's specific needs in the transaction or (2) seller's or lessor's real property. The act instead requires licensees to disclose their client's identity upon request.

The act also requires licensees to disclose to prospective parties in writing (including by electronic means) by the first personal meeting:

1. the types of agency relationships available to the prospective party and
2. that the prospective party should not share confidential information with the licensee until the prospective party has entered into a written representation agreement with the licensee.

If it is a residential real estate transaction, licensees must also give a prospective party information on fair housing discrimination, including a description of federal and state fair housing laws, protected classes, and where to get more information and available resources.

As under existing law, the DCP commissioner must adopt regulations to carry out these disclosure provisions as he deems necessary.

§ 31 — PROSPECTIVE PARTIES' CONFIDENTIAL INFORMATION

Expands existing confidentiality law to prohibit real estate licensees from misusing prospective parties' confidential information

Existing law, with limited exceptions, prohibits real estate licensees from (1) revealing confidential information about a person whom they represented as an agent, designated buyer agent, or a designated seller agent; (2) using confidential information about that person to the person's disadvantage; or (3) using confidential information about that person for the licensee's advantage or the advantage of a third party. The act expands these prohibitions to include confidential information

about prospective parties, which the act defines as people that communicate with a licensee to consider potential representation in a real estate transaction.

PA 23-98—sSB 1058
General Law Committee
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING CHARITABLE ORGANIZATIONS, TELECOMMUNICATIONS AND THE ATTORNEY GENERAL'S RECOMMENDATIONS REGARDING CONSUMER PROTECTION

TABLE OF CONTENTS:

Beginning October 1, 2023, deems all municipalities to have adopted the Bazaar and Raffles Act but allows them to opt out of it; relaxes rules for conducting and promoting bazaars and raffles

SUMMARY: A section-by-section analysis follows.
EFFECTIVE DATE: Various, see below.

§§ 1-3 — INVESTIGATIVE DOCUMENTS IN THE POSSESSION OF STATE ENTITIES

Allows the state to temporarily withhold from public disclosure documents related to CUTPA investigative demands; requires certain antitrust and health and human services investigation documents or other information that was provided electronically to be erased

The act addresses state entities' handling of documents related to investigations of alleged Connecticut Unfair Trade Practices Act (CUTPA), antitrust, or health or human services violations. It also makes technical changes. By law, CUTPA is a consumer protection law that prohibits anyone from engaging in unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce (CGS § 42-110b(a)).
EFFECTIVE DATE: July 1, 2023, except the provisions on CUTPA investigations are effective upon passage.

CUTPA Investigations (§ 1)

By law, the Department of Consumer Protection (DCP) commissioner, attorney general, or their employees must publicly disclose records related to an investigation of an alleged CUTPA violation under the state's Freedom of Information Act. This includes any complaint initiating the investigation and all records related to its disposition or settlement. While the investigation's completion is pending, the act allows the commissioner to temporarily withhold from public disclosure any documents containing responses to investigative demands.

Antitrust and Health and Human Services Investigations (§§ 2 & 3)

By law, the attorney general, his deputy, or any designated assistant attorney general must not make public any documents provided to them in association with an investigation of alleged (1) state antitrust act violations, provided on demand or voluntarily, or (2) false claims and other prohibited acts related to state-administered health or human services programs, provided on demand. When the investigation is complete, or when any action or proceeding has reached its final determination, the documents must be returned to the person who provided them. Under the act, if the documents or other information were provided electronically, they must be erased.

§§ 4-7 — CONSUMER PRIVACY

Adds "precise geolocation data" to the types of personal information subject to data breach notice requirements; changes the penalty and enforcement mechanism for personal information safeguarding requirements; changes the liability threshold for data controllers

Personal Information and Breach Notices (§ 4)

By law, any person who owns, licenses, or maintains computerized data that includes personal information must comply with certain reporting and mitigation requirements when personal information is reasonably believed to have been breached. The act adds "precise geolocation data" to the types of personal information subject to these requirements, when in combination with a person's (1) first name or first initial and (2) last name. By law, "precise geolocation data" is information derived from technology (e.g., GPS-level latitude and longitude coordinates or other mechanisms) that directly identifies someone's specific location with precision and accuracy within a 1,750-foot radius. It excludes the content of communications and data related to utility metering systems.

Existing law generally requires the person or entity subject to the breach to notify (1) any state resident whose personal information was breached and (2) the attorney general. The law generally requires this notice in specific formats (i.e., written, by phone, or electronically) but creates an exception, allowing a "substitute notice" if the notifier demonstrates that the cost would exceed $250,000; the group to be notified would exceed 500,000 people; or the notifier lacks sufficient contact information. The act specifies that the notifier must demonstrate that these substitute notice criteria are met in the

notice about the breach it gives to the attorney general. (By law, substitute notice includes emailing affected people, posting on the notifier's website, and notifying major statewide media of the breach.)

By law, failure to comply with breach requirements is an unfair trade practice under CUTPA. The act additionally allows civil penalties collected for failure to comply with these requirements to be deposited in the privacy protection guarantee and enforcement account.

Among other things, CUTPA allows the DCP commissioner to investigate complaints, issue cease and desist orders, and order restitution in certain cases. While individuals generally can sue under CUTPA, the act specifies that it does not create a private right of action and disallows individuals and classes from suing under CUTPA for violations of these safeguarding requirements. Under CUTPA, 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 restraining order violations (CGS § 42-110a et seq.).

Safeguarding Requirements (§ 5)

A separate existing law requires people in possession of other types of personal information to (1) safeguard the data, and computer files and documents containing it, from misuse by third parties and (2) destroy, erase, or make the data, computer files, and documents unreadable before disposing of them. These safeguarding requirements apply to information associated with a particular individual through one or more identifiers (e.g., Social Security numbers, driver's license numbers, state identification card numbers, account numbers, debit or credit card numbers, passport numbers, alien registration numbers, health insurance identification numbers, or any military identification information).

Existing law subjects violators to a $500 civil penalty for each violation (up to $500,000 for a single event), and penalties only apply to intentional violations. The act additionally makes a violation an unfair trade practice under CUTPA. Additionally, the act allows, rather than requires, civil penalties to be deposited into the privacy protection guaranty and enforcement account (see below).

Under prior law, DCP enforced safeguarding requirements unless the person possessing data was supervised by another state agency under a license, registration, or certificate. In that case, the other state agency enforced them. The act exempts the attorney general's actions from these provisions.

Personal Data Framework (§ 6)

Existing law prohibits controllers (i.e., individuals or legal entities that determine the purpose and means of processing personal data) from processing a consumer's personal data for targeted advertising, or selling the consumer's data without the consumer's consent, for consumers ages 13 to 15. Under prior law, for the prohibition to apply, the controller had to have actual knowledge that the consumer's age was in this range and willfully disregard it. Under the act, either actual knowledge or willful disregard of the consumer's age makes a controller subject to the prohibition.

EFFECTIVE DATE: July 1, 2023, except the provisions on data breach requirements are effective October 1, 2023.

Background — Related Act

PA 23-56, § 4, contains a provision identical to § 6 prohibiting a controller that has actual knowledge or willfully disregards the consumer's age from processing the consumer's data for targeted advertising without the consumer's consent.

§ 7 — TICKET PRICING

Establishes disclosure requirements for anyone selling or reselling tickets for an entertainment event; requires operators that charge admission prices for places of entertainment to include certain related information on the ticket face; prohibits false or misleading disclosures

For entertainment events where a service charge will be imposed, existing law requires advertisements to conspicuously disclose each ticket's total price and the portion of the total price that represents a service charge. Prior law did not define "service charge," but the act defines it as any additional fee or charge that is designated as an "administrative fee," "service fee," "surcharge," or another substantially similar term.

The act additionally requires operators who charge an admission price for a place of entertainment to print, endorse, or otherwise disclose on each ticket face for an event the (1) established ticket price and (2) final price of the ticket if the operator or his or her agent sells or resells it (including at auction). (PA 23-191, § 5, specifies that movie tickets are not deemed tickets to an entertainment event.)

The act requires any person who facilitates ticket sales or resales for an entertainment event to disclose the following:

1. the total ticket price, including all service charges required to buy the ticket, and
2. in a clear and conspicuous manner, to the ticket purchaser, the portion of the ticket price in dollars attributable to service charges charged to the ticket purchaser.

The act requires these disclosures to be displayed in the ticket listing before the ticket is selected for purchase. It prohibits any increase of the total ticket price during the ticket purchasing process (i.e., from the time when the ticket is selected for purchase and ending when it is purchased), other than a reasonable service charge to deliver a nonelectronic ticket if the charge is (1) based on the delivery method selected by the ticket purchasers and (2) disclosed to the purchaser before purchase.

The act prohibits (1) false or misleading disclosures and (2) disclosures from being presented more prominently than the total ticket price or in a font size as large or larger than the font size of the total ticket price.

EFFECTIVE DATE: October 1, 2023

§§ 8-14 & 25 — TELEMARKETING AND DO NOT CALL REGISTRIES

Broadens applicability of the state's telemarketing laws, Do Not Call laws, and related restrictions; prohibits initiating a telephonic sales call using various types of technology to contact a state resident or telephone number with a Connecticut area code; establishes rebuttable presumptions on call locations

Telemarketers, Contracts, and Payments (§§ 8 & 10-12)

The act broadens the applicability of the state's telemarketing laws, and in doing so, makes numerous minor and conforming changes. Among other changes, the act generally prohibits telemarketers from making a telephonic sales call to a consumer without the consumer's prior express written consent. Prior law only prohibited telephone solicitors from making these calls if they were unsolicited, automatically dialed, and recorded.

Under existing law, an oral agreement between a consumer and a telemarketer is not binding, valid, or enforceable unless the telemarketer receives a written, signed contract disclosing the agreement's full terms. If the telemarketer sends goods or services to the consumer without this written contract, they are considered an unconditional gift with no obligation to the consumer (CGS § 42-285).

Telemarketers. Under prior law, a "telemarketer" was any person who initiated the sale, lease, or rental of consumer goods or services, or offered gifts or prizes with the intent to sell, lease, or rent consumer goods, by methods that include (1) telephone or (2) television, radio, or written notice that does not describe goods or services or disclose a price and instead included a request to contact the seller by telephone. Under the act, "consumer goods or services" are articles or services purchased, leased, exchanged, or received primarily for personal, family, or household purposes, including warrantees, gift cards, stocks, bonds, mutual funds, annuities, and other financial products.

The act expands the definition of telemarketer to include persons who make, or cause to be made, a telephonic sales call (see below) and those who use the following methods or technologies:

1. automated dialing system, which is a device that (a) automatically dials a telephone number or (b) makes a connection to an end user through an automated system used to dial a telephone number and transmit a voice communication;
2. soundboard technology, which is a technology that allows someone to communicate with a call recipient in real time by playing a recorded audio message instead of using his or her voice;
3. over-the-top message, which is a text-based communication on a platform that uses existing Internet services to deliver messages (e.g., WhatsApp and Facebook Messenger); or
4. text or media message, which is a message consisting of text or any image, sound, or other information transmitted by or to a device identifiable through a 10-digit telephone number or N11 service code.

Emails sent to email addresses are not text or media messages under the act. A "text or media message" includes a short message and multimedia message service that contains written, audio, video, or photographic contact sent electronically to a mobile telephone or mobile electric device telephone number.

The act specifies that "telemarketers" include telemarketers' affiliates or subsidiaries doing business in Connecticut (e.g., conducting telephonic sales calls from within Connecticut to state residents or to a Connecticut area code). A "voice communication" is a communication made by an individual or an artificial or prerecorded message, including a voice message transmitted directly to a recipient's voicemail regardless of whether the recipient's phone rings as part of the transmission. It does not include an automated warning required by law.

Prior law distinguished a telephone solicitor from a telemarketer. The act eliminates this distinction.

Telephonic Sales Calls. The act also expands the definition of a "telephonic sales call." Under prior law, a telephonic sales call was a telephone call made by a telephone solicitor, or a text or media message sent by or on behalf of a telephone solicitor to:

1. engage in a marketing or sales solicitation;
2. solicit a credit extension for consumer goods or services; or
3. obtain information that will or may be used for a marketing or sales solicitation or exchange of, or credit extension for, consumer goods or services.

The act establishes a more expansive definition of telephonic sales call that also applies (1) to telephone calls made on a telemarketer's behalf and (2) regardless of whether the calls are made using a live voice, automated dialing system, recorded message device, soundboard technology, or over-the-top messaging or text or media messaging. It applies to calls made to a Connecticut consumer or telephone number with a Connecticut area code. It also includes as telephonic sales calls those made to:

1. encourage the consumer to share personally identifying information or buy or invest in any property, goods, services, or other things of value if the consumer did not previously express interest in doing so or
2. solicit the consumer to donate any money, property, goods, services, or other thing of value if the consumer did not previously express interest in doing so.

The act defines a "marketing or sales solicitation" as the initiation of a communication, including through the technologies described above, to encourage the purchase or rental of, or investment in, property, goods, services, or anything of value transmitted to a Connecticut consumer or telephone number with a Connecticut area code. It excludes communication to these consumers (1) with their prior express written consent following a detailed disclosure; (2) when there is an established business relationship as defined under the act; or (3) in response to a consumer's visit to an establishment selling, leasing, or exchanging consumer goods or services at a fixed location. The act eliminates an additional exclusion under prior law for calls or messages made by a tax-exempt nonprofit.

Under the act, "personally identifying information" is an individual's birthday, mother's maiden name, driver's license number, Social Security number, health insurance identification number, financial account number, security code or personal identification number, or government-issued identification number that is not otherwise made directly available to the public.

Exceptions. Under the act, telephonic sales calls exclude the following types of calls or messages:

1. those made to respond to a request or inquiry from a consumer who resides in the state, including a call or message about an item the consumer bought from the telemarketer during the previous 12-month period;
2. those made by a nonprofit organization to a consumer who is a state resident listed as a bona fide or active member of the organization;
3. those limited to polling, soliciting votes, or expressing an idea or opinion;
4. those made as part of a business-to-business contact;
5. those made to a consumer who resides in the state who granted prior express written consent (see below) to receiving a call or message;
6. those sent primarily in connection with an existing debt or contract that has not been completely paid or performed;
7. those sent to the telephone solicitor's existing customer unless the customer informed the solicitor, orally or in writing, that he or she does not wish to receive calls or messages from the solicitor; and
8. those sent for a religious, charitable, political, or other noncommercial purpose.

Written Contracts (§§ 10 & 11). The act expands the information that the written contract must contain to include the telemarketer's (1) headquarters address and (2) home state or country for entity registration purposes. It also specifies that the telemarketer's listed name must be its legal name. If the telemarketer is not the seller, the contract must instead include the same information for the seller.

The act also expands the types of payment that are subject to requirements for a written contract. Existing law prohibits telemarketers from accepting payments from a consumer or submitting a charge to a consumer's credit card unless the telemarketer receives a written and signed contract from the consumer. The act also applies this prohibition to payment in any form and charges to a charge card, debit card, or electronic payment platform account. Under existing law, when the consumer pays a telemarketer who has not received a written signed contract from the consumer, the telemarketer must refund the consumer's payment or credit the consumer's account. The act specifies that this obligation is for a full refund and must be completed immediately.

Connecticut Transactions (§ 12). Under prior law, any transaction occurring between a telemarketer and a consumer was considered to have taken place in Connecticut if either the telemarketer or the consumer was domiciled in Connecticut. The act instead considers transactions to have taken place in Connecticut if the (1) telemarketer is a state resident or a business entity registered with, or required to be registered with, the secretary of state to do business in Connecticut; (2)

consumer is a Connecticut resident; or (3) telemarketer contacted the consumer using a telephone number with a Connecticut area code.

The act also establishes a rebuttable presumption that telephonic sales calls have taken place in the state if the communication is made to a Connecticut area code or a Connecticut consumer.

Do Not Call Registries and Other General Restrictions (§ 13)

Both state and federal laws establish "Do Not Call" registries. In practice, the state registry is populated with information from the federal registry. The act specifically requires DCP's state registry to be identical to the federal registry and makes related conforming changes.

Prior law prohibited telephone solicitors from making unsolicited telephonic sales calls to any consumer if the consumer's name and telephone number appeared on the state registry. The act generally retains this prohibition by specifying that violations of federal "Do Not Call" registry laws, or calling a consumer who has specifically requested not to receive calls from the communicating entity, is a violation of the state's telemarketing laws. The act also removes prior law's exemption for calls made by telephone solicitors that have been doing business in the state for less than a year when the consumer has not previously stated that the consumer no longer wishes to receive telephonic sales calls.

Prior Express Written Consent. Regardless of the registry, the act prohibits telemarketers from making a telephonic sales call to a consumer without the consumer's prior express written consent. Prior law only prohibited telephone solicitors from making these calls if they were unsolicited, automatically dialed, and recorded, and referenced a federal definition of prior express written consent applicable to calls made with an automatic dialing system or an artificial or previously recorded voice (47 C.F.R. § 64.1200). Under the act, "prior express written consent" is a consumer-signed written agreement that (1) discloses how the telemarketer will call or contact the consumer and the consumer's telephone number and (2) clearly and conspicuously authorizes the telemarketer to deliver, or cause to be delivered, these disclosed communications.

Disclosure During Call and Removal From Call List. Under the act, people making permissible telephonic sales calls to a consumer's residential, mobile, or telephonic paging device telephone number must disclose, within the first 10 seconds of the call, the (1) caller's identity, (2) call's purpose, and (3) entity for which the person is making the call.

The act requires people making telephonic sales calls to ask at the beginning of the call whether the consumer wishes to continue the call, end the call, or be removed from the telephone solicitor's list. Under the act, for any telephonic sales call, telephone solicitors must end the call within 10 seconds after a consumer indicates his or her wish to end the call. If a consumer informs the telephone solicitor at any point during the call that the consumer does not wish to receive future telephonic sales calls or that the consumer wants the solicitor to remove his or her name, telephone number, or other contact information from the telephone solicitor's list, the telephone solicitors must take the following actions:

1. inform the consumer that his or her contact information will be removed from the solicitor's list;
2. end the call within 10 seconds after the consumer expresses these wishes;
3. refrain from making any more telephonic sales calls to the consumer at any of their associated numbers; and
4. refrain from giving or selling the consumer's name, telephone number, or other contact or personally identifying information to any other entity, or receiving anything of value from any other entity in exchange for the consumer's name, telephone number, or other information.

Call Hours. Prior law prohibited telephone solicitors from making unsolicited telephonic sales calls to a consumer between 9:00 p.m. and 9:00 a.m. local time at the consumer's location. The act extends this period by one hour (8:00 p.m. to 9:00 a.m.) and applies the prohibition to telephonic sales calls (1) made to any consumer residential, mobile, or telephonic paging device telephone number and (2) not otherwise prohibited under the act.

Blocking Devices. Existing law prohibits telephone solicitors from intentionally using blocking devices to circumvent a consumer's use of caller identification services. The act expands this prohibition by also applying it to telemarketers, and to all use of blocking devices rather than only intentional use. The act also expands the type of caller identification systems subject to the protection to include those that allow a consumer to see the caller name or location of an incoming telephonic sales call, rather than just the telephone number.

The act eliminates a provision requiring the DCP commissioner to compensate anyone providing material information that results in an investigation of a telephone solicitor and enforcement of this blocking prohibition (§ 25).

Limitations on Other Technologies. For consumers whose mobile telephone or mobile electronic device telephone numbers do not appear on the state registry, existing law prohibits telephone solicitors from sending text or media message to the number to market or solicit sales of consumer goods without the consumer's prior express written consent. The act expands this prohibition to apply to "calls" generally.

The act makes related conforming changes to retain an exemption in existing law for communications from a telecommunications company when the (1) company does not charge a fee and (2) message is connected to an existing

unpaid debt, an existing contract between the company and the customer, a wireless emergency alert authorized by federal law, or the customer's previous request for customer service.

The act eliminates a more general provision prohibiting telephone solicitors from making unsolicited telephonic sales calls to consumers (1) that are text or media messages to be received on a mobile telephone or mobile electronic device, (2) in the form of faxes, or (3) by using a recorded message device.

The act references the federal registry rather than the state registry for an existing provision requiring any person who republishes or compiles names, addresses, or phone numbers to sell to telephone solicitors for marketing or sales solicitation purposes to exclude consumers who appear on the registry. Existing law authorizes DCP to adopt regulations on provisions governing the availability and distribution of the state registry and notice requirements for consumers wishing to be included on it. The act requires these regulations to be consistent with information on the federal registry.

CUTPA and Fine for Violations. Under existing law, violations of Do Not Call registry laws are CUTPA violations. The act eliminates a provision exempting telephone solicitors from CUTPA liability for making telephonic sales calls to consumers on the registry if the telephone solicitor has demonstrated the following:

1. the telephone solicitor established and implemented written procedures and trained its employees to follow them to comply with the law,
2. the telephone solicitor deleted from its call list any listing of a consumer on the state registry, and
3. the call was made inadvertently.

Under the act, as was generally the case under prior law, anyone liable under these provisions is subject to a fine of up to $20,000 for each violation, in addition to any CUTPA penalty.

Enabling a Voice Communication or Sales Call (§ 9)

The act also prohibits any person (i.e., an individual or legal entity) from providing substantial assistance or support to someone initiating a voice communication or telephonic sales call that enables the initiator to initiate, originate, route, or transmit a voice communication or telephonic sales call if the person knows, or avoids knowing, that the initiator is engaged or intends to engage in fraud or any practice that violates telemarketing and Do Not Call provisions under the act and existing law or CUTPA.

The act's provisions do not prohibit the following:

1. any person from designing, manufacturing, or distributing any component, product, or technology that has a commercially significant use other than circumventing or violating the act's provisions;
2. any telecommunications provider or other entity from providing Internet access to exclude initiation of a voice communication or text message; or
3. any terminating provider (a telecommunications provider upon whose network a voice communication terminates to a call recipient or end user) from taking any action concerning completion of a voice communication (e.g., restoring a dropped call).

The act establishes a rebuttable presumption that a voice communication or telephonic sales call made, or attempted, to any telephone number with a Connecticut area code or to a Connecticut resident has taken place in the state.

The act makes violations unfair trade practices under CUTPA and requires violators to be fined up to $20,000 in addition to any CUTPA penalties.

EFFECTIVE DATE: October 1, 2023

§ 15 — PAID SOLICITORS' DISCLOSURES

Makes several changes in the Connecticut Solicitation of Charitable Funds Act, generally codifying recent caselaw that deemed certain provisions regulating paid solicitors unenforceable on constitutional grounds

The act makes several changes in the Connecticut Solicitation of Charitable Funds Act ("charitable funds act"), generally codifying recent caselaw that deemed certain provisions regulating paid solicitors unenforceable on constitutional grounds (see *Background — Charitable Funds Act*). Regarding registered paid solicitors, the act:

1. reduces, from 20 days to one business day, the prior notice a solicitor must give to DCP before starting a campaign (i.e., by filing his or her contract and solicitation notice form);
2. eliminates the requirement that copies of the charitable campaign solicitation literature, including the text of any proposed oral solicitations, be shared with DCP ahead of the campaign;
3. eliminates the requirement that a solicitor, before making an oral solicitation, disclose the percentage of the gross revenue that the organization will receive; and
4. correspondingly eliminates the requirement that a written confirmation of an oral pledge include information on

the percentage of revenue the organization will receive.

Additionally, the act eliminates the requirement that DCP publicize on its website the (1) terms of the contract between the solicitor and organization, (2) campaign dates, and (3) percentage of fundraising revenue the solicitor will keep. The act also eliminates the DCP commissioner's authority to publicize this information elsewhere as he deems appropriate.

The act narrows the solicitation campaign information solicitors must provide to DCP upon request. Under the act, while solicitors must still maintain a record of contributors' names and addresses (if known), they are no longer required to share this information with DCP. As under prior law, solicitors must still provide DCP, if requested, information on the contribution dates and amounts. Prior law prohibited the department from disclosing this information, except if necessary for investigative or law enforcement purposes. The act eliminates this restriction on DCP's authority to disclose this information.

EFFECTIVE DATE: Upon passage

Background — Charitable Funds Act

By law, the charitable funds act requires charitable organizations that solicit money or support in Connecticut to register with DCP, unless they are exempt (e.g., religious and parent-teacher organizations, certain organizations that normally receive less than $50,000 in contributions annually). Paid solicitors (and some fundraising counsel) are also required to register, post a bond, and file certain reports (CGS §§ 21a-190d to 21a-190f).

Background — Related Caselaw on Paid Solicitors

In 2021, the U.S. District Court for the District of Connecticut issued a preliminary injunction enjoining DCP from enforcing, on the grounds that they likely violated free speech rights, the charitable funds act's requirements that solicitors:

1. give DCP 20 days' notice, and provide DCP copies of the text of any intended solicitation, before starting a campaign and
2. keep records of donors and donations for DCP to inspect.

Additionally, while the court found that the act's requirement that solicitors disclose to prospective donors the percentage of a contribution that the charitable organization would receive did not appear to comport with the First Amendment and U.S. Supreme Court caselaw, it did not enjoin DCP from enforcing this requirement, as the department said that it had already stopped enforcing it (*Kissel* v. *Seagull*, 552 F. Supp. 3d 277 (2021)).

§§ 16 & 17 — CHARITABLE ORGANIZATIONS AUDIT REQUIREMENT

Raises the revenue threshold above which a registered charitable organization must submit to a formal audit, while allowing smaller organizations to instead submit to a CPA's financial "review report"

Under prior law, under the charitable funds act (see *Background — Charitable Funds Act* for § 15, above), charitable organizations with more than $500,000 in annual gross revenue must include a certified public accountant's (CPA) audit report in the annual financial report they submit as part of the DCP registration process. Under the act, beginning with annual reports due after July 1, 2023, the following applies:

1. organizations with over $1 million in gross revenue must only attest in their annual report that a CPA completed the audit and
2. organizations with gross revenues over $500,000 and not exceeding $1 million can instead attest that a CPA completed an audit or financial review report.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 23-99, §§ 30 & 31, contains identical provisions on charitable organization audits and financial review reports.

§ 18 — TV SERVICE CANCELLATIONS

Requires cable-TV and other TV service providers to give customers a prorated rebate when they cancel or downgrade their service before the end of the billing cycle; prohibits the providers from charging for service after a cancellation request

The act requires community antenna (i.e., cable) TV companies and certified competitive video service providers (e.g., Frontier or Verizon) to give customers a rebate when they request a disconnection, service downgrade, or cancellation before the last day of the monthly billing period. The rebate must be prorated for all of the billing cycle's days after the disconnection, downgrade, or cancellation. A certified competitive video services provider is an entity offering video service under a certificate of video franchise authority (CVFA) issued by the Public Utilities Regulatory Authority (PURA). In practice, all cable companies in the state hold CVFAs.

Prior law prohibited cable-TV companies from charging customers (1) disconnection fees, (2) service downgrade fees that exceed the company's costs for the downgrade, or (3) for any service or service option after a disconnection or downgrade request (as applicable) unless the customer prevents the company from disconnecting service in a reasonable time. The act broadens this law to (1) also cover certified competitive video services providers and (2) prohibit both types of providers from charging for service after a cancellation request. It also eliminates the prohibition on charging customers service downgrade fees that exceed the company's costs for the downgrade (PA 23-191, § 3, reinstates this prohibition and specifies that this law does not relieve a subscriber from responsibility for any charges (1) incurred as of the subscription termination, (2) for unreturned or damaged equipment, or (3) for balances owed on equipment bought from the company).
EFFECTIVE DATE: October 1, 2023

§ 19 — CABLE AND TELECOMMUNICATIONS MERGERS AND ACQUISITIONS

Requires PURA's approval for changes in control (e.g., mergers) of certain cable-TV, telecommunications, and internet companies

The act requires PURA to approve changes in control (e.g., mergers) of certain cable-TV, telecommunications, and internet companies.

By law, anyone seeking a change in control over a PURA-regulated utility (e.g., electric, gas, and water utilities) must first apply to PURA for approval. This applies to mergers and actions that create a holding company or change control of an existing holding company. The act extends these requirements to the following types of companies:

1. video service providers with a certificate of cable franchise authority (CCFA) or a CVFA (i.e., cable-TV companies);
2. certified telecommunications providers; and
3. broadband internet access service (BIAS) providers (PA 23-191, § 4, removes BIAS providers from all of this act's provisions).

Under the act, these requirements apply to companies that supply services within the state or any holding company doing the principal part of its business in the state.

The act also extends to these companies (and holding companies with control over them) a provision prohibiting PURA from approving an application unless the percentage of Connecticut-based members on the holding company's board of directors equals the percentage of the holding company's total service area that is in Connecticut (e.g., if 30% of the company's service area is in Connecticut, then 30% of its directors must be Connecticut-based) (PA 23-191, § 4, undoes this change).

Under the act, holding companies with control over cable-TV companies, certified telecommunications providers, and BIAS providers must annually file with PURA a copy of their annual report to stockholders or a comprehensive audit and report of its accounts and operations.
EFFECTIVE DATE: July 1, 2023

Actions Subject to PURA's Approval

The law requires PURA's approval for certain actions related to a holding company, which is any person or corporate entity that, alone or with other entities, controls a PURA-regulated utility. These entities must receive PURA's approval before (1) taking action to become a holding company; (2) acquiring control over a holding company; or (3) taking any action that would, if successful, cause it to become or to acquire control over a holding company. The act extends this requirement to holding companies that control cable-TV companies, certified telecommunications providers, and BIAS providers.

As under existing law for PURA-regulated utilities, the companies subject to this requirement under the act must pay PURA's reasonable expenses to carry out its duties by depositing a $50,000 surety bond with PURA to indemnify the authority for its expenses.

Similarly, the law requires companies (gas, water, telephone, and electric); holding companies; and officials, boards, or commissioners acting under certain governmental authorities other than the state, to apply for PURA's approval when:

1. interfering with PURA-regulated utilities or their holding companies, or attempting to do so, or
2. exercising control over PURA-regulated utilities or their holding companies, or attempting to do so.

The act extends this requirement to holding companies that control cable-TV companies, certified telecommunications providers, and BIAS providers. The law, unchanged by the act, includes an exception for federally regulated interstate commerce.

(PA 23-191, § 4, removes the provision that explicitly prohibits the holding companies of cable-TV companies or certified telecommunications providers from interfering with or exercising control over the companies without PURA's approval. It also (1) exempts federally regulated interstate commerce from the approval requirement for cable-TV companies and certified telecommunications providers becoming holding companies and (2) specifies that cable-TV companies and certified telecommunications providers, or their holding companies, do not need PURA's approval for any internal reorganization or restructuring that does not involve a change in their operational control or management.)

By law, "control" is possessing power to direct a company's management and policies (e.g., through owning voting securities or being able to change the composition of the company's board of directors). The law presumes that control exists if a person owns at least 10% of a company's voting securities, but this may be rebutted in a hearing. Certain actions (a revocable proxy, consent given in response to a public proxy, or consent solicitations under federal securities laws) do not necessarily constitute control unless a participant announces intent to effect a merger, consolidation, reorganization, business combination, or extraordinary transaction. (PA 23-191, § 4, creates a separate presumption of control for cable-TV companies and certified telecommunications providers, and their holding companies, if a person owns at least 40% of their voting securities, which may be rebutted if, after a hearing, PURA finds the ownership does not in fact confer control.)

Cable-TV Companies, Certified Telecommunications Providers, and BIAS Providers. Under existing law, cable-TV companies may operate under a CCFA that applies to a specific geographic area or a CVFA that applies statewide. In practice, all cable companies operating in the state hold CVFAs, and most hold both certificates.

Under existing law, a "certified telecommunications provider" is an entity PURA approves to provide intrastate telecommunications services.

A "BIAS service provider" is any entity that provides these services through facilities occupying public highways or streets authorized by PURA, including through a certificate of public convenience and necessity, a CVFA, a CCFA, or as a certified telecommunications provider (CGS § 16-330a).

PURA Application Review and Process

The act subjects cable-TV companies, telecommunication services providers, and BIAS providers to an application and review process similar to the one the law requires for PURA-regulated utilities.

By law, once someone files an application, PURA must give notice of a public hearing to the applicant within 30 business days, hold the hearing within 60 business days, and make its determination within 200 days, unless the applicant agrees to an extension. PURA may also extend its deadline to make a determination by up to 30 days if it meets certain notice requirements. If PURA fails to take these actions within this timeframe, the application is assumed to be approved. The act applies the same process for applications from cable-TV companies, telecommunications services providers, and BIAS providers but sets a separate 120-day deadline for PURA's determinations on these applications (PA 23-191, § 4, changes this deadline to 180 days and explicitly limits PURA to one 30-day extension).

PURA must investigate applications and may approve or disapprove an application or any part of one under terms and conditions the authority deems necessary or appropriate. As part of its investigation, PURA may (1) request companies or holding companies subject to a proposed acquisition for their views on the proposed acquisition, (2) allow the company or holding company to participate in the hearing, and (3) order parties to refrain from communicating with their shareholders (PA 23-191, § 4, removes PURA's authority to issue this order to cable-TV companies and certified telecommunications providers).

In making its determination, PURA must consider (1) the applicant's financial, technological, and managerial suitability and responsibility and (2) the ability of the company or holding company that is subject to the application to provide safe, adequate, and reliable service through the company's plant, equipment, and operational procedures if PURA approves the application. (PA 23-191, § 4, limits the scope of PURA's review for cable-TV companies and certified telecommunications providers, or their holding companies, to the (1) applicant's financial, technological, and managerial suitability and responsibility and (2) legal, financial, and technical ability of the entity that is subject to the application to provide safe, adequate, and reliable service subject to PURA's regulation.)

Violations

As under existing law, PURA may void any action that does not comply with application requirements. In response to

violations of these provisions or PURA's orders related to them, the law allows PURA, companies, or holding companies to apply to the Superior Court to enforce compliance or enjoin any entity from taking actions that are violations. To enforce compliance, the court may reinstate control of the company to the entities that controlled the company before the violation took place.

Reporting Requirement

The law requires a holding company for PURA-regulated utilities to file with PURA either a (1) copy of its annual report to stockholders for the fiscal year or (2) comprehensive audit and report of its accounts and operations prepared by a PURA-approved, independent public accounting firm. The act extends this reporting requirement to holding companies of cable-TV companies, certified telecommunications providers, and BIAS providers. As under existing law, the report is due within three months after the end of the company's fiscal year, and a holding company that is a person is exempt from this reporting requirement.

§§ 20-25 — BAZAARS AND RAFFLES

Beginning October 1, 2023, deems all municipalities to have adopted the Bazaar and Raffles Act but allows them to opt out of it; relaxes rules for conducting and promoting bazaars and raffles

Under prior law, any town in which a raffle was being conducted had to have adopted the Bazaar and Raffles Act. Beginning October 1, 2023, the act deems every town, city, and borough to have adopted the Act and instead provides an opt-out process. Existing law, unchanged by the act, allows the following to conduct, operate, or sponsor bazaars or raffles if the town where they are located has adopted the Bazaar and Raffles Act: veterans', religious, civic, fraternal, educational, and charitable organizations; volunteer fire companies; political parties and their town committees; and towns acting through a designated centennial, bicentennial, or other centennial celebration committee (CGS § 7-172).
EFFECTIVE DATE: July 1, 2023, except the repeal of the option to rescind adoption of the Bazaar and Raffles Act is effective October 1, 2023.

Opt-Out (§§ 21 & 25)

Under the act, any municipality can opt out of the Bazaar and Raffles Act by ordinance. The act also creates a petition process that is substantially the same as the process used under prior law to adopt, or rescind the adoption of, the Bazaar and Raffles Act. Under this process, if at least 5% of the municipality's electors petition for it, the chief executive authority must submit the question of opting out to a vote at a special meeting within 21 days after receiving the petition. Similar to prior law for opting in, the act provides the form of the question, which must be: "Shall the operation of bazaars and raffles be disallowed?" If the majority of voters vote in the affirmative, then the Bazaar and Raffles Act is no longer effective in that municipality. The act also makes a related conforming change (§ 25).

Helping With Bazaar and Raffle Activities (§§ 22 & 24)

By law, only the sponsoring organization's qualified members may promote, operate, conduct, or work at raffles (although centennial committees may use officially appointed volunteers). The act retains this provision but eliminates the requirement that bazaars and raffles be "exclusively" sponsored and conducted by an authorized organization.

Prior law also prohibited any type of payment, compensation, commission, reward, or salary to anyone holding, operating, or conducting raffles or otherwise helping with bazaar or raffle activities. In practice, this has been interpreted narrowly to prohibit compensating people for selling raffle tickets. The act aligns the law with existing practice by narrowing the prohibition to apply only to the direct sale of raffle tickets.

Prizes (§ 23)

The act eliminates the prohibition against awarding prizes that are transferable (but retains existing law's requirement that the prizes not be refundable). It also specifies that bazaar and raffle prizes may include gift cards in addition to items already allowed by existing law (e.g., gift certificates).

PA 23-99—sHB 6767
General Law Committee

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING LICENSING AND ENFORCEMENT

TABLE OF CONTENTS:

§§ 30 & 31 — CHARITABLE ORGANIZATIONS AUDIT REQUIREMENT

Raises the revenue threshold above which a registered charitable organization must submit to a formal audit, while allowing smaller organizations to instead submit to a CPA's financial "review report"

§ 32 — CONSUMER PRIVACY AND SAFEGUARDING REQUIREMENTS

Makes changes to PA 23-98, § 5, modifying the penalty and enforcement mechanism for personal information safeguarding requirements

SUMMARY: This act makes various changes in the Department of Consumer Protection's (DCP) credentialing and enforcement laws, including:

1. expanding the DCP commissioner's enforcement powers (e.g., to specifically cover apprentice hiring law violations);
2. standardizing the process for renewing lapsed DCP credentials and adding requirements for completing required continuing education;
3. expanding the information that must be submitted to DCP for it to determine whether a criminal history may preclude credentialing;
4. setting a deadline for the removal of leased fuel tanks;
5. requiring homemaker-companion agencies to notify clients and DCP before making certain changes to, or terminating, services;
6. raising the revenue threshold above which a registered charitable organization must have a formal audit; and
7. modifying the penalty and enforcement mechanism for certain personal information safeguarding requirements.

EFFECTIVE DATE: Upon passage, except the provisions on homemaker-companion agencies are effective October 1, 2023, and those on data safeguarding are effective July 1, 2023.

§ 1 — PRICE SIGNAGE FOR SPECIALTY FUELS

Allows specialty fuel prices to be posted per liter or half-gallon, rather than only per gallon

The act allows sellers of specialty engine fuel (e.g., racing fuel and fuel for agricultural or other off-road applications) to post prices per half-gallon or liter instead of per gallon, as prior law required. This authorization only applies if the fuel is not subject to a quality or usability standard set by the American Society for Testing and Materials or another national consensus quality or usability standard. Likewise, the act makes a conforming change allowing signs indicating a cash discount for these lesser gas amounts.

§ 2 — LEASED FUEL TANK REMOVAL DEADLINE

Sets a 30-day deadline for heating fuel dealers to remove a residential leased fuel tank after the consumer terminates service

The act requires heating fuel dealers that lease or lend a heating fuel tank and associated equipment to a consumer to remove the tank and equipment from the consumer's residential premises within 30 days after the consumer terminates the fuel delivery service. A dealer who violates this requirement may be subject to a fine of up to $250, payable through the Centralized Infractions Bureau. A violation is also an unfair trade practice (see BACKGROUND).

Heating fuel dealers are individuals or companies that sell at retail heating fuel (i.e., a petroleum-based fuel used primary for residential heating or domestic hot water) (CGS § 16a-17).

§§ 3-4, 6, 8 & 17 — INQUIRIES ABOUT A CONVICTION AND CREDENTIALING

Expands the information that people with criminal histories must submit to DCP when asking if their conviction disqualifies them from obtaining various occupational credentials

PA 22-88 created a process for people who were convicted of a crime to learn if their conviction would disqualify them from getting various occupational licenses, certificates, and permits. The act modifies these procedures for the following DCP-credentialed professions:

1. public accountants (§ 3);
2. architects (§ 4);
3. tradespeople in the following fields: elevator installation, repair, and maintenance; fire protection sprinkler systems; flat glass work; gas hearth; heating, piping, and cooling; irrigation; plumbing and piping; residential stair lift; sheet metal; solar; swimming pool; and electrical (§ 6);
4. major contractors (§ 8); and
5. public service gas technicians (§ 17).

Under the act, someone asking whether a conviction precludes credentialing must (1) make a request on a DCP prescribed form and (2) agree to a state and national criminal history records check. The act maintains existing law's requirement that the person give details on the conviction but eliminates the requirement that they pay a waivable processing fee of up to $15. The act also specifies that the department's timeline to respond to requests is triggered by the submission of a complete application.

§ 5 — ARCHITECTS WORKING AS INTERIOR DESIGNERS

Specifies the conditions under which an architect working as an interior designer must comply with continuing education requirements

The act specifies that licensed architects who complete the required continuing education requirements for architects do not need to complete those for interior design work unless they hold an interior designer certificate of registration. By law, architects may use the title "interior designer" without obtaining the credential (CGS § 20-377*l*).

The act also specifies that if a licensed architect is also a registered interior designer, then he or she must comply with the continuing education requirements for interior designers. By law, a registered interior designer must complete at least four hours of continuing education every three years (CGS § 20-377s).

§ 7 — TRADE LICENSING LAW VIOLATIONS

Increases civil penalties for violations of various licensing laws, including those on apprentice hiring; gives the DCP commissioner new enforcement options for violations of apprentice hiring laws

Civil Penalties for Violations of Trade Licensing Laws

After notice and a hearing, existing law allows trade examining boards and the DCP commissioner to impose civil penalties for:

1. engaging in work without the appropriate trade license or apprentice registration certificate, or with an expired one;
2. willfully employing or supplying for employment an unlicensed or unregistered person;
3. willfully and falsely pretending to qualify for work that requires a trade credential that one does not have; or
4. violating other provisions of the trade licensing laws or regulations.

Prior law imposed penalties based on the frequency of the violations: up to (1) $1,000 for a first violation, (2) $1,500 for a second violation, and (3) $3,000 for a third or subsequent violation occurring less than three years after a previous violation. The act instead sets the maximum penalty for a violation at $3,000, regardless of whether it is a first or subsequent one. As under existing law, an improperly registered apprentice is not penalized for a first offense.

Apprentice Hiring Law Violations

By law, apprentices in certain trades and their employers must participate in the state Department of Labor's (DOL) occupational apprenticeship program (see BACKGROUND). The act gives the DCP commissioner new enforcement options for situations in which employers (1) offer apprenticeships without registering with the DOL's apprenticeship program or (2) do not verify that an apprentice is registered with DOL. Specifically, the act allows the commissioner to:

1. issue a cease and desist order to a person who advertises, offers, engages in, or practices the work of an apprenticeship training program for providing the experience needed for a journeyperson's license, without first registering the employer and program with DOL;
2. issue a cease and desist order to a registered employer who employs a person as an apprentice without first verifying that he or she is registered as an apprentice with DOL; and
3. for either of the above violations, after a hearing, impose a fine of up to $5,000 per violation.

Under existing law, it is a:

1. Connecticut Unfair Trade Practices Act (CUTPA) violation to fail to comply with trade licensing laws, including those on apprentice hiring (see BACKGROUND) and
2. class B misdemeanor to willfully engage in work that requires an apprentice registration certificate without one (see Table on Penalties).

The act also modifies how civil penalties for violations of the licensing statutes, including the apprentice hiring laws, are applied (see above).

§ 9 — NEW HOME CONSTRUCTION CONTRACTORS

Establishes that registrations renewed during the transition year from biennial to annual credentialing will be effective for 18 months and cost $180

Under existing law, certain new home construction contractor registrations are valid for two years and will expire on September 30, 2023. After that, under the provisions of a 2021 law, new home construction contractor registrations expire on March 31 annually.

The act establishes that registrations renewed during the transition year will be effective for 18 months and cost $180 (for one-year registrations, the fee is $120). Additionally, registrants for the transitional 18-month license must make a prorated contribution of $360 to the New Home Construction Guaranty Fund (for one-year registrations, the fee is $240). Lastly, the act specifies that new home construction contractors that also do the work of a home improvement contractor must make a prorated contribution of $150 to the Home Improvement Guaranty Fund (for one-year registrations, the fee is $100).

§§ 10-16 — HOME IMPROVEMENT CONTRACTORS AND SALESPERSONS

Modifies requirements for getting and maintaining a contractor or salesperson registration; increases civil penalties for violating related laws

Home Improvement Businesses (§ 12)

The act specifies that a home improvement contractor that is not an individual can be structured as any business entity; it does not have to be structured as a corporation, partnership, or limited liability company. It makes related changes to specify that a home improvement contractor that is a legal entity must give DCP a list of its individual owners.

The act requires a home improvement contractor, structured as a legal entity, to maintain a list of its employees and contractors, and all employment documents associated with them, in an auditable format for at least four taxable years. These businesses must, upon the commissioner's or his or her representative's request, (1) immediately make the list and documents available for inspection and copying and (2) produce copies of them within two business days, if requested. The documents and copies must be provided in electronic format unless it is not commercially practical.

Registration Information Provided to DCP (§§ 11 & 13)

The act requires home improvement contractors to provide (1) an email address when applying to DCP for a registration and (2) certain conviction history disclosures, as described below.

It also requires a registered home improvement contractor or salesperson to update, through DCP's online licensing system and within 30 days of a change, any application information given as part of a registration (e.g., contact or insurance information, or criminal history). If the contractor is a business entity, the act specifies that this applies to the criminal histories of the business's individual owners.

Disclosing Criminal Convictions (§§ 12-14)

The act requires home improvement contractors, when applying to DCP for a registration, to disclose whether they (or an owner in the case of a business entity) was found guilty or convicted of an act that (1) is a felony under Connecticut or federal law or (2) was committed in another jurisdiction and would be a felony if committed in Connecticut. By law, state agencies may only take disciplinary action against the credential of a person found guilty or convicted of a felony if the decision is based on (1) the conviction's nature, (2) its relationship to the practitioner's ability to perform the occupation's

duties or responsibilities safely or competently, (3) information about the practitioner's degree of rehabilitation, and (4) the time passed since the conviction or release.

Following a felony conviction of an individual registrant or a business owner, if the commissioner makes the decision in keeping with the above four considerations, the act specifically allows the commissioner to revoke, suspend, or refuse to issue or renew a home improvement salesperson's or contractor's registration; place the registrant on probation; or issue a letter of reprimand.

Civil Penalties (§ 15)

The act eliminates prior law's graduated civil penalty schedule and replaces it with a maximum penalty of $1,500.

By law, after notice and a hearing, the commissioner may impose civil penalties for:

1. engaging in work that requires a registration without having an active one,
2. willfully employing or supplying for employment an unregistered person,
3. willfully and falsely pretending to qualify for work that requires a registration that one does not have, or
4. violating other provisions of the trade licensing laws or regulations.

Prior law imposed penalties of up to (1) $500 for a first violation, (2) $750 for a second violation within three years of the first, and (3) $1,500 for a third or subsequent violation within three years after a previous violation. The act keeps the maximum penalty ($1,500) for these violations but applies it to any violation. The act also eliminates a provision setting the minimum penalty for a radon mitigation work related violation at $250.

Technical Changes (§§ 10, 12 & 16)

The act makes technical and conforming changes.

§§ 18 & 19 — HOMEMAKER-COMPANION AGENCIES

Expands disclosure requirements for homemaker-companion agencies, such as when an agency changes service rates or ceases operations; requires background checks of certain prospective agency owners

Disclosures to Clients (§§ 18 & 19)

The act adds disclosure requirements for homemaker-companion agencies. It requires agencies to give at least 60 days' written notice to a client or his or her representative before changing a service rate (unless there is also a change in the level or type of services). If the disclosure is not made, the charge is unenforceable. The act also requires agencies to:

1. disclose in writing to a person scheduled to receive services (or his or her authorized representative), the full legal name of the employee who will provide the services, before the employee enters the client's home and
2. include in the contract, which by law must be provided within seven days after beginning services, notice that the agency must give at least 60 days' written notice before changing service rates.

In addition, at least 10 days before a homemaker-companion agency unilaterally stops providing services to a Connecticut client, the act generally requires the agency to notify the person in writing, explaining how he or she (1) may transition to alternative care and (2) will be reimbursed for any prepaid services. The notice must also have contact information for the person to get more information from the agency. The act allows exceptions to this requirement if:

1. the client, his or her authorized representative, or someone else living with the client or with access to his or her home verbally or physically abused, threatened, or otherwise mistreated an agency employee;
2. providing homemaker or companion services would place the agency at risk of failing to comply with an applicable local, state, or federal law (e.g., antidiscrimination, employment, health, or occupational safety laws); or
3. the client failed to pay for homemaker or companion services as required under the written contract or service plan.

Consequently, in these circumstances, the agency can stop providing services without giving the 10 days' notice the act otherwise requires.

Sale, Change in Ownership, or Ceasing Operations (§§ 18 & 19)

Existing law requires applicants for a homemaker-companion agency registration to submit to a state and national criminal history check (CGS § 20-672). The act also generally requires, before any sale or change in ownership of an agency, that each proposed new owner or, if a proposed new owner is a business entity, the individuals who own the entity,

submit to state and national criminal history records checks. The act exempts a proposed new owner from this requirement if he or she:

1. owns less than 10% of the shares or other equity interests in any publicly listed or traded homemaker-companion agency and will not engage in the agency's day-to-day operations or direct its management and policies or
2. owns less than 5% of the shares or other equity interests in any private homemaker-companion agency and will not engage in the agency's day-to-day operations or its direct management and policies.

The act also makes a background check unnecessary if the commissioner waives the requirement that a new agency application be filed under the general registration law (CGS § 20-672).

Under the act, a homemaker-companion agency must notify DCP in writing at least 10 days before it stops providing all services in Connecticut. This must include contact information that DCP may use to contact the agency for more information.

§§ 20 & 28-29 — UNTIMELY CREDENTIAL RENEWALS

Revises the process and requirements for renewing a lapsed DCP credential

The act revises the process for renewing a DCP credential after the deadline for doing so has passed by setting a broadly applicable 90-day threshold for untimely renewals that can be obtained without DCP reinstatement.

Under prior law, if a person allowed a DCP credential to lapse and the period for automatic reinstatement ended (or the law did not specify one), the person could apply to DCP for reinstatement. Generally, DCP could reinstate the credential (without examination, if applicable) only if fewer than three years passed since the deadline for automatic reinstatement. But in the case of licenses specifically, the law did not have a three-year limit. So, under prior law, the department had discretion to reinstate a lapsed license without examination.

Late Renewals

Under the act, if a renewal application is submitted within 90 days after the credential's expiration, the applicant must pay existing law's late fee (i.e., 10% of the renewal fee, up to $100, but at least $10), but does not need to apply for reinstatement.

Reinstatement

If more than 90 days (or another period specified in law for automatic reinstatement) pass, but fewer than three years, the act requires an application for reinstatement. As under existing law, DCP has discretion whether to reinstate the credential. The act eliminates DCP's authority to reinstate a license that lapsed for more than three years. It also specifies that one cannot apply for a new license instead of using the act's reinstatement process during the three-year period in which the reinstatement process applies.

Under the act, reinstatement requirements vary depending on whether the person worked in the field without a required credential. The act applies the same fee structure as prior law applied to reinstatements but adds continuing education requirements. So, under the act:

1. if the applicant did not work, he or she must (a) pay the current year's renewal fee for reinstatement and (b) take any continuing education required for the year of, and the year before, the reinstatement; and
2. if the applicant worked, he or she must (a) pay all credential and late fees due for the period in which the credential was lapsed and (b) show completion of all continuing education required for the year before reinstatement.

The act also makes conforming changes in the e-cigarette and vaping product laws that refer to the late fee (§§ 28 & 29).

§ 21 — PENDING ACTIONS AND THE FREEDOM OF INFORMATION ACT

Exempts from disclosure under the Freedom of Information Act records related to pending enforcement actions or investigations

The act makes all records, papers, and documents obtained during a DCP investigation or enforcement action confidential and not subject to disclosure under the Freedom of Information Act until the investigation or enforcement action is adjudicated, otherwise settled, or closed.

§§ 22 & 23 — FOOD WITH ADDED SULFITING AGENTS

Aligns the state's Uniform Food, Drug and Cosmetic Act with federal requirements on sulfiting agents in foods

The act updates the state's Uniform Food, Drug and Cosmetic Act to conform to federal law and regulations on sulfiting agents in foods (e.g., sulfur dioxide, sodium sulfite, or sodium bisulfite). Specifically, it eliminates a provision specifying that food is adulterated if it has added sulfiting agents and instead allows for their addition as an "incidental additive," as defined and permitted under federal law. Under federal law, these are generally additives that are present in a food at insignificant levels and have no technical or functional effect in that food, such as processing aids.

The act correspondingly (1) eliminates requirements for warning consumers that sulfiting agents are present in bulk, unpackaged food and (2) specifies when manufacturers must list the agents as ingredients.

§§ 24-27 — BEDDING SUPPLY DEALER CREDENTIAL

Eliminates an obsolete license for bedding supply dealers

The act eliminates an obsolete license for supply dealers, which prior law defined as people who manufacture, process, package, repackage, or otherwise prepare for sale natural or synthetic fibers, feathers, or other soft material used to manufacture bedding. Bedding includes mattresses, pillows, quilts, and upholstered furniture used for sleeping, resting, or reclining. Existing law requires a license before operating as a bedding:

1. manufacturer (i.e., someone who makes, prepares for sale, or imports bedding that contains filling material);
2. importer (i.e., someone who imports bedding from outside the United States);
3. renovator (i.e., someone who adds new filling material to bedding for a fee); or
4. secondhand dealer (i.e., someone who sells secondhand bedding).

§§ 30 & 31 — CHARITABLE ORGANIZATIONS AUDIT REQUIREMENT

Raises the revenue threshold above which a registered charitable organization must submit to a formal audit, while allowing smaller organizations to instead submit to a CPA's financial "review report"

Under prior law, charitable organizations with more than $500,000 in annual gross revenue had to include a certified public accountant's (CPA) audit report in the annual financial report they submit as part of the DCP registration process. Under the act, beginning with annual reports due after July 1, 2023:

1. organizations with over $1 million in gross revenue must only attest in their annual report that a CPA completed the audit and
2. organizations with gross revenues between $500,000 and $1 million can instead attest that a CPA completed an audit or financial review report.

Background — Related Act

PA 23-98, §§ 16 & 17, contains identical provisions on charitable organizations.

§ 32 — CONSUMER PRIVACY AND SAFEGUARDING REQUIREMENTS

Makes changes to PA 23-98, § 5, modifying the penalty and enforcement mechanism for personal information safeguarding requirements

Existing law requires people in possession of certain types of personal information to (1) safeguard the data, and computer files and documents containing it, from misuse by third parties and (2) destroy, erase, or make the data, computer files, and documents unreadable before disposing of them. These safeguarding requirements apply to information associated with a particular individual through one or more identifiers (e.g., Social Security numbers, driver's license numbers, state identification card numbers, account numbers, debit or credit card numbers, passport numbers, alien registration numbers, health insurance identification numbers, or any military identification information).

The act changes the penalty and, in some cases, the enforcement mechanism for these safeguarding requirements. Prior law subjected violators to a $500 civil penalty for each violation, up to $500,000 for a single event, and penalties only applied if the violation was intentional.

The act (1) eliminates the requirement that violations must be intentional and (2) allows DCP to conduct an administrative hearing and impose a civil penalty of up to $5,000 per violation.

Under existing law and the act, violations are an unfair trade practice under CUTPA. Among other things, CUTPA allows the DCP commissioner to investigate complaints, issue cease and desist orders, and order restitution in certain cases. While individuals generally can sue under CUTPA, existing law and the act specify that it does not create a private right of action and disallows individuals and classes from suing under it. Under CUTPA, courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties (CGS § 42-110a et seq., see BACKGROUND).

BACKGROUND

Connecticut's Apprenticeship Program

States administer apprenticeship programs within a framework set by federal law. DOL administers Connecticut's apprenticeship program through its Office of Apprenticeship Training (OAT). Programs must meet all the minimum requirements set by OAT, the State Department of Education, and DCP.

Apprenticeship programs may be sponsored by an employer or a union-employer joint committee. An employer can sponsor an apprenticeship program only if it registers with, and is approved by, DOL. Apprentices register with DOL through approved employers. When they register, apprentices receive a registration form that contains the agreement between the employer and apprentice, spelling out each party's responsibilities (CGS §§ 31-22m to 31-22v; Conn. Agencies Regs., §§ 31-51d-1 to -12).

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 is 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 23-103—sSB 905
General Law Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING ALCOHOLIC LIQUOR PERMITS AND TOBACCO BARS

SUMMARY: This act allows additional tobacco bars to allow certain smoking indoors, including cigars, e-cigarettes, and an electronic cannabis delivery system, but not cigarettes. It does so by allowing a tobacco bar that began operations between January 1, 2003, and December 31, 2022, and holds an alcoholic liquor cafe permit, to do so under certain conditions (e.g., if it generated at least 60% of the tobacco bar's total annual gross sales from tobacco products).

The act also (1) allows tobacco bars to expand in size or change locations, which was prohibited under prior law; (2) narrows what is considered a "tobacco product" for both new and existing tobacco bars, to only be cigars and pipe tobacco, by eliminating cigarettes and chewing tobacco from its definition; and (3) specifies that tobacco bars must have a cafe permit instead of an unspecified alcoholic liquor permit, as under prior law.

By law, manufacturer permittees may receive a Connecticut craft cafe permit to, among other things, sell other Connecticut manufactured alcohol for on-premises consumption. Under prior law, a Connecticut craft cafe permittee could only purchase for resale on its premises, alcoholic liquor from other manufacturer permittees. The act additionally allows these craft cafe permittees to purchase the alcohol from wholesaler permittees with distribution rights to the alcohol.

The act also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2023, except the Connecticut craft cafe provision is effective July 1, 2023.

TOBACCO BARS

Existing Bars

Prior law only allowed indoor smoking in tobacco bars that had an alcoholic liquor permit and generated at least 10% of their total annual gross income from on-site tobacco product sales and on-site humidor rentals in 2002; with indoor vaping allowed based on sales from 2015. The act modifies the requirement for indoor vaping by requiring that minimum sales be based on 2002 instead of 2015.

Additional Bars

The act allows a tobacco bar that holds a cafe permit that began operations between January 1, 2003, and December 31, 2022, to allow indoor smoking and vaping if it:

1. generated at least 60% of its total annual gross sales from tobacco products as annually determined by an independent certified public accountant;
2. is located in a municipality with a population of at least 80,000 with no other tobacco bar;
3. does not allow cigarettes or cigarette tobacco on the premises;
4. contains a walk-in humidor as a built-in feature on the premises;
5. is located in a building that (a) no other owner-occupant, lessee, or tenant has a right to possess or (b) uses the tobacco bar's own heating, ventilation, or air conditioning system to prevent the commingling of air;
6. is located in premises equipped with a ventilation system that (a) provides local mechanical exhaust with no recirculation, (b) circulates at least 60 cubic feet of outdoor air per person per minute to provide adequate indoor air quality, and (c) satisfies the requirements established in ANSI/ASHRAE 62-2001, "ventilation for acceptable indoor air quality"; and
7. provides health coverage to the tobacco bar's employees and their dependents under the federal Affordable Care Act.

If these conditions are met, the act deems these bars in compliance with the cafe permit requirements.

PA 23-109—sSB 974
General Law Committee
Judiciary Committee

AN ACT CONCERNING AUTOMATED KIOSKS FOR CONSUMER ELECTRONICS

SUMMARY: This act establishes requirements for operating an "automatic kiosk for consumer electronics" for consumers to sell or recycle used personal electronic devices (§ 1). It correspondingly exempts their operators from the state's laws on junk yards and dealers, pawnbrokers, secondhand dealers, and recycling facilities and centers (§§ 2-4).

Under the act, these kiosks are interactive devices located in secure retail spaces. The act's requirements include provisions specifically aimed at ensuring that law enforcement agencies and officers have access to devices and data collected during a transaction (e.g., device holding and records retention periods).
EFFECTIVE DATE: October 1, 2023

REQUIREMENTS FOR OPERATING

Under the act, each automatic kiosk must be operated so that it can do the following:

1. verify each consumer's identity by remotely examining the consumer's current, valid, and government-issued photo identification card and comparing the image on it to real-time images of the consumer the kiosk captures;
2. capture and store images of each consumer who recycles or sells a personal electronic device and the respective device;
3. give consumers a cash or electronic payment for each device recycled or sold through the kiosk;
4. only purchase devices from people age 18 or older;
5. securely store devices at the end of transactions (see below); and
6. keep transaction data and images for three years and provide them, upon request, to state and local law enforcement agencies and officers.

Holding Period

Under the act, kiosk operators cannot recycle, sell, or otherwise dispose of a device a consumer sold to the kiosk for at least 15 days after the transaction.

Under the act, during the 15-day holding period, law enforcement may ask the kiosk operator to give an electronic device to the law enforcement agency or officer for inspection. The operator must do so during normal business hours and within 10 days of receiving the request.

Access to Transaction Data

During the three-year data and image retention period (see above), if law enforcement requests transaction data or images, the kiosk operator must provide it during normal business hours and within 10 days of receiving the request.

PA 23-110—sSB 975
General Law Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING CONSUMER PROTECTION

SUMMARY: This act makes minor and technical changes in the laws relating to consumer data privacy and online monitoring, the Liquor Control Act, and food donation immunity.
EFFECTIVE DATE: July 1, 2023, except the provision on food donation immunity is effective October 1, 2023.

PA 23-114—sHB 5317
General Law Committee

AN ACT CONCERNING ONLINE BUILDING PERMIT APPLICATIONS

SUMMARY: This act explicitly authorizes municipalities to accept electronically submitted building permit applications from contractors, aligning the law's building permit signature requirements with existing practice.

The Connecticut Uniform Electronic Transactions Act (CGS §§ 1-266 to 1-286) establishes a legal foundation for using electronic communications in transactions where the parties, including local government agencies, have agreed to do business electronically. It generally validates the use of electronic records and signatures.
EFFECTIVE DATE: October 1, 2023

PA 23-166—sHB 6700
General Law Committee

AN ACT CONCERNING HEMP, THE ADULT-USE CANNABIS MARKET AND WEATHER DISASTER RELIEF

SUMMARY: This act allows for sales of manufacturer hemp products (intended for human consumption) by licensed medical marijuana dispensary facilities, cannabis retailers, and hybrid retailers (i.e., selling recreational cannabis and medical marijuana).

The act also eliminates the requirement that each dispensary facility annually give the Department of Consumer Protection (DCP) data on the types, mixtures, and dosages of medical marijuana the facility dispenses.

PA 22-118, § 314, provided grants of up to $7 million for farmland restoration and climate resiliency. This act also allows these grants to be used for weather disaster relief.

PA 23-79, among other things, (1) adds cannabis labeling and packaging requirements and prohibits packages from being similar to products that do not contain cannabis (§ 41) and (2) prohibits manufacturer hemp products containing synthetic cannabinoids from being offered for sale; allows the DCP commissioner to summarily suspend credentials for certain unauthorized sales; requires certain warnings and disclosures on manufacturer hemp; and makes it a Connecticut

Unfair Trade Practices Act violation to violate certain manufacturer hemp provisions (§ 45). This act delays the effective date for these provisions from July 1, 2023, to October 1, 2023.
EFFECTIVE DATE: July 1, 2023, except the provisions on grants and effective dates are effective upon passage.

Dispensary, Retailer, and Hybrid Retailer Sales

Prior law prohibited dispensary facilities, cannabis retailers, and hybrid retailers from selling or distributing hemp or hemp products. The act narrows the prohibition to only apply to producer hemp products, which allows these entities to sell or distribute manufacturer hemp products under certain conditions.

Under the act, manufacturer hemp products may be sold within a licensed dispensary facility, retailer, or hybrid retailer if the products are:

1. physically separated from the medical marijuana or cannabis in the display area;
2. displayed with a DCP-approved sign;
3. tested by a laboratory, which may be outside Connecticut, that meets the standards for accreditation and testing, and sampling methods, as required for an independent testing laboratory;
4. clearly labeled to distinguish them as a manufacturer hemp product that is not cannabis or medical marijuana and is subject to different testing standards than cannabis or medical marijuana; and
5. sold in accordance with the medical marijuana and cannabis laws and regulations.

BACKGROUND

Manufacturer Hemp Product

By law, "manufacturer hemp product" is a commodity manufactured from the hemp plant, for commercial or research purposes, that is intended for human ingestion, inhalation, absorption, or other internal consumption, and contains a delta-9 tetrahydrocannabinol (THC) concentration of up to 0.3% on a dry weight basis or per volume or weight of the manufacturer hemp product (CGS § 22-61*l* (30)).

Producer Hemp Product

By law, a "producer hemp product" is any of the following produced in the state: raw hemp products, fiber-based hemp products, or animal hemp food products, each containing a THC concentration of less than 0.3% on a dry weight basis or per volume or weight of the product (CGS § 22-61*l* (32)).

PA 23-191—sHB 5314
General Law Committee

AN ACT CONCERNING CONSUMER AGREEMENTS, CONSUMER BILLS, TELECOMMUNICATIONS AND TICKETING

SUMMARY: With exceptions, this act sets limitations and conditions on using automatic renewal and continuous service provisions in consumer agreements entered into or amended on or after October 1, 2023. Among other things, it prohibits businesses that enter into or offer these agreements from charging a consumer's credit card, debit card, or third-party payment account for any automatic renewal or continuous services without the consumer's affirmative consent. It also requires these businesses to establish and maintain a toll-free phone number, email address, or postal address, or an online way for consumers to prevent automatic renewals or prevent and terminate continuous consumer services (§ 1).

The act also generally requires any legal entity doing business in the state that delivers or provides consumer goods or services to issue a free paper, rather than electronic, bill or invoice to a consumer upon request (§ 2).

The act makes changes in various provisions of PA 23-98 on (1) cable-TV service cancellations and (2) cable and telecommunications companies' mergers and acquisitions. PA 23-98, § 18, generally prohibits certified competitive video services providers (e.g., Frontier or Verizon) from charging customers disconnection or service downgrade fees (which prior law had already prohibited for traditional types of cable-TV companies) and requires all types of cable-TV companies to give customers a prorated rebate when they cancel or downgrade their service before the end of the billing cycle. This act, however, further specifies that the provisions in PA 23-98, § 18, apply to video service and do not relieve the subscriber from repaying certain other costs and expenses (e.g., for unreturned or damaged equipment), among other things (§ 3).

In addition, PA 23-98, § 19, generally requires the Public Utility Regulatory Authority's (PURA) approval for changes in control (e.g., mergers) of certain cable-TV, telecommunications, and internet companies. This act, however, removes the internet companies from these provisions so that they only cover cable-TV companies and certified telecommunications providers. It also makes various changes to the process and criteria that PURA must use when approving a change in control of cable-TV companies or certified telecommunications providers such as (1) removing a provision that would have required a certain percentage of a holding company's board of directors to be Connecticut-based, (2) exempting certain types of internal reorganizing or restructuring from the approval requirement, (3) setting a higher ownership threshold for a presumption of control, and (4) changing certain deadlines for PURA decisions (§ 4).

The act also amends PA 23-98, § 7, to exclude movie tickets from the law's requirements on disclosing ticket prices and related fees (§ 5).

EFFECTIVE DATE: October 1, 2023, except the provisions on cable telecommunications mergers and acquisitions are effective July 1, 2023.

§ 1 — AUTOMATIC RENEWAL AND CONTINUOUS SERVICE PROVISIONS

The act generally prohibits businesses from offering or entering into a consumer agreement that has an automatic renewal or continuous services provision unless it meets the conditions described below. This prohibition applies regardless of whether the renewal or continuous services were offered at a promotional or discounted price. The act specifies that its provisions do not create a private right of action.

Definitions

Under the act, a "consumer agreement" is a verbal, telephonic, written, or electronic agreement between a business and a consumer (1) in which the business agrees to provide consumer goods or services and (2) that is initially entered into or amended on or after October 1, 2023. "Consumer goods" and "consumer services" are any articles or services purchased, leased, exchanged, or received primarily for personal, family, or household purposes. A "consumer" is a Connecticut resident and prospective recipient of consumer goods or services. But the act specifies that "consumer agreements" do not include agreements:

1. concerning a service provided by a business or its affiliate where either is doing business under (a) a franchise issued by a political subdivision of the state, or (b) a license, franchise, certificate, or other authorization issued by PURA;
2. concerning a service provided by a business or its affiliate where either the business or its affiliate is regulated by PURA, the Federal Communications Commission, or the Federal Energy Regulatory Commission;
3. with any entity regulated by the Insurance Department or an affiliate of such an entity;
4. with any bank, out-of-state bank, bank holding company, Connecticut credit union, federal credit union, or out-of-state credit union, or any subsidiary of them; or
5. concerning any global service largely or predominately consisting of audiovisual content (PA 23-205, § 156, expands the last exemption to include such audiovisual content services offered on a national level).

An "automatic renewal provision" is a consumer agreement provision that allows the business to renew the agreement without any action by the consumer. A "continuous service provision" is a consumer agreement provision that allows the business to continue providing service to the consumer until the consumer takes action to prevent or terminate it.

Disclosure Requirements

Under the act, if an agreement has an automatic renewal or continuous service provision, then the business must disclose (as applicable) that the (1) agreement will automatically renew until the consumer acts to prevent it or (2) business will provide continuous services under the agreement until the consumer acts to prevent or terminate them.

The disclosure must occur before the consumer enters into the agreement and be provided electronically, verbally, telephonically, or in writing. It must also include the following:

1. a description of what the consumer must do to prevent the automatic renewal or prevent or terminate the continuous service and, if the automatic renewal is disclosed electronically, a link or other electronic way for the consumer to do so;
2. all recurring charges that will be charged to the consumer's credit card, debit card, or third-party payment account for the renewal or continuous services, and if the amount is subject to change, then how much it will change (if the business knows);
3. the duration of the renewal's term (unless the consumer selects it) or the continuous services, and any additional

provisions about them;
4. any minimum purchase requirements; and
5. the business's contact information.

Material Changes. If the business intends to make any material changes to an automatic renewal or continuous service provision's term, it must first disclose it to the consumer and describe what the consumer must do to cancel the renewal or terminate the services.

Free Gifts & Trial Periods. Under the act, if the agreement includes a free gift or trial period, then before the consumer enters into the agreement, the business must disclose how the agreement's pricing will change and what price will be charged after the period expires. A "free gift" does not include a free promotional item or gift that differs from the consumer goods or services subject to the agreement.

If the agreement is offered electronically or telephonically and has a free gift or trial period, or a discounted or promotional price period, the business must also disclose the following to the consumer electronically or telephonically:

1. that the business will automatically renew or provide continuous services under the agreement until the consumer acts to prevent it;
2. the duration of the automatic renewal term or continuous services and any additional provisions about them;
3. a description of what the consumer must do to stop the renewal or services; and
4. if the agreement is offered electronically, a prominently displayed direct link or button, or an email message, as required by the act's provisions for online agreements (see below).

Under the act, when the business must make this disclosure depends on the duration of the free gift or trial period, or discounted or promotional period. If the period is a least 32 days long, the disclosure must occur at least 21 days after the period starts, but no earlier than three days before it expires. If the period lasts for at least one year, then the disclosure must occur between 15 to 45 days before it expires.

Under the act, a business does not have to make these disclosures for free gifts and trial periods if it has not collected or maintained the consumer's email address or telephone number, as applicable, and cannot make the disclosure to the consumer.

Other Disclosure Conditions. The act also requires that all of the disclosures described above meet certain additional conditions depending on how the related consumer agreement is presented. Disclosures for electronic or written agreements must be in a form that the consumer can retain and in a text that is either (1) larger than any surrounding text or (2) the same size, but (a) in a contrasting typeface, font, or color or (b) set off from the surrounding text by symbols or other marks that draw the consumer's attention to the disclosure. Disclosures for verbal or telephone agreements must be at a volume and cadence that the consumer can readily hear and understand.

Requirements for Online Agreements

The act requires each business that enters into an online consumer agreement that has an automatic renewal or continuous services provision to allow the consumer to take any action needed to prevent the renewal or prevent or terminate the service online, at will, and without requiring any offline action by the consumer. The business cannot obstruct or delay the consumer's efforts to stop the renewal or services.

Under the act, a business that has these agreements must enable consumers to stop the renewal or services through either (1) a prominently displayed direct link or button that may be located in the consumer's account or profile, or device or user settings, or (2) an email from the business that the consumer may immediately access and reply to without obtaining additional information.

The act specifies that regardless of these requirements for online agreements, businesses may require consumers who maintain accounts with them to enter their account information or otherwise authenticate their identity online before they can stop an automatic renewal or continuous service. Under the act, consumers who cannot or will not enter their account information or authenticate their identity online are not precluded from authenticating their identity or acting to stop a renewal or service offline, by phone, email, or traditional mail as provided in the act.

§ 2 — PAPER BILLS

The act also generally requires any person or legal entity doing business in the state that delivers or provides consumer goods or services to issue paper, rather than electronic, bills or invoices to a consumer upon request. Further, it prohibits these businesses from making the consumer pay a charge or fee for the paper bills or invoices. However, these requirements only apply if in the ordinary course of the entity's business, it issues paper consumer bills.

The act allows the consumer protection commissioner to adopt regulations to implement these paper bill provisions.

§ 3 — TV SERVICE CANCELLATIONS

Prior law prohibited community antenna (i.e., traditional cable) TV companies from charging customers (1) disconnection fees; (2) service downgrade fees that exceed the company's costs for the downgrade; or (3) fees for any service or service option after a disconnection or downgrade request (as applicable) unless the customer prevents the company from disconnecting service in a reasonable time. PA 23-98, § 18, (1) broadens this law to also cover certified competitive video services providers (which, in practice, covers all types cable-TV companies); (2) prohibits both types of providers from charging for service after a cancellation request; (3) eliminates the prohibition on charging customers service downgrade fees that exceed the company's costs for the downgrade; and (4) requires the companies to give customers a prorated rebate when they cancel or downgrade their service before the end of the billing cycle.

This act, however, reinstates the prohibition on charging customers service downgrade fees that exceed the company's costs for the downgrade. It also specifies that:

1. the prohibitions in PA 23-98 apply to charges on video service subscribers and their requests to disconnect or downgrade their video service and
2. the law (as amended by PA 23-98) does not relieve a subscriber from responsibility for any charges (a) incurred as of the subscription termination date, (b) for unreturned or damaged equipment, or (c) for balances owed on equipment bought from the company.

§ 4 — CABLE AND TELECOMMUNICATIONS MERGERS AND ACQUISITIONS

By law, anyone seeking a change in control over a PURA-regulated utility (e.g., electric, gas, and water companies), or interfering or exercising control over them, must first apply for and receive PURA's approval. This applies to mergers and actions that create a holding company or change control of an existing holding company. The law also requires PURA's approval before a PURA-regulated utility or their holding companies interfere or attempt to interfere with, or exercise or attempt to exercise control over, another PURA-regulated utility.

PA 23-98, § 19, generally extends these requirements to also cover changes in control, interference with, and exercising control over (1) video service providers with a certificate of cable franchise authority and certified competitive video service providers (i.e., cable-TV companies); (2) certified telecommunications providers; and (3) broadband internet access service (BIAS) providers.

This act, however, removes BIAS providers from PA 23-98's provisions so that the approval requirement only extends to cable-TV companies and certified telecommunications providers. It also makes various changes to the process and criteria that PURA must use when approving a change in control of cable-TV companies or certified telecommunications providers.

Connecticut-Based Board Members

For changes in control over a PURA-regulated utility, the law prohibits PURA from approving an application unless the percentage of Connecticut-based members on the holding company's board of directors equals the percentage of the holding company's total service area that is in Connecticut (e.g., if 30% of the company's service area is in Connecticut, then 30% of its directors must be Connecticut-based). PA 23-98, § 19, extended this provision to changes in control of cable-TV companies and certified telecommunications providers. This act, however, rescinds this extension so that it only applies to PURA-regulated utilities.

Exemptions to PURA's Approval

The law, as amended by PA 23-98, requires PURA's approval for certain actions related to a holding company, which is any person or corporate entity that, alone or with other entities, controls a PURA-regulated utility, cable-TV company, or certified telecommunications provider. Generally, these entities must receive PURA's approval before:

1. taking action to become a holding company;
2. acquiring control over a holding company;
3. taking any action that would, if successful, cause it to become or to acquire control over a holding company;
4. interfering with PURA-regulated utilities, cable-TV companies, or certified telecommunications providers, or their holding companies, or attempting to do so; or
5. exercising control over PURA-regulated utilities, cable-TV companies, or certified telecommunications providers, or their holding companies, or attempting to do so.

This act, however, removes the provision that explicitly prohibits the holding companies of cable-TV companies or certified telecommunications providers from interfering with or exercising control over the companies without PURA's approval.

The law, as amended by PA 23-98, exempts federally regulated interstate commerce from the approval requirement for interfering with or exercising control over the companies. This act extends the same exemption to the approval requirement for cable-TV companies and certified telecommunications providers becoming holding companies. It also specifies that cable-TV companies and certified telecommunications providers, or their holding companies, do not need PURA's approval for any internal reorganization or restructuring that does not involve a change in their operational control or management.

Presumption of "Control"

By law, "control" is possessing power to direct a company's management and policies (e.g., through owning voting securities or being able to change the composition of the company's board of directors). The law generally presumes control exists if a person owns at least 10% of a PURA-regulated utility company's voting securities, but this may be rebutted in a hearing. PA 23-98 extends this presumption to cable-TV companies, certified telecommunications providers, and their holding companies. This act, however, rescinds this extension and instead creates a separate presumption of control for cable-TV companies and certified telecommunications providers, and their holding companies, if a person directly or indirectly owns more than 40% of their voting securities. As under the law for PURA-regulated utility companies, the presumption may be rebutted if, after a hearing, PURA finds the ownership does not in fact confer control.

PURA Application Review and Process

PA 23-98 subjects cable-TV companies and telecommunication services providers to an application and review process similar to the one the law requires for PURA-regulated utilities. This act, however, creates additional distinctions between the existing process for PURA-regulated utilities and the process for cable-TV companies and telecommunication services providers.

Under PA 23-98, once someone files an application related to cable-TV companies or telecommunications services providers, PURA must give the applicant notice about a public hearing within 30 business days, hold the hearing within 60 business days, and make its determination within 120 days unless the applicant agrees to an extension. PURA may also extend its determination deadline by up to 30 days if it meets certain notice requirements. This act, however, explicitly limits PURA to issuing one of these extensions and changes the 120-day deadline to 180 days after the application was filed.

PURA must investigate the applications and may approve or disapprove an application or any part of one under terms and conditions the authority deems necessary or appropriate. PA 23-98 allows PURA, as part of its investigation, to (1) ask companies or holding companies subject to a proposed acquisition for their views on the proposed acquisition, (2) allow the companies or holding companies to participate in the hearing, and (3) order parties to refrain from communicating with their shareholders. This act, however, removes PURA's authority to issue this order to cable-TV companies and certified telecommunications providers.

PA 23-98 requires PURA, when making its determination, to consider the (1) applicant's financial, technological, and managerial suitability and responsibility and (2) ability of the company or holding company that is subject to the application to provide safe, adequate, and reliable service through the company's plant, equipment, and operational procedures if PURA approves the application. This act, however, limits the scope of PURA's review for cable-TV companies and certified telecommunications providers, or their holding companies, to only the (1) applicant's financial, technological, and managerial suitability and responsibility and (2) legal, financial, and technical ability of the entity that is subject to the application to provide safe, adequate, and reliable service subject to PURA's regulation.

§ 5 — TICKET PRICE DISCLOSURE

PA 23-98, § 7, establishes disclosure requirements for anyone selling or reselling tickets for an entertainment event, requires operators that charge admission prices for places of entertainment to include certain related information on the ticket face, and prohibits false or misleading disclosures. This act modifies that provision to exempt movie tickets from the act's requirements.

PA 23-2—SB 1158
Government Administration and Elections Committee

AN ACT DESIGNATING VARIOUS DAYS, WEEKS AND MONTHS

SUMMARY: This act requires the governor to proclaim the following:

1. the month of May of each year to be Bone Health and Osteoporosis Month, to raise awareness of this women's health issue;
2. the first week of May of each year to be Tardive Dyskinesia Awareness Week, to raise public awareness of this neurological involuntary movement disorder and available treatments for it;
3. May 10 of each year to be Ann Petry Day, to recognize this Connecticut author and her contribution to literature as the first African-American female author to sell more than a million copies of a novel;
4. May 16 of each year to be Trinity College Day, to recognize Trinity College's contributions to the state on the anniversary of when the college received its charter on May 16, 1823;
5. July 11 of each year to be Bosnian Genocide Remembrance Day, to remember the more than 8,000 Bosniak civilians killed in Srebrenica during the Bosnian War;
6. September 14 of each year to be Free Enterprise Day, to recognize free enterprise's contributions to the state's economy;
7. September 17 of each year to be Constitution Day, to commemorate the United States Constitution's formation and signing;
8. October 9 of each year to be PANS and PANDAS Awareness Day, to raise awareness of the autoimmune disorders Pediatric Acute-onset Neuropsychiatric Syndrome and Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal infections and available treatments for them; and
9. the holiday period of November 20 to December 20 each year, as Survivors of Homicide Victims Awareness Month, to support homicide victims' family members by educating and influencing the public about the impact of homicide on families and communities.

The act allows suitable observance exercises to be held in the state capitol and elsewhere as the governor designates for each of the days, week, and months he proclaims under the act.

The act also makes technical changes (§ 2).

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 23-22, § 13, makes the same technical changes as § 2 of this act.

PA 23-5—sHB 5004
Government Administration and Elections Committee
Appropriations Committee

AN ACT IMPLEMENTING EARLY VOTING

SUMMARY: This act establishes a framework for early, in-person voting for all general elections, primaries, and special elections, held on or after January 1, 2024 (PA 23-204 applies this to elections, primaries, and special elections on or after April 1, 2024, see BACKGROUND). Specifically, it requires a 14-day early voting period for general elections, a seven-day period for most primaries, and a four-day early voting period for special elections and presidential preference primaries.

Under the act, every municipality must establish at least one early voting location, and those with a population of at least 20,000 may establish more. The act sets various early voting requirements and procedures, including voter eligibility, ballot custody, staffing and training, and materials. Among other things, it (1) expands election-day registration (EDR) by applying it to the entire early voting period for general elections, rather than just election day itself, and (2) renames it as "same day registration" (SDR). Additionally, the act sets voter registration and party enrollment deadlines for those who wish to vote during early voting in a primary.

To accommodate the early voting period, the act generally changes several election-related deadlines by either (1) moving the deadline up by 14 days or (2) setting it at the specified number of days before the early voting period begins

instead of before election day. The act also sets specific deadlines for special elections.

The act subjects early voting to the State Election Enforcement Commission's (SEEC) enforcement authority. Among other things, the commission may investigate complaints and levy a civil penalty of not more than $2,000 per offense for a person who violates the act's early voting-related provisions (§ 32).

For those municipalities that adopt their budgets through referenda, the act requires the municipality's chief executive officer to annually report to the Government Administration and Elections Committee, beginning by January 15, 2024, on its municipal charter provisions on these referenda, including procedures for conducting them (§ 33).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except that provisions (1) that change deadlines for (a) registering write-in candidates, (b) automatic nomination of certain candidates, (c) replacing candidates for most offices, (d) canceling a primary due to candidate vacancy, (e) printing unaffiliated voter lists, and (f) giving the clerk party candidate lists for special elections are effective January 1, 2024; and (2) on a statewide early voting awareness campaign, the early voting procedure manual, and changing a deadline for removing a candidate by judicial order are effective upon passage (PA 23-204 makes most of the act's provisions effective January 1, 2024, see BACKGROUND).

§ 1 — COVERED ELECTIONS

The act requires the implementation of early voting for general elections, primaries, and special elections held on or after January 1, 2024 (PA 23-204 delays this date to April 1, 2024, see BACKGROUND). The act exempts primaries for town committee members from these requirements.

§§ 1 & 3 — EARLY VOTING PERIOD

Under the act, the early voting period must be 14 days long for general elections, beginning 15 days before the election and ending two days prior. For primaries (except for presidential preference primaries) the early voting period must be seven days long, beginning eight days before the election and ending two days prior. For both types of contests, early voting locations must be open daily from 10:00 a.m. to 6:00 p.m., including weekends, except that (1) the locations must be open from 8:00 a.m. to 8:00 p.m. on the last Tuesday and Thursday before the election, and (2) it is not offered on legal state holidays.

For special elections and presidential preference primaries, the act sets a four-day early voting period and alternative timelines for these elections. Specifically, the early voting period must begin five days before the election and end two days prior, except that it must be adjusted to exclude (1) March 31, 2024, or (2) legal state holidays while still offering four days of early voting. Early voting locations must be open for these contests from 10:00 a.m. to 6:00 p.m. on each day of early voting.

The act requires that a location official or a municipal police officer, appointed by the registrar, be placed at the end of the line each day at the designated closing time. The official or officer must prevent any voter from getting in line to cast a ballot after the designated closing time.

§§ 1 & 8 — EARLY VOTING PREPARATION

Staffing and Training (§ 1(a))

Under the act, the registrars (1) must appoint a moderator and other officials to serve at each early voting location and (2) may delegate any of their responsibilities to these appointed officials. The registrars must supervise and train these officials. The act requires any appointed moderator to perform duties required under the election statutes related to the early voting location and allows moderators to exercise any power authorized under these statutes for this purpose.

Ballot Designation (§ 8)

Existing law requires registrars of voters and town clerks to jointly certify to the secretary of the state the number of ballots ordered for each polling place in a primary or election. The act requires them to additionally certify the number of ballots ordered for each early voting location in a primary or election.

The act sets the deadlines for certifying the number of ballots ordered (both early voting and election day ballots) at 31 days before the early voting period for an election and 21 days before the early voting period for a primary, instead of the same number of days before the election or primary itself as prior law required. Similarly, the act moves up the deadline to request a waiver from this requirement to 45 days before the early voting period for an election and 30 days before the early

voting period for a primary instead of the same number of days before the election or primary itself.

§§ 1, 5 & 23-26 — VOTER REGISTRATION

General Voter Registration (§§ 23-26)

Under prior law, a person's voter registration application had to be received or postmarked by the seventh day before an election or the fifth day before a primary in order to vote in the applicable contest. The act moves up both deadlines to 18 days before the applicable contest. It similarly moves up the in-person registration deadline for an election from seven days to 18 days before. However, it retains existing law's deadline for in-person registration or party enrollment for a primary (noon before the day of a primary) (CGS §§ 9-56 & -57).

The act makes conforming changes including moving up several related deadlines. For example, it moves up, from the seventh day before an election and the 14th day before a primary to the 18th day before both contests, the dates on which registrars must hold voter registration sessions. (The requirement for primaries applies to towns with 25,000 or more residents.)

The act also correspondingly shifts the time frames during which registrars must send notice of an application's acceptance or rejection on the day it is received, as shown in the table below.

Periods When Registrars Must Send Notice of Acceptance or Rejection on the Day an Application is Received

	Under Prior Law	***Under the Act***
Applications received by registrars	From 20 days to seven days before an election	From 31 days to 18 days before an election
	From 21 days to five days before a primary	From 34 days to 18 days before a primary
Applications first received by the Department of Motor Vehicles commissioner or voter registration agency	From six days before an election to election day (if received by the seventh day before an election)	From 17 days before an election to election day (if received by the 18th day before an election)
	From four days before a primary to noon the last weekday before a primary (if postmarked or received by the fifth day before a primary)	From 17 days before a primary to noon the last weekday before a primary (if postmarked or received by the 18th day before a primary)

The act similarly shifts the period when registrars must send notice of acceptance or rejection within four days after receiving it. Under prior law, this period was 49 to 21 days before an election. Under the act, this period is 60 to 32 days before an election.

Same-Day Registration (§ 5)

The law allows individuals to register to vote on election day during regular state and municipal elections (previously known as EDR). Specifically, 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).

The act expands this opportunity to the entire early voting period by establishing same-day election registration (SDR, i.e., voter registration during the early voting period for a general election or on election day) and generally applying the existing EDR provisions to SDR. The act also renames EDR as SDR (i.e., under the act, there is SDR during the early voting period and SDR on election day).

As under prior law, the registrars of voters must designate an EDR (now SDR) location, and a municipality may designate additional locations. However, the act allows the municipality's legislative body, rather than the registrars of voters, to apply to designate additional SDR locations for election day. Additionally, all early voting locations must offer SDR.

Deadlines for Same-Day Registration (§ 5)

To accommodate the increased window of SDR, the act moves up, by 14 days, several deadlines relating to designating a location for SDR on election day. This applies to deadlines for:

1. registrars of voters certifying the location for SDR on election day (changed from 31 days to 45 days before the election),
2. the secretary of the state's response to a certification request (changed from 15 days to 29 days before the election),
3. municipalities applying to the secretary for additional locations for SDR on election day (changed from 60 days to 74 days before the election), and
4. the secretary's response to an application for additional locations (changed from 45 days to 59 days before the election).

Registration and Enrollment for Early Voting in Primaries (§ 1(a))

Existing law allows a person to vote in a primary if he or she registers to vote and enrolls in person by noon on the day before the primary. The act similarly allows an unaffiliated elector who seeks to vote during early voting in a primary to do so if his or her enrollment application is filed with the registrars by noon on the preceding business day before the early voting period. Under the act, individuals not registered to vote may (1) register and enroll in a political party during the early voting period and (2) vote on an early voting day if their application is filed with the registrars by noon the previous business day.

§§ 1 & 20 — EARLY VOTING LOCATIONS

Location Designation (§ 1(b))

The act requires that the registrars of voters of each municipality certify one location within the town to serve as an early voting location. The location must (1) be used for the entire early voting period, (2) have access to the centralized voter registration system (CVRS), (3) be certified to the secretary of the state, (4) be accessible to voters with physical disabilities, and (5) have parking spaces for handicapped and elderly persons.

A municipality's certification must include:

1. the location's name, address, and contact information;
2. the number of officials appointed to serve and their roles;
3. the location's design; and
4. a plan to conduct early voting effectively.

A municipality must certify its chosen location to the secretary no later than 120 days before a general election or primary, other than a presidential preference primary. The secretary must approve or deny certification no later than 90 days before a general election or primary. If the secretary denies the certification, she must give the municipality a written reason for the disapproval and an order for corrective action.

Once a municipality has received the secretary's approval or complied with any corrective action to her satisfaction, the registrars must finalize the early voting location no later than 31 days before a general election or primary. After this determination, the location may not be changed unless the registrars and the municipal clerk unanimously agree that the location is unusable. If this happens, the registrars and clerk must designate a new location and provide adequate notice.

The act sets a separate timeline for special elections and presidential preference primaries. For these, the certification of the early voting location must be submitted no later than 20 days prior, and the secretary must approve or disapprove it no later than 15 days before the presidential preference primary or special election. The location must be finalized 11 days beforehand.

Additional Locations (§ 1(b))

For municipalities with a population of at least 20,000, the act allows the municipality's legislative body to hold a public hearing on increasing the number of early voting locations. If the municipality has a hearing, it must do so at least 15 days before the applicable deadline for designating locations (see above) and notice the hearing at least 10 days beforehand in a newspaper with general circulation in the town and on the municipality's website. For this requirement, "population" means the estimated number of people according to the most recent version of the State Register and Manual.

If the municipality holds a hearing, its legislative body must, within three days after the hearing, determine whether to designate any additional locations and notify the secretary of the state with a detailed explanation of its determination. For

municipalities meeting the population threshold but not holding a hearing, the legislative body must determine whether to designate an additional location and notify the secretary with a detailed explanation of its determination.

The registrars of voters must designate any additional location for early voting as determined by the municipality's legislative body. Adoption of additional locations is subject to the same requirements as the first location. The act prohibits the secretary from acting on the municipalities' explanations, but she must preserve them for public inspection.

Secretary of the State Access (§ 20)

Existing law requires that the secretary, or her designee, have access to each polling place during elections to review for consistency with state and federal law. The act extends this requirement to any early voting location.

§§ 6 & 7 — ELECTION WARNING

The act moves up the warning for state and municipal elections to five to 15 days before the early voting period starts, rather than five to 15 days before election day. Additionally, the warning must announce the times and locations designated for early voting.

§ 1 — CASTING AN EARLY VOTE

Voter Eligibility (§ 1(c) & (d))

Under the act, an elector must do the following to vote early:

1. appear in person at an early voting location within the designated times,
2. comply with election day identification requirements by either (a) showing adequate identification or (b) signing an affidavit attesting to his or her identity, and
3. declare under oath that he or she has not previously voted in the election.

If the registrars determine that the elector is eligible to vote, they must check the CVRS to see if the elector has already voted. If not, the elector must be given an early voting ballot and envelope, and the registrar must record the issuance.

If the registrars of voters believe that the elector may have already voted in the election, they must review the matter. If they cannot resolve it, the elector may request and cast a challenged ballot, and the registrars must report the incident to the State Elections Enforcement Commission, which must investigate. As under existing law, challenged ballots are stored by the town clerk for 180 days after the election and are not counted unless ordered by a court in an election contest.

Casting a Ballot (§ 1(e) & (f))

Under the act, if an elector is eligible to vote, he or she must mark the ballot in the registrars' presence without revealing how the ballot was marked. After completing the ballot, the elector must (1) secure it within an early voting envelope, (2) sign an affirmation printed on the back of the envelope, and (3) deposit the envelope into a secured early voting ballot depository receptacle.

The signed affirmation attests, under penalty of false statement, that the elector:

1. is an elector appearing in person to vote early,
2. is eligible to vote in the election or primary,
3. has sufficiently identified him- or herself to the registrars,
4. has not otherwise voted in the election and will not otherwise do so, and
5. received an early voting ballot.

Voting Assistance (§ 31)

Existing law allows electors who need voting assistance due to blindness, disability, or inability to write or read to be assisted by a person chosen by the elector. The act expands this authorization to include providing assistance at early voting locations.

§§ 1, 2 & 5 — BALLOT CHAIN OF CUSTODY

Under the act, the registrars must transport the receptacles for SDR and early voting ballots at the end of each early voting day to the municipal clerk for storage in as near a manner as possible to the required methods for securing absentee

ballots. If the clerk cannot practicably secure the ballots in such a manner, they must be secured as outlined in an alternate plan submitted by the registrars of voters to the secretary of the state for approval. The clerk must keep the ballots until they are delivered to the registrars on election day.

Under the act, ballot counters must proceed between 6:00 a.m. and 10:00 a.m. on election day to where the early voting and SDR ballots will be counted, as designated by the registrars. The act requires the municipal clerk to deliver all early voting and SDR ballots received before election day to the registrars within the same timeframe. Once the clerks deliver the ballots, the act requires that the ballot counters process these ballots as nearly as possible in the same way as required under existing law for absentee ballots. As under existing law, registrars must deliver SDR ballots received on election day to the counting location at the time they designate.

Except as otherwise required by the act, early voting and SDR ballots are subject to all procedures relating to absentee ballot custody, control, and counting under existing elections law, as nearly as possible.

The act requires that a section of the head moderator's return show the number of early voting and SDR ballots received, separately. It also requires the registrars of voters to seal a copy of the vote tally for early voting ballots and a copy of the vote tally for SDR ballots in a depository envelope with their respective ballots and store them with the other election or primary results materials. The depository envelopes must be preserved for the same amount of time as required by law for keeping counted ballots.

§§ 9-17 & 29-30 — ELECTION DEADLINES

Prior law set several election-related deadlines in advance of election day. The act sets these deadlines in relation to the early voting period instead of the election, generally making them earlier. The table below summarizes deadlines that are subject to this change.

Certain Election-Related Deadlines Affected by the Act

Act Section	*Applicable Statute*	*Description*	*Deadline*
§ 9	CGS § 9-373a	Registration as a write-in candidate for a regular election	14 days prior
		Registration as a write-in candidate for representative town meeting member in certain towns at a regular election	Last business day prior
§ 10	CGS § 9-224b	Registration as a write-in candidate for a special election	14 days prior
		Registration as a write-in candidate for representative town meeting member in certain towns at a special election	Last business day prior
§ 11	CGS § 9-329b	Removal of a candidate from the ballot in a primary or election by judicial order	Prior to commencement
§ 12	CGS § 9-460	Replacement of a deceased candidate on an election ballot	24 hours prior
		Deadline for replacing the candidate	2:00 pm the day prior
§ 13	CGS § 9-426	Automatic nomination of party-endorsed candidate, group, or slate for a primary if the only other candidate, group, or slate of candidates in that primary dies, withdraws, or is disqualified	Prior to commencement
		Partial slate appearing on the ballot in a primary when a slate member dies, withdraws, or is disqualified	Prior to commencement

Act Section	*Applicable Statute*	*Description*	*Deadline*
§ 14	CGS § 9-428	Replacement of a party-endorsed candidate in a primary: period during which a vacancy's occurrence may result in a new endorsement	10 days prior for vacancy due to withdrawal or disqualification 24 hours prior for vacancy due to death
		Deadline for filling the endorsement vacancy	Seven days prior for vacancy due to withdrawal or disqualification 24 hours prior for vacancy due to death
		Town clerk must place stickers on the ballot with replacement endorsement rather than reprinting the ballot	96 hours to 24 hours prior
§ 15	CGS § 9-429	Cancellation of a primary when, due to candidate death, withdrawal, or disqualification, the number of remaining candidates is less than or equal to the number to be nominated	Prior to commencement
§ 16	CGS § 9-55	Printing by the registrars of voters of a list of unaffiliated voters if these voters become authorized to vote in a political party's primary	Prior to commencement
§ 17	CGS § 9-217	Provision by the secretary of the state to the municipal clerk of a list of candidates for each party in a special election	34 days prior
§ 29	CGS § 9-229	Appointment of moderators and alternate moderators by registrars of voters	20 days prior
§ 30	CGS § 9-256	Filing of a sample ballot with the secretary by registrars of voters	At least 10 days prior

§§ 4, 18, 19 & 27 — EARLY VOTING MATERIALS

Emergency Contingency Plan (§ 4)

Under existing law, registrars of voters must consult with the town clerk and create an emergency contingency plan for elections, primaries, and referenda in the municipality. The act adds a requirement that the plan consider early voting and related logistics including (1) solutions for envelope shortages, (2) strategies to address staffing shortages for early voting, (3) a fire or alarm within an early voting location, and (4) disorder in or around an early voting location.

Secretary Materials and Duties (§§ 18, 19 & 27)

The act requires the secretary to:

1. include early voting days and times for state elections in the voter guide published by her office;
2. conduct a statewide public awareness campaign on early voting availability at elections and primaries, including the dates, hours, and voting procedures (PA 23-204 makes this campaign optional and specifies that it is within available appropriations, see BACKGROUND); and

3. update the existing annual registrar training by January 1, 2024, to include early voting procedures.

The secretary must also develop and distribute an early voting procedure manual including a model plan for designating and staffing locations. The manual must be (1) revised as needed to reflect changes in state law and (2) distributed through the secretary of the state's website and to all registrars of voters and town clerks.

§ 22 — UPDATING CVRS

Existing law requires registrars of voters, when updating the CVRS after an election or primary, to indicate whether someone voted in person or by absentee ballot. The act also requires them to indicate whether an in-person elector voted on election day or during the early voting period.

§ 28 — POST-ELECTION AUDITS AND RECANVASS PROCEDURES

The act subjects early voting and SDR central counting locations to existing post-election audit requirements. These requirements generally establish a process to select locations to participate in a manual or electronic audit that compares vote totals with results reported by voting tabulators.

§§ 1, 5 & 21 — PROHIBITED ACTIVITIES

Solicitation and Related Activities (§§ 1(h) & 5)

Similar to existing requirements for polling locations and prior law's requirements for EDR locations, the act prohibits anyone from soliciting, peddling, loitering, or offering certain materials within 75 feet of an entrance to an early voting or SDR location, an indoor path leading to the location, or any room along the path. The act provides an exception for individuals performing their official duties or conducting government business within this radius at an early voting or SDR location, unless the person is engaging in conduct that violates these provisions.

Joint Municipal Agreements (§ 21)

Existing law generally allows two or more municipalities to jointly perform election-related functions. The act prohibits municipalities from entering into joint agreements to conduct early voting.

BACKGROUND

Related Act

PA 23-204, §§ 176-183, 420 & 453, makes several changes to this act. Principally, it authorizes early voting for elections on or after April 1, 2024, instead of January 1, 2024, and makes conforming changes. It correspondingly delays the effective date of many early voting provisions in this act to January 1, 2024, including provisions related to voting hours, emergency contingency plans, and ballot designation and certification. It also delays, from July 1, 2023, to December 1, 2023, the effective date of this act's provisions creating the early voting framework and extending SEEC's authority to impose civil penalties for certain violations of this act's provisions.

Separately, PA 23-204 makes the public awareness campaign discretionary for the secretary of the state and specifies that, if conducted, it must be within available appropriations.

PA 23-22—sSB 1185
Government Administration and Elections Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO THE GOVERNMENT ADMINISTRATION AND ELECTION STATUTES

SUMMARY: This act makes technical changes in statutes affecting government administration and election administration. Among other things, it removes obsolete provisions on processing absentee ballots for the 2020 state election and any election, primary, or referendum held from June 23, 2021, to November 2, 2021 (§§ 14, 15, 17-20, 22-31 & 34). The act

also repeals an obsolete statute regarding the former Commission on Children (§ 33) and replaces a reference to municipal election officials with one to municipal elected officials (§ 32).
EFFECTIVE DATE: October 1, 2023, except the repeal of the Commission on Children statute and the provision adding the reference to municipal elected officials are effective upon passage.

BACKGROUND

Related Act

PA 23-2 makes the same technical changes to certain days and months proclaimed by the governor (§ 13 of this act).

PA 23-37—SB 1151
Government Administration and Elections Committee

AN ACT CONCERNING REVISIONS TO THE STATE CODES OF ETHICS

SUMMARY: This act subjects statewide officers-elect to the State Code of Ethics for Public Officials and State Employees by adding them to the code's definition of "public official" (§ 3). Among other things, the code prohibits covered individuals from having any financial interest in a business that is in substantial conflict with their official duties (CGS § 1-84(a)). The act also makes a parallel change to the definition of "public official" under the State Code of Ethics for Lobbyists (§ 4).

The act also requires client lobbyists (i.e., persons on behalf of whom lobbying takes place) to include on their biennial registration forms with the Office of State Ethics the name, job title, and contact information for (1) the individual responsible for overseeing lobbying activities and (2) any other individual designated as an authorized filer. The contact information must include the individual's phone and fax numbers, business mailing address, and email address. The act replaces provisions in prior law requiring client lobbyists to provide this information for the "person" that oversees lobbying activities (§ 5). (Under the Code of Ethics for Lobbyists, the definition of "person" includes individuals, businesses, and other specified entities (CGS § 1-91(14)).)

Lastly, the act makes technical changes in the ethics codes' definition of "quasi-public agency" by referencing state law's primary definition of quasi-public agency (i.e., the definition in CGS § 1-120, which is part of the quasi-public agency chapter of the General Statutes), rather than separately listing each quasi-public agency in the ethics codes. It also makes conforming changes (§§ 1-2 & 6-10).
EFFECTIVE DATE: October 1, 2023

PA 23-91—sHB 6903
Government Administration and Elections Committee

AN ACT CONCERNING OVERSIGHT OF AND REQUIREMENTS FOR CERTAIN CONTRACTS OF THE CONNECTICUT PORT AUTHORITY

SUMMARY: This act makes several changes affecting the Connecticut Port Authority's (CPA) contracting procedures. It requires public bidding for certain CPA projects to construct, renovate, or alter buildings or facilities that it owns or leases (i.e., those that are overseen by a construction manager (e.g., a general contractor) and financed in whole or in part by the state). It prohibits the construction manager from bidding on these projects' elements.

The act also prohibits CPA from paying success fees under any contract or agreement it enters into, amends, or extends on or after July 1, 2023, if it is financed in whole or in part by the state (including matching expenditures, grants, loans, insurance, or guarantees). A "success fee" is a commission paid by the authority to a person or entity for facilitating a transaction's completion only if the transaction is completed. It is separate from any payment for services performed (§ 2).

The act generally requires CPA to follow the same procedures as state agencies when entering into certain goods and services contracts. Generally, these procedures require (1) using competitive bidding or competitive negotiation when purchasing goods and services and (2) awarding contracts to the lowest responsible qualified bidder or highest-scoring bidder in a multiple-criteria bid. The act's provisions generally mirror provisions in existing law that apply to executive branch state agencies (CGS §§ 4a-50, -57 & -59).

The act also makes permanent the State Contracting Standards Board's (SCSB's) authority over CPA, which was scheduled to sunset July 1, 2026, under prior law. Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, for the provisions on CPA construction projects and prohibiting success fees and October 1, 2023, for the provisions on goods and services contracts and SCSB authority.

§ 1 — CPA CONSTRUCTION PROJECTS

The act requires the construction manager for a state-funded CPA project to invite bids for the various project elements and post notice of them on the State Contracting Portal. Bids must remain sealed until the public opening (as specified in the notice), and the construction manager must award contracts for project elements to the contractor submitting the lowest responsible qualified bid. The construction manager must consult with CPA and receive its approval before awarding contracts. The act prohibits the construction manager from bidding on any project element.

Under the act, any contract that CPA enters into with a construction manager for a state-funded project must require the construction manager to keep accounting records for all state funds spent, including detailed support for cost allocations. The act makes these accounting records subject to audit by the Auditors of Public Accounts.

Under the act, a "project" is the construction, renovation, or alteration of buildings or facilities owned or leased by CPA and financed in whole or in part by the state (including matching expenditures, grants, loans, insurance, or guarantees). It includes all related planning, feasibility, environmental testing and assessment, permitting, engineering, technical, and other necessary development activities, such as site acquisition, site preparation, and infrastructure improvements.

A "construction manager" is a general contractor or other construction professional with primary responsibility for the day-to-day management of all construction or engineering activities for a project pursuant to a contract or other agreement with CPA.

§ 3 — CPA GOODS AND SERVICES CONTRACTS

Procedures

The act's requirements apply to CPA's purchases of, and contracts for, supplies, materials, equipment, and specified contractual services (e.g., laundry and cleaning, equipment maintenance). With certain exceptions, it requires competitive bidding or competitive negotiation when possible for these purchases and contracts. When using competitive negotiation, CPA must include price as an explicit criterion in the request for proposals and contract award.

The act requires CPA to adopt procedures establishing standards and procedures for (1) using competitive negotiation, including criteria to be considered and each criterion's weight, and (2) making additional purchases from existing contracts. The act exempts from these requirements (1) minor nonrecurring and emergency purchases of $10,000 or less and (2) specified public utility services (i.e., electricity, water, gas, and certain related supply or generation services).

Solicitations

Under the act, CPA must solicit competitive bids or proposals by noticing the planned purchase in a way that it determines will promote competition and maximize public participation, including by small contractors certified under the state set-aside program (see BACKGROUND). The notice must include the types of goods and services sought by CPA and the contract award's estimated value.

When applicable, the notice must also contain (1) a notice of state law's nondiscrimination and affirmative action requirements and (2) provisions for awarding contracts to entities certified under the state set-aside program.

The act requires CPA to keep bids and proposals sealed or secured until publicly opened at the time stated in the solicitation notice.

Contract Awards

The act requires that all of CPA's open-market orders or contracts for the specified goods and services be awarded to the (1) lowest responsible qualified bidder, accounting for the good's or service's quality and suitability; (2) highest-scoring bidder in a multiple-criteria bid; or (3) proposer that CPA deems as having the most advantageous proposal, according to criteria in the proposal.

"Lowest responsible qualified bidder" refers to the lowest bidder that has the skill, ability, and integrity needed to perform the work. "Highest-scoring bidder in a multiple-criteria bid" refers to the bidder with the highest score for a combination of attributes, including price, skill, ability, and integrity based on objective criteria established in the bid solicitation. In both cases, CPA must base its evaluation on the bidder's fulfillment of past contract obligations and experience or lack of experience in delivering the specific goods or services sought in the bid solicitation.

§§ 4 & 5 — SCSB AUTHORITY

The act makes permanent SCSB's authority over CPA, which was set by the 2021 budget and implementer act and scheduled to sunset on July 1, 2026, under prior law (PA 21-2, June Special Session, § 309). Like prior law, the act defines CPA as a "state contracting agency" under SCSB's authorizing statutes, except for the state's privatization law (CGS § 4e-16, which subjects certain privatization contracts to SCSB's approval). The board's authority over CPA includes, among other things, auditing CPA's compliance with procurement laws and regulations and reviewing CPA's contracts and procurement agreements (CGS §§ 4e-6 & -7).

BACKGROUND

Set-Aside Program

The state set-aside program requires state agencies and certain political subdivisions (including quasi-public agencies) to set aside at least 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 (MBE).

By law, a "certified small contractor" is one that maintains its principal place of business in the state. The contractor must be (1) 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, or (2) a nonprofit entity that (a) had gross revenues of $20 million or less during its most recent fiscal year and (b) is independent. MBEs are small contractors owned by women, minorities, or people with disabilities. The owner must have managerial and technical competence and experience directly related to his or her principal business activities (CGS § 4a-60g).

PA 23-129—HB 6826
Government Administration and Elections Committee
Appropriations Committee

AN ACT CONCERNING LIABILITY FOR FALSE AND FRAUDULENT CLAIMS

SUMMARY: This act expands the scope of the state False Claims Act by applying it to most state programs and benefits. It does so by removing provisions in prior law that limited it to state-administered health and human services programs and making conforming changes. The act excludes from the False Claims Act's scope claims, records, or statements made under any tax law administered by the state or one of its political subdivisions.

Separately, the act (1) eliminates a provision in prior law that made a False Claims Act violator liable for investigation costs and (2) requires that the attorney general's False Claims Act investigations be within available appropriations. It also prohibits the state, when it is a defendant in a civil action, an arbitration, or another civil proceeding, from asserting a counterclaim, set-off, or defense alleging a False Claims Act violation.

By law, the False Claims Act allows the attorney general or a person initiating the action (generally referred to as a whistleblower or relator) to bring an action against violators. It allows whistleblowers to share in the damages recovered because of the lawsuit. The attorney general or whistleblower must prove all essential elements of the cause of action, including damages, by a preponderance of the evidence. The False Claims Act's remedies are not exclusive and are in addition to other remedies provided under federal, state, and common law.

As under existing law, anyone who violates the False Claims Act is generally liable to the state for: (1) a civil penalty that is periodically adjusted for inflation in accordance with federal law (e.g., a penalty from $13,508 to $27,018 for violations assessed after January 30, 2023); (2) treble damages; and (3) prosecution costs of the violation. (The act removes liability for investigation costs; see above.) Liability is joint and several for any violation committed by two or more individuals or entities.

EFFECTIVE DATE: July 1, 2023

FALSE CLAIMS ACT

The act expands the False Claims Act's scope to include claims relating to most state programs and benefits. In doing so, it subjects these additional claims to the False Claims Act's existing prohibitions and procedural requirements, as described below.

Claims

By law, a "claim" is any request or demand for money or property that is (1) presented to an officer, employee, or agent of the state or (2) made to a contractor, grantee, or other recipient. In the latter case, the definition applies if the money or property is to be spent or used on the state's behalf or to advance a state program or interest and the state (1) provides or has provided any portion of the money or property that is requested or demanded or (2) will reimburse the contractor, grantee, or other recipient for any portion of the requested or demanded amount.

A claim does not include a request or demand for money or property that the state has paid to someone as compensation for state employment or as an income subsidy with no restrictions on that person's use of the money or property.

Prohibited Acts

The act extends the False Claims Act's prohibitions to fraud involving any state claim other than those relating to taxes the state or its political subdivisions administer, rather than just claims related to a state-administered health and human services program.

The False Claims Act prohibits the following:

1. knowingly presenting, or causing to be presented, a false or fraudulent claim for payment or approval;
2. knowingly making, using, or causing to be made or used, a false record or statement material to a false or fraudulent claim;
3. (a) having possession, custody, or control of property or money used, or to be used, by the state and (b) knowingly delivering, or causing to be delivered, less property than the amount for which the person receives a certificate or receipt;
4. (a) being authorized to make or deliver a document certifying receipt of property used, or to be used, by the state and (b) with intent to defraud the state, making or delivering the document without completely knowing that the information in it is true;
5. knowingly buying, or receiving as a pledge of an obligation or debt, public property from a state employee or officer who may not legally sell or pledge the property;
6. knowingly making, using, or causing to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the state;
7. knowingly concealing or knowingly and improperly avoiding or decreasing an obligation to pay or transmit money or property to the state; or
8. conspiring to commit the above actions.

Attorney General's Powers and Duties

Under the act, the attorney general generally has the same powers and duties he did previously for claims involving health and human services programs. The attorney general's powers and duties under the False Claims Act include the following:

1. investigating prohibited acts and bringing civil actions in the Hartford Superior Court (the act requires that the investigations be within available appropriations) (CGS § 4-276);
2. pursuing the state's claim through any alternate remedy, including administrative proceedings to determine a civil penalty (CGS § 4-280); and
3. annually reporting to the General Assembly and the governor certain information for the previous fiscal year, including the number of civil actions he filed, the number of civil actions private individuals filed, and the amount the state recovered (CGS § 4-289).

Whistleblower Cause of Action

As under prior law, anyone may bring a civil action in the Hartford Superior Court against someone who violates the False Claims Act. The attorney general must either (1) proceed with the action or (2) notify the court that he declines to take over the action, in which case the whistleblower may conduct the action (CGS § 4-277).

If the attorney general proceeds with the action, he has the primary responsibility for prosecuting the action and is not bound by any act by the whistleblower. Among other things, the attorney general may settle the action even if the whistleblower objects.

If the court awards civil penalties or damages or there is a settlement, the whistleblower generally must receive between 15% and 25% of the proceeds and reasonable expenses and attorney's fees and costs. If the action is based primarily on

public information, the court may instead award the whistleblower up to 10% of the proceeds plus reasonable expenses and attorney's fees and costs (CGS § 4-278).

If the attorney general declines to proceed, the whistleblower may conduct the action. The law allows the attorney general to intervene later upon showing good cause. Upon prevailing in the action or settling the claim, the whistleblower may receive an amount the court determines is reasonable for collecting the civil penalty and damages, which generally must be between 25% and 30% of the proceeds plus reasonable expenses and attorney's fees and costs (CGS § 4-279).

Statute of Limitations

As under prior law, a civil action may not be brought more than six years after a violation is committed or more than three years after material facts are known or reasonably should have been known to the responsible state official, but in no event more than 10 years after the date of the violation, whichever occurs last (CGS § 4-285).

PA 23-133—HB 6909
Government Administration and Elections Committee

AN ACT CONCERNING STATE AGENCY COMMUNICATIONS RELEVANT TO THE LATIN AMERICAN COMMUNITY

SUMMARY: This act requires state agencies and employees, when referring to the Latin American community in an official communication or form, to use the terms "Latino," "Latina," and "Latine."

Under the act, a "state agency" is any department, board, council, commission, institution, or other state executive branch agency, including public higher education institutions and constituent units. A "state employee" is any classified or unclassified employee of a state agency, excluding elected officials.
EFFECTIVE DATE: October 1, 2023

PA 23-158—sHB 6870
Government Administration and Elections Committee

AN ACT CONCERNING RETRIEVAL BY TOWN CLERKS OF ABSENTEE BALLOTS IN DROP BOXES

SUMMARY: Under existing law, voters may cast absentee ballots by depositing them in designated drop boxes. Under prior law, town clerks had to begin retrieving the ballots from these boxes 29 days before an election, primary, or referendum. This act instead requires town clerks to collect the ballots starting on the first day of the absentee balloting period for an election or primary (and presumably a referendum).
EFFECTIVE DATE: October 1, 2023

PA 23-178—SB 1189
Government Administration and Elections Committee

AN ACT CONCERNING THE DEADLINE FOR FILING NOMINATING PETITIONS WITH THE SECRETARY OF THE STATE

SUMMARY: By law, a nominating petition for a candidate seeking to petition onto an election ballot must be filed with either the secretary of the state or the town clerk by certain deadlines. This act moves up the deadline by one week for petitions filed with the secretary.

Under prior law, the deadline for filing the petition with the secretary or the town clerk was 4:00 p.m. on the (1) 90th day before the election for regular elections or (2) 70th day before the election for special elections (with certain exceptions). The act advances the deadline for filing with the secretary to 4:00 p.m. on the (1) 97th day before a regular election or (2) 77th day before a special election (with the same exceptions as prior law). The act maintains the existing deadline for filing with town clerks.

Under the act, as under existing law, the deadline set for regular elections applies to a special election if it is (1) held in conjunction with a regular election and (2) noticed at least 14 days before the deadline for filing primary petitions for municipal office in the regular election. The act also maintains an exemption for petitions for vacancy elections for state legislative office.

By law, if the nominating petitions are filed with the secretary of the state, she must send them to the appropriate town clerk.

EFFECTIVE DATE: Upon passage

PA 23-197—SB 1154
Government Administration and Elections Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE AUDITORS OF PUBLIC ACCOUNTS

SUMMARY: This act explicitly exempts from disclosure under the Freedom of Information Act (FOIA) whistleblower complaints filed with the state auditors or under the False Claims Act. Existing law already exempts records of an investigation (see BACKGROUND). The act also expands this FOIA exemption to exempt from disclosure the name of any person, instead of only the name of an employee, who provides information on whistleblower investigations and complaints and False Claims Act violations (§ 1).

Both the whistleblower law (CGS § 4-61dd) and False Claims Act (CGS § 4-275 et seq.) allow any person (not just employees) to provide information to the state auditors or attorney general. Under these laws, the state auditors and the attorney general may not disclose the identity of a person who made a complaint unless the person consents or the disclosure is unavoidable.

The act also requires municipal legislative bodies (or boards of selectmen if a town meeting is the legislative body) or regional boards of education, as applicable, to hold a public meeting on an audit that is non-compliant or shows certain irregularities before submitting a corrective action plan (§ 2).

Under existing law, an independent auditor must file a copy of annual municipal financial audits with the Office of Policy and Management, among other entities (CGS § 7-393). The secretary must report his findings to certain officials if he finds (1) evidence of unsound or irregular financial practices, management letter comments, or lack of standard internal controls or (2) that the audit was not properly prepared and the entity did not have permission to file a non-compliant report. Depending on the entity, the report must be provided to the Municipal Finance Advisory Commission, state auditors, and (1) chief executive officer (CEO) and clerk of the municipality, (2) superintendent of schools for a regional school district, or (3) CEO of the audited agency.

Existing law requires the superintendent or applicable CEO to attest to and explain the secretary's findings and submit a written corrective action plan. The act requires that the municipal legislative body (or board of selectmen if a town meeting is the legislative body) or regional board of education (if the report involves a school district) hold a public meeting before the plan's submission to discuss the secretary's findings and potential causes of the audit's noted discrepancies. Under the act, the corrective action plan must consider what was discussed at the meeting.

Finally, the act makes minor changes that replace statutory references to "comprehensive annual financial reports" with "annual comprehensive financial reports" (§§ 3-7). The changes conform to recent changes made by the Governmental Accounting Standards Board.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Related Case

In a contested case decided in 2022, the Freedom of Information Commission (FOIC) dismissed a FOIA complaint that sought the record of a particular whistleblower complaint; FOIC concluded that disclosing the complaint would reveal the whistleblower's identity. However, the commission's dismissal order stated that it should not be construed as concluding that all whistleblower complaints are exempt from disclosure. Rather, FOIC ruled that these determinations must be made on a case-by-case basis (FIC 2019-0710).

PA 23-200—sSB 1221
Government Administration and Elections Committee
Judiciary Committee

AN ACT CONCERNING THE ENFORCEMENT OF VIOLATIONS OF THE FREEDOM OF INFORMATION ACT

SUMMARY: This act increases, from $1,000 to $5,000, the maximum civil penalty that the Freedom of Information Commission (FOIC) may impose for certain Freedom of Information Act (FOIA) violations. As under existing law, the commission may impose the penalty against a records custodian or official responsible for denying a right conferred by FOIA (e.g., a request to inspect or copy a public record) if it finds that the denial was without reasonable grounds. FOIC may impose the penalty after giving the custodian or official an opportunity for a hearing.

The act also expands the circumstances under which FOIC may issue an order or impose a civil penalty. Under existing law, when a person files an appeal with FOIC against a public agency, the commission may confirm the agency's action or order it to provide relief that the commission believes is appropriate to rectify the denial. Under the act, if the commission finds that a public agency is engaging in (1) a practice or pattern of conduct that constitutes an obstruction of any right conferred by FOIA or (2) reckless, willful, or wanton misconduct in delaying or denying responses to public records requests, then it may take the following actions:

1. impose a civil penalty of $20 to $5,000 against a custodian or other official of the public agency and
2. order other relief that it determines is appropriate to correct the obstruction or misconduct and deter the agency from violating FOIA.

Under the act, FOIC may make these findings when a public agency's denial of a FOIA right is appealed to the commission and after a hearing. The act allows FOIC to apply to the New Britain Superior Court for an order requiring the public agency to comply with a commission-issued order related to these findings.

The act also makes technical changes.
EFFECTIVE DATE: October 1, 2023

RA 23-1—HJ 1
Government Administration and Elections Committee

RESOLUTION APPROVING 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, sickness or physical disability, or the tenets of their religion prohibiting secular activity on election day. The General Assembly exercised this authority and passed provisions codified in CGS § 9-135.

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 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 on the day of an election, primary, election, or referendum because of the following:

1. they are absent from the town in which they reside;
2. sickness or 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.

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

PA 23-3—sSB 1106
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE FOUNDATIONS OF THE REGIONAL COMMUNITY-TECHNICAL COLLEGES

SUMMARY: This act allows the individual campuses of the community-technical colleges to establish or maintain respective foundations following their merger into a single institution, Connecticut State Community College ("CT State"). It does so by expanding the types of public higher education institutions that may establish or maintain state agency foundations to include any campus of an accredited state community-technical college. It also specifies that each campus chief executive officer (CEO) is its "executive authority" for purposes of the foundation law, rather than the institution's CEO. By law, a foundation's "executive authority" serves on the foundation's board and has specific duties related to the foundation (e.g., ensuring that the foundation has a full audit completed).

By law, a "foundation" is a 501(c)(3) nonprofit organization that uses private funds for charitable, scientific, cultural, or educational purposes to support a state agency (e.g., the UConn Foundation) or for coordinated emergency recovery purposes. Community-technical college foundations may only fund (1) scholarships or other direct student financial aid or (2) programs, services, or activities at the institution that the foundation supports (CGS § 4-37f(3)).

Additionally, the act extends existing contracting requirements for state agencies to the community-technical college campuses. They (1) must notify the state auditors at least 15 days before contracting for auditing services and (2) cannot enter into these contracts until the auditors advise whether they can perform the work instead (CGS § 2-90d).

The act also makes the campus CEOs, rather than CT State's CEO, the executive authority for purposes of (1) deciding whether to conduct audits in addition to the state single audit when necessary, based on evidence of fiscal irregularities or noncompliance (CGS § 4-234) and (2) specified notices to municipalities of plans to build or enlarge a building or underground utility facility (CGS § 4b-28).
EFFECTIVE DATE: July 1, 2023

PA 23-8—sSB 921
Higher Education and Employment Advancement Committee

AN ACT REQUIRING REPORTING ON THE IMPLEMENTATION OF THE STUDENTS FIRST PLAN

SUMMARY: Beginning by July 1, 2024, and through July 1, 2030, this act requires the Board of Regents to annually report to the Higher Education and Employment Advancement Committee on the results of the consolidation of the regional community-technical schools into the Connecticut State Community College.

The report must compare certain performance metrics from July 1, 2023, to when the report is prepared, including the percentage of students enrolled in credit-bearing courses for the first time who:

1. complete introductory math and English course requirements in the first year of enrollment;
2. enroll for a full semester and subsequently (a) re-enroll the next semester or, for students attending one semester annually, the next fall or spring semester or (b) graduate; and
3. within the first three years of enrollment, graduate, transfer to a four-year higher education institution, or are still enrolled in a course of study.

The report must also include the following:

1. the ratio of students to student counselors or advisors, full-time faculty, and part-time or adjunct faculty;
2. the number of "executive positions" at each college or campus, as applicable; and
3. the number of personnel by location or functional area and position type, including faculty, direct student support staff, building operations, clerical or administrative staff, and executive positions.

Under the act, an "executive position" is (1) a president, director, or chief executive officer; (2) an administrative head of an office or department, and their deputies; (3) any of the above listed persons' executive or personal secretaries; and (4) any person in an equivalent position.
EFFECTIVE DATE: July 1, 2023

PA 23-11—sSB 1104
Higher Education and Employment Advancement Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT HEALTH AND EDUCATIONAL FACILITIES AUTHORITY

SUMMARY: By law, the Connecticut Health and Educational Facilities Authority (CHEFA) can issue bonds to fund specified projects at higher education institutions, health care institutions, nonprofits, and nursing homes. This act expands the types of projects CHEFA may fund at these institutions to include programs or services that further their organization or mission. For projects at higher education or health care institutions, it also eliminates an exclusion for the cost of fuel, supplies, and other items (including books for higher education institutions) that customarily result in a current operating charge, thus allowing these expenses to be included in CHEFA project funding.

The act also broadens certain other incidental project expenses CHEFA can fund through bonds by removing the limitation that these other expenses must be related to the project's construction and acquisition. Instead, the act allows a project to include all other costs and expenses necessary or incident to it, its operation and financing, and getting it into operation.

The act repeals obsolete provisions related to the nursing home debt service assistance program, which generally allowed (1) CHEFA to extend deficiency loans to qualified nursing homes and (2) the state treasurer to advance funds to CHEFA to pay debt service on these bonds and avoid the state paying into a special capital reserve fund (SCRF) to back them. It also repeals conforming changes specifying how CHEFA may refinance certain SCRF-backed bonds that no longer exist. It also eliminates CHEFA's authority under prior law to use SCRF-backed bonds to finance up to $100 million for participating health care institutions' equipment, at the Office of Policy and Management secretary's and state treasurer's discretion.

Finally, the act also repeals the:

1. obsolete Captive Insurance Demonstration Program Grant Fund and related requirement that CHEFA annually report to the legislature on the program;
2. requirement that CHEFA establish, within available resources, a program to help nonprofit hospitals access leases to finance the cost of digitizing patient records; and
3. requirement that CHEFA develop a loan program to help certain nursing homes install automatic fire extinguishers.

EFFECTIVE DATE: July 1, 2023

PA 23-14—sSB 922
Higher Education and Employment Advancement Committee

AN ACT PROHIBITING AN INSTITUTION OF HIGHER EDUCATION FROM WITHHOLDING TRANSCRIPTS

SUMMARY: This act prohibits higher education institutions in Connecticut from withholding a current or former student's transcript from the student's employer, prospective employer, or a U.S. military branch because the student owes the institution a debt.

Relatedly, the act also bans these higher education institutions from:

1. conditioning a transcript's release to one of these entities upon debt payment,
2. charging a higher fee for providing the transcript to one of these entities because the student owes a debt, or
3. using transcript release as a debt collection method.

Under the act, "debt" is an obligation, claim, or sum that a student owes or allegedly owes to a higher education institution, but not any fee for the actual cost of providing a transcript.

EFFECTIVE DATE: October 1, 2023

PA 23-41—sSB 1108
Higher Education and Employment Advancement Committee

AN ACT CONCERNING ACCESS TO REPRODUCTIVE HEALTH CARE BY STUDENTS AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: This act requires the Board of Regents for Higher Education (BOR) and the UConn Board of Trustees (BOT), by January 1, 2024, to establish and update as needed a plan to provide reproductive health care services by a licensed health care provider to students who live on residential campuses (i.e., any public college or university campus with school-owned or controlled- dorms, fraternities, and sororities) under the boards' jurisdiction. The plan must address:

1. the availability of equipment and licensed health care providers to provide reproductive health care services on the residential campus or in the surrounding community;
2. opportunities for providing reproductive health care or other associated services, including counseling, through telehealth;
3. ways of ensuring continuity of care during holiday and vacation periods and between semesters; and
4. an estimate of the costs associated with plan implementation and the availability of public and private funding sources to cover the costs.

The plan must also cover how the school will provide:

1. referrals and transportation services for accessing reproductive health care services at any off-campus location;
2. information and materials about pregnancy being a qualifying life event for health insurance coverage in the state; and
3. educational materials on maternal mental health care and resources for maternal mental health screenings.

Under the act and existing law, "reproductive health care services" include all medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy, contraception, or pregnancy termination, and all medical care relating to the treatment of gender dysphoria. (PA 23-204 expands this definition; see BACKGROUND.)

The act requires BOR and BOT, within 30 days of establishing or updating the plan, to (1) submit it to the Higher Education and Employment Advancement Committee, and (2) post it on their respective websites and the website of the public higher education institution associated with each residential campus.
EFFECTIVE DATE: July 1, 2023

BACKGROUND

Related Act

PA 23-204, § 306, (1) expands the definition of "reproductive health care services" used in this act to include gender incongruence and (2) specifies that for purposes of this definition, gender dysphoria is based on the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders."

PA 23-61—sHB 6354
Higher Education and Employment Advancement Committee

AN ACT ESTABLISHING A GREEN JOBS CORPS PROGRAM

SUMMARY: This act requires the Connecticut Clean Economy Council (CCEC, see BACKGROUND) to develop a workforce training plan for green jobs (i.e., jobs that employ green technology) to accomplish the state's greenhouse gas emission reduction goals. The plan must include:

1. development of work-based learning programs for green jobs with workforce shortages;
2. development of certificate and degree programs related to the green technology industry at technical education and career schools and in-state colleges and universities;
3. identification of available public or private funding to develop these programs and award grants to apprentices and students; and
4. a strategy to market green jobs and recruit individuals, especially from underrepresented populations, to existing and newly developed green job-related programs and certificates.

Under the act, the council must (1) develop the plan by January 1, 2024; (2) submit the plan to the Higher Education

and Employment Advancement Committee by February 1, 2024; and (3) update and resubmit the plan by February 1 each year.

Prior law required the Office of Workforce Strategy (OWS), in consultation with the Office of Higher Education, State Department of Education, Department of Labor, Department of Energy and Environmental Protection, regional workforce development boards, and employers, to establish a career ladder for jobs in the green technology industry by January 1, 2020, and then update it as needed. The act shifts responsibility regarding the green jobs career ladder from OWS to the CCEC.

EFFECTIVE DATE: July 1, 2023

BACKGROUND

Connecticut Clean Economy Council

The governor established the CCEC through Executive Order 21-3. The council must advise on strategies and policies to strengthen climate mitigation, clean energy, resilience, and sustainability programs with the goal of lowering emissions and advancing the state of economic and environmental justice for Connecticut residents.

Among other things, the CCEC must ensure the state's workforce is trained to deliver climate and sustainability solutions as well as support equitable and diverse participation in climate and sustainability economic development opportunities. The CCEC is expected to meet at least quarterly and report annually on its work.

Green Technology

By law, green technology is technology that (1) promotes clean energy, renewable energy, or energy efficiency; (2) reduces greenhouse gases or carbon emissions; or (3) involves the invention, design, and application of chemical products and processes to eliminate the use and generation of hazardous substances (CGS § 10a-55d).

PA 23-68—HB 5232
Higher Education and Employment Advancement Committee

AN ACT PROHIBITING PUBLIC INSTITUTIONS OF HIGHER EDUCATION FROM RECEIVING MONEY FOR SOLICITING STUDENTS TO GAMBLE ONLINE

SUMMARY: This act prohibits public higher education institutions in Connecticut from profiting or receiving money from a sponsor, marketing company, or other entity for allowing it to directly solicit enrolled students to gamble through a website, online service, or mobile application. Under the act, "directly solicit" means making direct contact with a person through mail, phone, e-mail, in-person communication, or any other means to induce the person to make a transaction.

EFFECTIVE DATE: July 1, 2023

PA 23-70—sHB 5441
Higher Education and Employment Advancement Committee

AN ACT CONCERNING CLINICAL PLACEMENTS FOR NURSING STUDENTS, REPORTING BY THE OFFICE OF WORKFORCE STRATEGY, PROMOTION OF THE DEVELOPMENT OF THE INSURANCE INDUSTRY AND CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY STUDENT LOAN SUBSIDY PROGRAMS FOR VARIOUS PROFESSIONS

SUMMARY: This act makes the following changes to higher education statutes and programs:

1. creates an 11-member task force to develop a plan for establishing clinical placements at state facilities for nursing students (§ 1);
2. makes permanent the requirement for the Chief Workforce Officer to annually report to the governor and certain legislative committees on the Office of Workforce Strategy's (OWS) workforce training programs (§ 2);
3. requires the insurance commissioner to promote the development and growth of, and employment opportunities within, the state's insurance industry (§ 3);
4. makes paraeducators and school counselors eligible for the Connecticut Higher Education Supplemental Loan

Authority's (CHESLA) Alliance District Teacher Loan Subsidy Program (§§ 4 & 5);
5. requires CHESLA to establish a Police Officer Loan Subsidy Program to subsidize interest rates on CHESLA loans to eligible police officers employed in distressed municipalities (§ 6); and
6. expands the CHESLA loan subsidy program for certain health care professionals created by PA 23-60 to also include emergency medical service (EMS) professionals (§§ 7 & 8).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except the provisions expanding Alliance District teacher loan subsidy program eligibility and establishing the police officer student loan subsidy program take effect on January 1, 2024, and the task force provision is effective upon passage.

§ 1 — NURSING STUDENT CLINICAL PLACEMENT TASK FORCE

Duties

The act creates a task force to develop a plan for establishing clinical placements for nursing students at public and private higher education institutions. In developing the plan, the task force must examine the following:

1. the types of state facilities that can accommodate these clinical placements, including state correctional facilities and facilities operated by the Department of Mental Health and Addiction Services (DMHAS), the Department of Children and Families (DCF), and the Department of Developmental Services (DDS);
2. the number and types of placements that may be established at each facility;
3. the staffing requirements for providing the placements and the facilities' compliance with them; and
4. the total and per-student cost to the facilities to provide the placements.

Membership

Under the act, the task force consists of 11 appointed members, with the commissioners of corrections, public health, DMHAS, DCF, and DDS, and the six legislative leaders appointing one member each. The corrections commissioner's appointment must be a licensed medical provider the corrections department employs, and the other commissioner appointments must be registered nurses employed by each respective agency. The legislative leaders must each appoint a nursing program administrator from specified institutions as follows: House speaker (UConn), Senate president pro tempore (independent higher education institution), House majority leader (state university within the Connecticut State University System), Senate majority leader (regional community-technical college), House minority leader (independent higher education institution), and Senate minority leader (UConn Health Center).

The appointing authorities must make their initial appointments within 30 days after the act's passage (July 5, 2023) and fill any vacancies. Members appointed by the legislative leaders may be legislators.

Leadership, Staff, and Meetings

Under the act, the House speaker and Senate president pro tempore must select the task force chairpersons from among its members. The chairpersons must schedule the task force's first meeting to be held within 60 days after the act's passage (August 4, 2023).

The act requires the Higher Education and Employment Advancement Committee's administrative staff to serve in this capacity for the task force.

Report

The act requires the task force to report its findings and recommendations to the Higher Education and Employment Advancement Committee by January 1, 2024. The task force terminates on this date or when it submits the report, whichever is later.

§ 2 — OWS REPORTING REQUIREMENTS

The act makes permanent the requirement for the chief workforce officer to annually report on OWS workforce training programs to the governor and the Commerce; Education; Finance, Revenue and Bonding; Higher Education and Employment Advancement; and Labor and Public Employees committees. Prior law sunset the reporting requirement on October 1, 2025. By law, this report must include information on the number, demographics, and outcomes of program

participants.

§§ 4 & 5 — ALLIANCE DISTRICT EDUCATOR AND COUNSELOR LOAN SUBSIDY PROGRAM

The act broadens eligibility under the Alliance District Teacher Loan Subsidy Program to include participation by paraeducators and school counselors and renames the program accordingly. By law, this program provides subsidized interest rates on CHESLA loans to eligible borrowers employed in alliance districts, subject to available funding.

§ 6 — CHESLA POLICE OFFICER LOAN SUBSIDY PROGRAM

The act requires CHESLA, by July 1, 2024, to establish a Police Officer Loan Subsidy Program to subsidize interest rates on CHESLA loans to eligible sworn members of municipal police departments employed in distressed municipalities, subject to available funding. (The Department of Economic and Community Development annually designates distressed municipalities based on high unemployment and poverty, aging housing stock, and low or declining rates of job, population, and per capita income growth (CGS § 32-9p).)

CHESLA must maintain a separate, non-lapsing account to hold funds for the program required by law to be deposited there, including any state appropriation and the proceeds from bonds issued for the program's purposes.

Eligibility Criteria and Administrative Guidelines

The act requires CHESLA to establish the program's eligibility criteria and administrative guidelines in consultation with the Police Officer Standards Training Council. The criteria and guidelines must address at least the following:

1. applicant eligibility,
2. interest rate subsidies and principal limits,
3. the process for verifying applicants' employment, and
4. the requirement that an interest rate subsidy through the program ends if a recipient no longer meets the program's employment requirements during the loan's term.

Program Account Expenditures

Under the act, CHESLA must use the funds in the program's account to subsidize the program's loans and to:

1. cover reasonable and necessary expenses for program administration,
2. issue authority loans to refinance one or more eligible loans, and
3. maintain a reserve for any losses from issuing authority loans.

"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 CHESLA or another private or governmental lender to finance post-secondary education.

§§ 7 & 8 — CHESLA LOAN SUBSIDY PROGRAM FOR HEALTH CARE AND EMS PROFESSIONALS

PA 23-60 requires CHESLA to establish a Nursing and Mental Health Care Professionals Loan Subsidy Program to subsidize interest rates on CHESLA refinancing loans to certain Connecticut-licensed nurses, nurse's aides, psychologists, marital and family therapists, clinical and master social workers, and professional counselors. This act broadens the program's scope to include EMS professionals and correspondingly renames the program. Under the act, to qualify, the EMS professional must (1) be certified by the Department of Public Health as an emergency medical responder, emergency medical technician, or advanced emergency medical technician; (2) be actively employed in an EMS setting; and (3) meet the program's eligibility criteria and administrative guidelines set by CHESLA and the education commissioner.

PA 23-118—HB 6565
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE PLAN OF THE BOARD OF REGENTS FOR HIGHER EDUCATION CONCERNING THE NUMBER OF CHILD CARE CENTERS NEAR CAMPUSES

SUMMARY: Existing law requires the Board of Regents for Higher Education (BOR) to consult with the Office of Early Childhood (OEC) to develop a plan to increase the number of OEC-licensed child care centers or group child care homes on or near each regional community-technical college and state university campus. The plan must include the expansion and maintenance of child care facilities that (1) are utilized by an early childhood education program for instructional purposes or (2) provide evening and weekend child care services in accordance with college or university course schedules.

The act expands the plan's minimum requirements by requiring that it also include the following:

1. an assessment of the student body's child care needs and the existing child care services and facilities available on each campus or in the surrounding community;
2. opportunities for collaboration with other state agencies, federal programs, community organizations, or nonprofit organizations to carry out the plan; and
3. a budget and implementation timeline.

Prior law required BOR to submit the plan to the Higher Education and Employment Advancement Committee by January 1, 2023. The act extends the plan submission deadline by one year, to January 1, 2024.
EFFECTIVE DATE: Upon passage

PA 23-139—HB 6101
Higher Education and Employment Advancement Committee

AN ACT CONCERNING TUITION WAIVERS FOR GRADUATE DEGREE PROGRAMS AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: Under existing law, the Connecticut State University System (CSUS), UConn, and regional community-technical colleges (CTCs) must waive tuition fees for certain students (see BACKGROUND). This act specifies this waiver applies to both undergraduate and graduate degree program tuition fees (which, generally, was already an existing practice).
EFFECTIVE DATE: July 1, 2023

BACKGROUND

Students Eligible for Tuition Waivers

By law, UConn, the CSUS, and the regional CTCs must generally waive tuition for the following students:

1. Connecticut residents who are dependent children of armed forces members who served after January 1, 1960, and were declared missing in action or prisoners of war;
2. wartime veterans living in Connecticut;
3. Connecticut residents age 62 or older, as long as there is a sufficient number of enrolled paying students and available space in the courses in which they enroll;
4. Connecticut State Police Academy students enrolled in a law enforcement program offered in coordination with a regional CTC;
5. active members of the Connecticut National Guard in good standing who were admitted to a degree-granting program on a full- or part-time basis (including graduate programs in the case of UConn and CSUS);
6. dependent children of a police officer, supernumerary, auxiliary police officer, firefighter, volunteer firefighter, municipal employee, or state employee killed in the line of duty;
7. state residents who are dependent children or surviving spouses of terrorist victims;
8. dependent children of state residents killed in a specific July 2005 car crash in the town of Avon; and
9. state resident dependent children or surviving spouses of a Connecticut resident killed in action while on active duty in the armed forces on or after September 11, 2001.

PA 23-141—HB 6566
Higher Education and Employment Advancement Committee

AN ACT CONCERNING REPORTING FOR THE DEBT-FREE COMMUNITY COLLEGE PROGRAM

SUMMARY: This act delays, by one month, an annual deadline for reporting on the state's debt-free community college program (a.k.a., the Pledge to Advance Connecticut (PACT) program). Generally, PACT gives certain Connecticut high school graduates awards that cover the unpaid portion of the college's institutional costs (i.e., tuition and fees minus scholarships; grants; and federal, state, and institutional aid awarded to the student excluding loans).

By law, the Board of Regents for Higher Education (BOR) must report each fall and spring semester to the Higher Education and Employment Advancement and Appropriations committees on the:

1. number of qualifying students (a) enrolled during each semester, (b) receiving minimum awards, and (c) receiving awards for the unpaid portion of eligible institutional costs;
2. average number of credit hours that qualifying students (a) enrolled in each semester and (b) completed in each semester;
3. average award amount to be made to qualifying students for the unpaid portion of eligible institutional costs; and
4. completion rates of qualifying students who receive awards by degree or certificate program.

Prior law required BOR to submit this report by October 1 for the fall semester and March 1 for the spring semester. The act moves the fall semester reporting deadline out one month, to November 1, and maintains the March 1 deadline for the spring.
EFFECTIVE DATE: July 1, 2023

PA 23-151—sHB 6771
Higher Education and Employment Advancement Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT OPEN EDUCATIONAL RESOURCE COORDINATING COUNCIL

SUMMARY: By law, the Connecticut Open Educational Resource (OER) Coordinating Council must establish an OER program to lower the cost of textbooks and course materials for high-impact courses at state higher education institutions. This act makes various changes to the council and modifies the definition and use of OER.
EFFECTIVE DATE: July 1, 2023

OPEN EDUCATIONAL RESOURCES

Prior law defined "OER" as a college-level resource available on a website for students, faculty, and the public to use on an unlimited basis at a lower cost than the market value of the printed textbook or other educational resource. It included full courses, course materials, modules, textbooks, streaming videos, tests, software, and other similar teaching, learning, and research resources residing in the public domain or released under a creative commons attribution license that permits the free use and repurposing of the resources.

The act redefines OER as a teaching, learning, or research resource that is (1) offered freely to users in at least one form and (2) either (a) in the public domain or (b) released under a creative commons attribution license or other open copyright license.

COUNCIL STRUCTURE AND STAFFING

Under prior law, the OER council was part of the executive branch and the Office of Higher Education (OHE) executive director appointed council members, including the statewide OER coordinator. OHE administrative staff served as the council's administrative staff.

The act moves the council from the executive branch to the Connecticut State Colleges and Universities (CSCU) and gives the CSCU president the same duties that the OHE executive director had under prior law (i.e., appointing the statewide coordinator and council members). The act also makes the CSCU administrative staff serve as the council's administrative staff and authorizes the coordinator to hire a part-time employee to assist and support the council.

COUNCIL DUTIES

The act requires the council to develop a model OER policy for higher education institutions to adopt. The policy must establish (1) definitions for OER terms, (2) methods to collect data on OER use and availability, and (3) ways to present online course catalogs to students to clearly identify courses using OER.

LICENSING OPTIONS

By law, the council can accept, review, and approve grant applications for the conversion or adoption of these resources. Under prior law, grant recipients could only license their OERs through a creative commons attribution license. The act expands this limitation to allow licensing through either a creative commons attribution license or other open copyright license (i.e., a copyright license that is not a creative commons attribution license, but allows for the free use, reuse, modification, and distribution of a work product if the original author is credited).

REPORTING REQUIREMENTS

Prior law required the council to annually report to the Higher Education and Employment Advancement Committee on the use of OERs, including the number and percentage of high-impact courses for which OERs have been developed. Beginning February 1, 2024, the act makes this a biennial, rather than annual, reporting requirement and changes the report's contents to instead include the number of courses using OER (i.e., a course in which all required materials are OER). By law, unchanged by the act, the report must also include information about (1) the degree to which higher education institutions promote the use of and access to OER, (2) grants the council awards, and (3) any legislative recommendations.

BACKGROUND

Related Act

PA 23-204, § 95, contains identical provisions.

PA 23-180—HB 6774
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE EXAMINATION REQUIREMENT FOR A CERTIFIED PUBLIC ACCOUNTANT CERTIFICATE

SUMMARY: This act makes it easier for certified public accountants (CPAs) to obtain a certificate from the CPA regulatory board, the State Board of Accountancy. The act requires the board to issue a certificate to individuals who, in a 30-month period, pass each component of the licensing exam even if they do not receive an overall passing score on any one exam. This requirement only applies to individuals who apply to take the exam on or after October 1, 2023. The act gives the board discretion to extend the 30-month period for reasons related to health, military service, or other individual hardship. The act does not change other requirements for obtaining a certificate: for example, college credit or good character requirements.

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2023

PA 23-119—sHB 6631
Housing Committee

AN ACT CONCERNING THE COMMON INTEREST OWNERSHIP ACT

SUMMARY: Under certain conditions, existing law allows common interest community (e.g., condominium) owners' associations to bring an action to foreclose a lien on a unit for assessments attributable to the unit or fines imposed against the owner. Among other things, the association must give written notice to holders of previously recorded first or second security interests (e.g., mortgages) at least 60 days before bringing the action.

This act specifies that this 60-day notice is not an unauthorized communication with a third party under state laws or regulations governing creditors' collection practices. Department of Banking regulations generally limit the parties with whom a creditor may, without the debtor's consent, communicate about the collection of a debt (Conn. Agencies Regs., § 36a-647-4(b)).
EFFECTIVE DATE: October 1, 2023

PA 23-125—sSB 988
Housing Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE PURCHASE OF A MOBILE MANUFACTURED HOME PARK BY ITS RESIDENTS

SUMMARY: This act expands the types of transactions for which a mobile manufactured home park owner must give the park's residents notice and an opportunity to purchase the park before completing the transaction. With certain exceptions, the act's requirements apply to all sales, leases, or transfers, other than those already covered by existing law. (Existing law, unchanged by the act, applies when the owner intends to discontinue using the property as a mobile home park or sell it to a person who intends to do so; see BACKGROUND.) The act exempts specified types of transactions from its requirements, including those where the other party is the owner's immediate family member (i.e., a spouse, parent, grandparent, child, grandchild, or sibling).

Generally, the act's requirements are similar to those in the change-of-use law, including provisions granting the park's residents the right to purchase the park by matching the terms of an existing offer. However, the act generally requires owners to provide more advance notice of a proposed transaction while providing residents a shorter timeframe for exercising purchase rights (generally, 180 days after receiving notice, rather than existing law's 365 days).

The act also allows resident associations to assign purchase rights to the municipality where the park is located or to a housing authority in that municipality, a state agency, or a nonprofit organization to continue using the property as a mobile home park. It exempts park owners from state or municipal conveyance tax if they sell, lease, or transfer the park to its residents, so long as the (1) entity buying the park is owned by at least 50% of the park's residents or has been assigned purchase rights and (2) sale terms require the guaranteed maintenance of the property as a mobile manufactured home park.

The act specifies that its requirements (1) apply separately to each substantially different purchase or sale offer and (2) do not (other than the tax exemptions) apply to transactions governed by existing law (CGS § 21-70(f)).
EFFECTIVE DATE: October 1, 2023

NOTICE

For any sale, lease, or transfer other than one governed by existing law's requirements (see above), the act requires the owner to give each unit owner three forms of notice: first-class mail with tracking, certified mail with return receipt requested, and personal delivery. The notice must include statements advising the recipient about the intended transaction and the residents' rights to purchase the park and the deadlines for doing so (see below). For offers the owner has conditionally accepted or plans to accept, the notice must also include the offer's price, terms, and conditions. For contracts or offers the owner has executed, the notice must include a written copy.

The act requires that the notice be provided at least (1) 60 days before a sale or lease occurring before October 1, 2025, and (2) 45 days before a sale or lease on or after that date.

The act also requires the owner to simultaneously send a copy of the notice by first-class mail to the departments of Consumer Protection and Housing (DOH), the Connecticut Housing Finance Authority (CHFA), and any residents'

association that requests it. Additionally, if a unit owner has notified the park owner that he or she resides somewhere besides the unit, then the park owner must send notice by first-class mail to the address provided.

The act allows park owners to accept a sale, lease, or transfer offer before providing the notice so long as it is conditioned on giving the residents the required notice and opportunity to purchase.

PURCHASE

Notice of Interest

The act allows an association (including one formed after the park owner provides the above notice) representing more than 50% of the units that are owner-occupied, or occupied by one or more of the unit owner's immediate family members, to notify the park owner that the association is interested in purchasing the park. The association may do so within the later of (1) 60 days after the notice from the owner has been mailed or personally delivered (before October 1, 2025) or (2) 45 days after the mailing or delivery (on and after October 1, 2025). A copy of the association's notice of interest may be filed on the municipal land records.

Offers by Resident Associations

Under the act, the association has 180 days from when the park owner mails or personally delivers (whichever is later) the notice of the proposed transaction to make the purchase and close the sale. For the first 90 days of this period, the act allows the association, if it cannot agree with the owner on a purchase price, to purchase the property under the same price, terms, and conditions as an existing bona fide offer that the owner has accepted or intends to accept.

The act prohibits owners from unreasonably refusing to enter, or unreasonably delaying, a purchase and sale agreement with an association that makes a bona fide offer to match the price, terms, and conditions of an offer for which notice must be given. Under the act, if no executed sales agreement is filed on the municipal land records within the 90-day period, then the right to purchase by matching an offer becomes void, and any notice of interest filed on the land records (see above) becomes void.

Under the act, if the offer received by the owner involves selling more than one mobile home park or involves purchasing a controlling interest in the park by a stock transfer or other noncash instrument, and the association cannot match the offer, then it may submit a proposed purchase and sales agreement for the park in which the association is located. The association may do this within the 180-day timeframe established by the act. The owner must consider the offer but is not required to sell to the association or delay completing a sale to another entity.

The act requires DOH and CHFA to assist the association, upon its request, with developing financing. Under the act, the park owner and residents have a duty to always act and bargain in good faith with each other.

Exceptions

The act's requirements do not apply to the following:

1. a sale, lease, or transfer (a) to the park owner's immediate family member or a trust whose beneficiaries are the owner's immediate family members, (b) by a partnership or limited liability company to one or more of its partners or members, or (c) between joint tenants or tenants in common;
2. a transfer by gift, devise, or as required by operation of law;
3. conveying an interest in the park that is incidental to financing the park;
4. the lease of a lot to a person who will live in a mobile home on the lot;
5. a transfer by a business entity to a subsidiary or affiliate;
6. sale by eminent domain; or
7. a park with fewer than 15 units.

The act specifies that these exclusions do not carry over to a subsequent resale, lease, or transfer unless the subsequent transaction independently meets one of the above criteria.

Conveyance Tax Exemption

The act exempts park owners from state or municipal conveyance tax if they sell, lease, or transfer the park to its residents under the act or existing law. The exemption applies if the (1) entity buying the park is owned by more than 50% of the park's residents or has been assigned purchase rights and (2) sale terms require the guaranteed maintenance of the property as a mobile manufactured home park.

Under the act, the buyer is liable for the municipal portion of the conveyance tax and 50% of the state portion unless the buyer is otherwise exempt from the conveyance tax.

BACKGROUND

Existing Law on Mobile Home Park Land Use Changes

Existing law, unchanged by the act, requires any person applying to appear before a municipal, state, or federal agency to change a mobile home park's land use to give the affected residents written notice within seven days after the filing. It also requires park owners to give written notice to the residents, and any residents' association that has made a written request for notice, if the owner intends to discontinue the land's use as a mobile home park or sell the land to a person who intends to discontinue the use. In each case, the notice must be by first-class mail or personal delivery.

The law also gives resident associations representing at least 25% of the park's units 365 days to purchase the park, starting when notice is given of the intended change in land use, including if by sale. The association may do so (1) through negotiation or (2) at a price that matches an existing offer or is set by an appraiser (CGS § 21-70(f)).

PA 23-142—sHB 6590
Housing Committee
Planning and Development Committee

AN ACT CONCERNING CERTAIN PROTECTIONS FOR GROUP AND FAMILY CHILD CARE HOMES

SUMMARY: This act makes changes in laws related to family and group child care homes, including changes affecting how municipalities' zoning regulations may treat them. It also requires municipalities to annually certify that their zoning regulations comply with certain requirements related to these child care homes.

Existing law prohibits zoning regulations from banning family or group child care homes from residential zones. The act specifies that this restriction applies only to those located in a residence. (A group child care home may be located in a non-residential facility.) Under the act, zoning regulations cannot require special permits or exceptions for operating these family or group child care homes (see BACKGROUND). The act also extends a provision under existing law, which prohibits municipal zoning regulations from treating family child care homes differently from single- or multi-family dwellings, to licensed group child care homes located in a residence.

Starting by December 1, 2023, the act requires each municipality's chief executive officer to annually submit to the Office of Policy and Management a sworn statement (1) confirming that the municipality's zoning ordinances comply with the zoning requirements described above or (2) identifying the specific timeframe within which the municipality will bring its zoning ordinances into compliance.

The act also extends to group child care homes located in a residence the following inspection and operational requirements, which applied only to family child care homes under prior law:

1. the Office of Early Childhood (OEC) must inspect them for evident sources of lead poisoning during licensing inspections and send any paint chips it finds for testing, and
2. municipalities may not impose operational conditions (other than those OEC requires) on them if they comply with all codes and ordinances applicable to single- and multi-family dwellings.

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

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Family and Group Child Care Homes

A family child care home is a private family home generally providing care for up to six children, including the provider's own children not in school full-time, where the children are cared for between three and 12 hours per day on a regular basis. (If the provider employs an OEC-approved assistant or substitute, then the provider may care for up to nine children at a time (CGS § 19a-77(a)(3)).)

A group child care home (1) offers or provides supplementary care to between seven and 12 related or unrelated children on a regular basis or (2) meets the definition of a family child care home except that it operates in a facility other than a private family home (CGS § 19a-77(a)(2)).

Special Zoning Permits and Exceptions

Special zoning permits and special zoning exceptions are synonymous; both allow recipients to use a property in a way explicitly permitted by the zoning regulations, subject to conditions not applicable to other uses in the same district.

PA 23-144—sHB 6632
Housing Committee

AN ACT CONCERNING AFFORDABLE HOMEOWNERSHIP OPPORTUNITIES

SUMMARY: Existing law generally prohibits housing authorities that receive or have received state assistance from selling, leasing, transferring, or destroying a housing project if the project would no longer be available for, or not be replaced by, low- or moderate-income rental housing. However, the housing commissioner may approve the sale, lease, transfer, or destruction ("the action") if she finds, after a public hearing, that four specified conditions are met.

This act modifies two of the four conditions. Under prior law, one of these conditions required a finding that the housing authority (1) developed a plan to lease, sell, transfer, or destroy the project in consultation with its residents and municipal representatives and (2) made adequate provision for the residents and representatives to participate in the plan. The act allows the plan to include constructing certain types of housing to replace existing units at a ratio of at least one-to-one. Specifically, the housing must be subject to an affordable housing deed restriction (see BACKGROUND) for at least 20 years and be owner-occupied single-family or multi-family housing.

A second condition under prior law required a finding by the commissioner that anyone displaced by the action will receive assistance under the Uniform Relocation Assistance Act and will either be relocated to a comparable public or subsidized housing dwelling unit in the municipality or be given a tenant-based rental subsidy. The act additionally allows the commissioner to find that someone displaced by the action will be relocated to a housing unit within a single-family or multifamily residence in the same municipality that is subject to an affordable housing deed restriction for at least 20 years.

Under existing law, the other two findings that the commissioner must make before approving the action are that (1) an adequate supply of low- or moderate-income rental housing exists in the municipality where the project is located and (2) the action is in the state's and municipality's best interests.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Affordable Housing Deed Restrictions

By law, an "affordable housing deed restriction" is a restriction filed on a municipality's land records requiring that a dwelling be sold or rented only to households (1) with annual incomes of no more than the lesser of 80% of the area median income or the state median income and (2) that will pay no more than 30% of their income for the housing (CGS § 12-81bb).

PA 23-94—sSB 977
Human Services Committee
Appropriations Committee

AN ACT CONCERNING MEDICAL ASSISTANCE FOR SURGERY AND MEDICAL SERVICES RELATED TO TREATMENT OF OBESITY

SUMMARY: This act requires the Department of Social Services (DSS) commissioner to cover bariatric surgery and specified medical services for Medicaid and HUSKY B beneficiaries with obesity under certain circumstances. Under the act, these medical services include (1) federal Food and Drug Administration-approved prescription drugs for outpatient treatment of obesity and (2) nutritional counseling from a registered dietitian-nutritionist. Bariatric surgery is a procedure that makes changes to the digestive system to help a patient with obesity lose weight.

Specifically, as long as beneficiaries otherwise meet conditions set by the federal Centers for Medicare and Medicaid Services, the act requires DSS to cover the following:

1. medical services for beneficiaries with a body mass index (BMI) over 35 and
2. bariatric surgery and related medical services for beneficiaries with severe obesity.

Under the act, "severe obesity" is having a BMI of (1) at least 35 with a comorbid disease or condition (e.g., a cardiopulmonary condition, diabetes, hypertension, or sleep apnea) or (2) over 40. "Obesity" is having a BMI of 30 or higher. BMI is calculated by dividing a person's weight in kilograms by height in meters squared.

The act allows the DSS commissioner to amend the state plans for Medicaid and the Children's Health Insurance Program (i.e., HUSKY B) if needed to implement its provisions.
EFFECTIVE DATE: July 1, 2023

PA 23-113—sSB 1204
Human Services Committee

AN ACT CONCERNING THE CONNECTICUT INDIAN CHILD WELFARE ACT

SUMMARY: This act generally codifies into state law the federal Indian Child Welfare Act of 1978 ("ICWA," see BACKGROUND), which governs jurisdiction over American Indian children's removal from their families in custody, foster care, and adoption cases. In doing so, the act expands ICWA's coverage to the state-recognized Golden Hill Paugussett, Paucatuck Eastern Pequot, and Schaghticoke tribes. (The federal ICWA already applies to federally recognized tribes.)

The act gives exclusive jurisdiction to Indian tribes over child custody proceedings involving Indian children in some cases and preferred jurisdiction in some other cases involving foster care placement or termination of parental rights. For these matters that remain in state court, the act sets standards in numerous areas such as (1) certain evidentiary standards that must be met for involuntary cases, (2) parental consent to terminating parental rights or withdrawing that consent, and (3) certain preferences on adoptive or foster care placements.

It also makes technical and conforming changes, including updating references to ICWA to refer to the act itself rather than the federal law (§§ 30-32).

Under the act, an "Indian child" is an unmarried person, under age 18, who is (1) a member of a federally or Connecticut-recognized Indian tribe or (2) eligible for tribal membership and a biological child of a tribe member.
EFFECTIVE DATE: Upon passage

§§ 3 & 4 — TRIBAL JURISDICTION

Exclusive Jurisdiction (§ 3)

Under the act, an Indian tribe has exclusive jurisdiction as to any state court over child custody proceedings involving an Indian child who resides or is domiciled within the tribe's reservation except where existing federal law vests the state with this jurisdiction. In the case of an Indian child who is a ward of a tribal court, the tribal court retains exclusive jurisdiction regardless of the child's residence.

Transfer of Proceedings (§ 4)

The act gives preference to tribal jurisdiction in native child custody proceedings where the tribal court does not have exclusive jurisdiction. Specifically, upon the petition of either parent, the Indian custodian, or the Indian child's tribe, the state court must transfer to the tribe's jurisdiction any proceeding for the foster care placement of, or termination of parental rights to, an Indian child who is not domiciled or residing within his or her tribe's reservation. However, the court is not compelled to transfer the case if (1) either parent objects, (2) the tribal court declines the transfer, or (3) there is good cause opposing the transfer.

The act gives the Indian child's custodian and tribe the right to intervene at any point in these custody proceedings. It also requires the state to give full faith and credit to the public acts, records, and judicial proceedings of any Indian tribe applicable to Indian child custody proceedings to the same extent given to any other entity.

§§ 5-10 — NOTIFICATION AND RIGHTS IN INVOLUNTARY PROCEEDINGS

Required Notice Before Proceedings (§ 5)

Under the act, in any involuntary proceeding in state court where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental rights to, an Indian child must notify the parent or Indian custodian and the Indian child's tribe of the pending proceedings and their right to intervene. The party must send the notice by registered mail with return receipt requested. If the identity or location of the parent or custodian and the tribe cannot be determined, then the notice must be given in the same way to the (1) U.S. Secretary of the Interior, in the case of an Indian child of a federally recognized tribe, or (2) Department of Children and Families (DCF) commissioner, in the case of an Indian child of a state-recognized tribe.

The secretary or commissioner then has 15 days after receiving the notice to notify the parent or Indian custodian and the tribe.

The act prohibits a foster care placement or termination of parental rights proceeding from being held until at least 10 days after receipt of the notice by the parent or Indian custodian and the tribe, secretary, or DCF commissioner. It further requires that the parent, Indian custodian, or the tribe be granted up to 20 more days to prepare for the proceeding upon request.

Right to Court-Appointed Counsel (§ 6)

Under the act, in any removal, placement, or termination proceeding in which the state court determines indigency, the parent or Indian custodian has the right to court-appointed counsel. The act also allows the court, in its discretion, to appoint counsel for the Indian child if it determines it to be in the child's best interest.

Access to Discovery (§ 7)

Upon request of any party to a foster care placement or parental rights termination proceeding involving an Indian child, the act requires a state court to disclose all court-filed reports or other documents upon which it may base its decision. It makes these records and documents otherwise confidential and nondisclosable to the public except as otherwise provided by law.

Preventative Measures (§ 8)

The act requires a party seeking a foster care placement of, or termination of parental rights for, an Indian child under state law to first satisfy to the court that (1) active efforts were made to provide remedial services and rehabilitative programs to prevent the Indian family's breakup and (2) these efforts were unsuccessful.

Determination of Damage to Child (§§ 9 & 10)

The act prohibits the ordering of a foster care placement or parental rights termination unless there is a determination that the parent's, or Indian custodian's, continued custody of the child is likely to result in serious emotional or physical damage to the child. For a foster care placement, this determination must be supported by clear and convincing evidence; for terminating parental rights, there must be evidence beyond a reasonable doubt.

In either proceeding, the act requires the evidence to include testimony of qualified expert witnesses.

§§ 11-15 — VOLUNTARY PROCEEDINGS

Parental Consent (§ 11)

Under the act, when a parent or Indian custodian voluntarily consents to the foster care placement of an Indian child or to terminate parental rights, their consent is not valid unless (1) it is executed in writing and recorded before a judge and (2) the presiding judge certifies that the terms and consequences of the consent were fully (a) explained in detail and (b) understood by the parent or Indian custodian.

The court must also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the person understood. The act invalidates any consent given before, or within 10 days after, the child's birth.

Withdrawal of Voluntary Consent and Petition to Invalidate Action (§§ 12-15)

The act allows a parent or Indian custodian who voluntarily consents to a foster care placement under state law to withdraw their consent at any time and have the child returned to them. It also allows a parent to withdraw their voluntary consent for any reason and at any time before the entry of a final decree of termination of parental rights or adoption of an Indian child, and the child must be returned to them.

The act allows a parent to withdraw their consent and petition to vacate a final decree of adoption entered in state court on the grounds that the consent was obtained through fraud or duress. If the court finds that consent was obtained in this way, it must vacate the decree and return the child to the parent. However, the act prohibits an adoption that has been in effect for at least two years from being invalidated under these provisions unless otherwise permitted under state law.

The act allows the following people to petition the court to invalidate a foster care placement or parental rights termination action shown to violate state or federal law: (1) the Indian child who is subject to the foster care placement or termination of parental rights under state law, (2) any parent or Indian custodian from whose custody the child was removed, and (3) the child's tribe.

§§ 16-20 — ADOPTIVE AND FOSTER PLACEMENT PREFERENCES

In an adoptive placement of an Indian child under state law, the act requires preference to be given, in the absence of good cause to the contrary, to a placement with (1) a member of the child's extended family; (2) other members of the child's tribe; or (3) other Indian families.

It also requires any Indian child accepted for foster care or preadoptive placement to be placed in the least restrictive setting that most approximates a family and in which the child's special needs, if any, may be met. It also requires the child to be placed within reasonable proximity to his or her home, accounting for any special needs. In any foster care or preadoptive placement, a preference must be given, in the absence of good cause to the contrary, to any of the following placements:

1. a member of the child's extended family;
2. a foster home licensed, approved, or specified by the child's tribe;
3. an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
4. an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the child's needs.

The act requires the agency or court making these placements to follow a different preference order if the child's tribe sets one by resolution, so long as the placement is the least restrictive setting appropriate to the child's particular needs. Where appropriate, it requires the preference of the Indian child or parent to be considered. However, when a consenting parent desires to remain anonymous, the court or agency must give weight to this desire in applying the preferences for foster care or adoptive or preadoptive placement.

The standards to be applied in meeting the preference requirements under the act must be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which they maintain social and cultural ties.

The act requires the DCF commissioner to (1) maintain a record of each placement of an Indian child under state law, verifying compliance efforts with its preference requirements and (2) make the records available at any time upon the request of the U.S. Interior secretary or the child's tribe.

§§ 21 & 22 — RETURNS OF CUSTODY

Whenever a final decree of adoption of an Indian child has been vacated or set aside, or the adoptive parents voluntarily consent to terminate their parental rights, the act allows a biological parent or prior Indian custodian to petition for the child's return to their custody. The court must grant the petition unless there is a showing, in a proceeding subject to the act's requirements for involuntary proceedings (§§ 5-10, described above), that this return of custody is not in the child's best interests. These provisions apply despite any other provisions in state statute.

Whenever an Indian child is removed from a foster care placement for further foster care, preadoptive, or adoptive placement, the act generally requires the placement to follow its provisions. However, this is not required when an Indian child is returned to their parent or Indian custodian from whose custody he or she was originally removed.

§§ 25 & 26 — CHILD REMOVALS

Improper Removals (§ 25)

Under the act, where any petitioner in an Indian child custody proceeding before a state court has improperly (1) removed the child from the custody of the parent or Indian custodian or (2) retained custody after a visit or other temporary custody relinquishment, the court must decline jurisdiction over the petition and immediately return the child to the parent or custodian. The only exception to this requirement is when doing so would subject the child to a substantial and immediate danger or threat of danger.

Emergency Removals (§ 26)

The act specifies that its provisions must not be construed to prevent the emergency removal of an Indian child who is a resident of or is domiciled on a reservation, but temporarily located off the reservation, from the child's parent or Indian custodian. Likewise, they cannot prevent the emergency placement of the child in a foster home or institution, under state law, to prevent imminent physical damage or harm to the child. In these circumstances, the DCF commissioner must do the following:

1. ensure that the emergency removal or placement ends immediately when it is no longer necessary to prevent this damage or harm to the child and
2. expeditiously initiate a child custody proceeding subject to the act's provisions, transfer the child to the appropriate Indian tribe's jurisdiction, or restore the child to his or her parent or Indian custodian, as may be appropriate.

§§ 24, 27 & 29 — AGREEMENTS AND APPLICABILITY

Mutual Agreements or Compacts (§ 24)

Notwithstanding the law requiring legislative approval of state compacts with Indian tribes (CGS § 3-6c), the act authorizes DCF to enter into an agreement with a federally or state-recognized tribe located in Connecticut on the care and custody of Indian children and jurisdiction over custody proceedings. This includes agreements that may provide for orderly transfer of jurisdiction, services to Indian families, and concurrent jurisdiction between the state and the tribe. Under the act, these agreements must have a provision allowing either party to revoke the agreement upon 180 days' written notice to the other party and address the impact of a revocation on an ongoing proceeding over which a court had assumed jurisdiction.

Standard of Protection & Severability (§§ 27 & 29)

The act specifies that, in any case where federal law has a higher standard of protection to the rights of the parent or Indian custodian of an Indian child than the rights provided under the act, the state court must apply the more protective federal standard. Additionally, in cases where the act's provisions or their application to any person or circumstance are held invalid, the remaining provisions or applications remain valid.

§§ 23 & 28 — ADOPTION-RELATED NOTIFICATIONS

Adoption Decree Notice (§ 28)

Under the act, a state court entering a final decree or order in an Indian child's adoption must give the U.S. Interior secretary a copy of the decree or order and other necessary information to show the (1) child's name and tribal affiliation, (2) names and addresses of the child's biological and adoptive parents, and (3) agency having files or information relating to the adoptive placement.

Where the court records contain an affidavit of the biological parent or parents requesting that their identity remain confidential, the court must include the affidavit and request that the (1) secretary maintain this confidentiality and (2) information not be subject to disclosure under the federal Freedom of Information Act (FOIA). In these cases, the information must also be exempt from disclosure under the state FOIA except as otherwise provided by law.

Tribal Affiliation Information (§ 23)

Upon application by an Indian person who has reached age 18 and was the subject of an adoptive placement under the act, the court that entered the final decree must inform him or her of the tribal affiliation, if any, of their biological parents and give other necessary information to protect any rights derived from his or her tribal relationship.

BACKGROUND

ICWA

ICWA is a federal law that governs and sets standards for the removal and out-of-home placement of American Indian children as well as the termination of their parents' parental rights to protect the best interests of Native American children and keep them connected to their families and tribes. Among other things, ICWA clarifies that tribes have sovereignty and exclusive jurisdiction over their members who reside on tribal land and establishes a process for transferring cases to tribal court.

Under the federal ICWA, an "Indian tribe" is any Indian tribe, band, nation, or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the federal secretary of the interior because of their status as Indians, including any Alaska Native (25 U.S.C. § 1901 et seq.).

The ICWA was recently challenged in the U.S. Supreme Court but was upheld in *Haaland* v. *Brackeen*, 143 S.Ct. 1609 (2023). The plaintiffs alleged, among other things, that the act's restrictions on the placement of Native American children exceeds congressional authority in an area that is traditionally reserved to the states.

PA 23-137—sHB 5001
Human Services Committee
Appropriations Committee

AN ACT CONCERNING RESOURCES AND SUPPORT SERVICES FOR PERSONS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY

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§§ 9 & 10 — EMERGENCY SERVICES AWARENESS PROGRAMS AND SENSORY KITS

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§ 11 — HUMAN SERVICES CAREER PIPELINE PROGRAM

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§ 12 — RIGHTS OF PEOPLE UNDER DDS SUPERVISION

Requires the DDS commissioner to review the rights of people placed or treated under the commissioner's supervision in public or private facilities to determine whether modifications are needed

§ 13 — STATE AGENCY ONLINE DATA PORTAL

Requires OPM to create a plan to develop an online portal to share information across agencies to ensure efficient and safe services delivery

§ 14 — ESTABLISHMENT OF NEW PROGRAM COORDINATOR POSITIONS

Requires OPM to establish two new positions for statewide coordinators of services for people with ASD and other IDDs

§ 15 — CONNECTICUT SENTENCING COMMISSION STUDY

Requires the Connecticut Sentencing Commission to study the experience of people with IDD or ASD who are in the criminal justice system

§ 16 — FUNDS FOR GROUP HOME COMPLIANCE WITH FIRE REGULATIONS

Requires DAS, by January 1, 2025, and within available appropriations, to give financial assistance to private group home providers to comply with certain fire regulations; requires DAS to assess the level of need for these funds and review other states' fire regulations

§ 17 — IDD AWARENESS AND ADVOCACY DAY

Designates May 23 as "Intellectual and Developmental Disabilities Awareness and Advocacy Day"

§ 18 — PILOT PROGRAM FOR PEOPLE WITH ASD

Requires DSS, within available appropriations, to establish a two-year pilot program with a hospital to provide nonresidential outpatient day services for people with ASD

§ 19 — IDD AND DEMENTIA STUDY

Requires the ADS commissioner to study the higher prevalence of Alzheimer's disease, dementia, and other related conditions in people with IDD and determine whether programs adequately address it

§ 20 — STUDY ON TRANSPORTATION NEEDS FOR PEOPLE WITH IDD

Requires DOT to study the demand and need for statewide and local transportation services for people with IDD

§ 21 — STUDY ON NONMEDICAL TRANSPORTATION SERVICES FOR PEOPLE WITH AN INTELLECTUAL DISABILITY

Requires DOT to study ways to provide nonmedical transportation for people with an intellectual disability

§ 22 — MODERNIZING AND MAINTAINING BUS STOPS AND SHELTERS

Requires (1) DOT and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters and (2) new construction of them to be done according to these plans

§ 23 — NORTHWEST NONMEDICAL TRANSPORTATION SERVICES PILOT PROGRAM

Requires DDS to create a pilot program to provide nonmedical transportation services to people with an intellectual disability in northwestern Connecticut

§ 24 — NOTICE ON DOT-FUNDED TRAINING PROGRAMS

Requires DOT to create a notice on the available training programs that instruct how to safely use commuter railroad systems and public transit services

§ 25 — VIDEO PRESENTATION ON INTERACTING WITH PEOPLE WITH DISABILITIES

Requires (1) DMV to create a video presentation that instructs and shows best practices on ways to appropriately interact with certain people with disabilities, (2) DMV and certain other departments to post the presentation on their websites, and (3) applicants for a public passenger license endorsement to watch the presentation

§ 26 — STATEWIDE TRANSITION SERVICES COORDINATOR AND ASSISTANT COORDINATOR

Requires SDE to employ a statewide transition services coordinator and assistant coordinator to coordinate providing transition resources, services, and programs

§ 27 — SPECIAL EDUCATION AND TRANSITION SERVICES TRAINING PROGRAM

Requires SDE to develop a training program on the legal requirements and best practices for special education and transition services

§ 28 — INTERAGENCY MEMORANDA OF UNDERSTANDING AND LIAISONS

Requires agencies that must have MOUs by law with SDE to each appoint a liaison to the department's statewide transition services coordinator; also makes conforming changes

§ 29 — INTERAGENCY COORDINATION OF TRANSITION SERVICES

Requires SERC to develop and maintain an online listing of the transition resources, services, and programs that certain state agencies provide

§§ 30 & 31 — TRAINING PROGRAM

Requires SDE to work with other state entities and RESCs to develop a training program on public transition programs

§ 31 — DISTRICT TRANSITION COORDINATOR

Requires each board of education to appoint a transition coordinator for the district

§§ 32-37 — AGE FOR SPECIAL EDUCATION ELIGIBILITY

Aligns special education statutes to a federal court ruling requiring boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age 22

§ 38 — PROGRAM REVIEW BY SERC

Requires SERC to review each public transition program and report its findings to the Education Committee

§ 39 — PROVIDING INFORMATION AT PPT MEETINGS

Aligns state law with federal requirements for interpreters at PPT meetings and translated IEP documents; requires boards of education to give parents, guardians, or surrogate parents information about conservatorship, guardianship, decision-making alternatives, and mediation services

§ 40 — PPT COORDINATION OF TRANSITION SERVICES

Requires a student's PPT to coordinate transition services during meetings at two points in the student's high school career

§ 41 — ONLINE RESOURCE FOR ADULT STUDENTS

Requires SDE to develop an online resource about establishing guardianship, conservatorship, or other decision-making alternatives for when a student reaches age 18 and is receiving special education or related services

§ 42 — SDE INTERAGENCY REPORTING

Requires SDE to report annually to applicable state agencies and legislative committees the number of students statewide who (1) received transition services information as part of a PPT meeting or (2) may qualify for services

§§ 43 & 44 — AGENCY STAFFING

Requires DDS and ADS to employ enough staff, within available appropriations, to provide transition services

§ 45 — SPECIAL EDUCATION MEDIATION SERVICES COORDINATOR

Requires SDE to employ a mediation services coordinator position in its Bureau of Special Education to coordinate and oversee special education mediation services and approved mediators; establishes the coordinator's oversight authority over mediator training and continuing education requirements

§ 46 — SPECIAL EDUCATION MEDIATION REQUESTS

Specifies the parties that may request mediation services from the mediation services coordinator and requires the coordinator to notify relevant parties and provide language translation services

§ 47 — SPECIAL EDUCATION ADMINISTRATIVE HEARINGS

Makes changes in the special education administrative hearing laws on testimony, hearing officer decisions, and mediation

§ 48 — STATEWIDE SPECIAL EDUCATION AUDITS

Requires SDE to randomly audit school districts' implementation of federal special education law

§ 49 — IN-SERVICE TRAINING

Expands required in-service training topics to include laws governing PPT meetings, 504 plans, and updates to state and federal special education policies

§ 50 — INDIVIDUAL SERVICE COORDINATORS

Requires individual service coordinators for children receiving early intervention services to help facilitate eligible children's transition to public school special education services

§§ 51 & 52 — INFORMATION FOR STUDENTS AND PARENTS

Requires SDE to develop an informational handout for students explaining IEPs, 504s, and associated student rights in the classroom; requires boards of education to give students and parents information about their rights, resources, and advocacy groups

§ 53 — SUPPORTIVE HOUSING GRANTS FOR NONPROFITS

Requires DDS to establish a program to provide grants to qualifying private nonprofits for supportive housing for people with an intellectual disability or other developmental disabilities; creates related administrative and reporting requirements

§ 54 — COMMUNITY-BASED GROUP HOMES PLAN FOR REENTERING INDIVIDUALS

Requires the DDS commissioner, within available appropriations and in collaboration with the housing and correction commissioners, to create a plan for a comprehensive program for community-based group homes for people with intellectual disabilities reentering society from the correctional system

§ 55 — MUNICIPAL AFFORDABLE HOUSING PLANS

Expands the municipal affordable housing planning requirement by requiring plans submitted to OPM after October 1, 2023, to specify how the municipality will improve affordable housing unit accessibility for people with an intellectual disability or other developmental disabilities

§§ 56-59 — ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACCOUNTS

Authorizes a personal income tax deduction up to $5,000 for individuals or $10,000 for joint filers for contributions made to ABLE accounts; establishes a credit against the corporation business and personal income taxes for contributions employers make into employees' ABLE accounts, capped at $2,500 per employee per year; exempts ABLE accounts from claims by the state against the estates of Medicaid beneficiaries; and requires the state treasurer to designate an ABLE program director of outreach

§ 60 — COMPENSATION FOR FAMILY CAREGIVERS

Requires DSS to apply for federal approval to compensate family caregivers under DDS-administered Medicaid waivers

§ 61 — JOBSCT TAX REBATE PROGRAM

Decreases, from 25 to 15, the number of new FTEs that a business must create and maintain to be eligible for the JobsCT tax rebate program if at least one of these FTEs is an individual with intellectual disability; makes these FTEs eligible for a 50% rebate; increases, from $10 million to $15 million, the cap on the aggregate rebate amount that may be awarded in a fiscal year for discretionary FTEs

§ 62 — PRICE PREFERENCE FOR INTELLECTUAL DISABILITY WORKFORCE

Allows DAS to give a price preference for bids on open market orders or contracts for businesses with a workforce of at least 10% people with intellectual disability

§ 63 — WORKFORCE DEVELOPMENT GRANT PROGRAM

Creates a workforce development grant program for nonprofit organizations with a workforce of at least 10% people with intellectual disability

§ 64 — SUPPORT ORDERS FOR ADULT CHILDREN WITH DISABILITY

Starting October 1, 2023, increases the age up to which a court may issue support orders for adult children with certain disabilities, from up to 21 to up to 26

§§ 65-68 — COMMUNITY RESIDENCES

Extends an existing prohibition on zoning regulations treating certain community and child-care residences (i.e., group homes) and hospice facilities differently than single-family homes to cover those housing up to eight (rather than six) people; updates, for certain public health provisions and restrictions on zoning regulations, the definition of "community residence"; and exempts certain community and child-care residences from proximity and density restrictions

SUMMARY: This act evaluates and expands services for people with intellectual or developmental disabilities (IDD) as described in the section-by-section analysis below.
EFFECTIVE DATE: Various, see below.

§ 1 — TRANSITIONAL LIFE SKILLS COLLEGE PROGRAM

Requires the DDS commissioner to create a plan to establish a Transitional Life Skills College program to support certain people with IDD who are transitioning out of high school or to independent living

The act requires the Department of Developmental Services (DDS) commissioner to produce a plan to establish a Transitional Life Skills College program to provide transitional tools and life skills development for participants with IDD who are at least age 22 and transitioning from (1) the K-12 education system or (2) living with parents or guardians to living independently or quasi-independently through a DDS-administered residential program.

The plan must at least include the following:

1. using unused DDS-owned property for multiple campuses across the state, accounting for population and distribution of likely participants;
2. duration of enrollment depending on participants' individual needs;
3. a residential component;
4. family-centered practices for participants with parents or guardians;
5. a nonresidential component for parents and guardians to acclimate participants to DDS-administered residential programs; and
6. DDS oversight, including unannounced site visits, an evaluation of cost effectiveness, and audits of participant outcomes.

The commissioner must report on the plan to the Appropriations, Human Services, and Public Health committees by January 1, 2025.
EFFECTIVE DATE: July 1, 2023

§ 2 — OPM EVALUATION OF IDD EMPLOYMENT ASSISTANCE PROGRAMS

Requires the OPM secretary to (1) analyze existing employee assistance programs for people with IDD and other disabilities, (2) recommend financial incentives for businesses to hire them, and (3) create a related workforce plan

The act requires the Office of Policy and Management (OPM) secretary, in consultation with certain officials, to:

1. identify and analyze existing employment assistance programs for people with disabilities, including IDD, and the capacity and demand for them;
2. recommend financial incentives for businesses to employ a greater number of these people; and
3. create a workforce plan that incentivizes businesses to have training programs, offer modified interviews, and reserve market-rate, full-time jobs.

He must do the above in consultation with the (1) aging and disability services (ADS), DDS, economic and community development, labor, and revenue services commissioners; (2) Office of Workforce Strategy's unit focusing on individuals

with disabilities; (3) Autism Spectrum Disorder Advisory Council; (4) Council on Developmental Disabilities; and (5) Connecticut Business Industry Association.

Under the act, the OPM secretary must report his findings and recommendations by January 1, 2025, to the Appropriations; Commerce; Finance, Revenue and Bonding; Human Services; Labor; and Public Health committees.
EFFECTIVE DATE: Upon passage

§ 3 — REDUCING DDS MEDICAID WAIVER PROGRAM WAITLISTS

Requires the DDS commissioner to reduce the waiting lists for services in DDS-administered Medicaid waiver programs; requires the new statewide coordinator of IDD programs and services (other than ASD) to annually report to the legislature on the waiting lists

The act requires the DDS commissioner, in consultation with the social services (DSS) commissioner and OPM secretary, to reduce the waiting lists for services in DDS-administered Medicaid waiver programs.

Starting by January 1, 2024, OPM's staff person employed to help state agencies coordinate IDD programs and services (other than for autism spectrum disorder (ASD)) (see § 14 below), must annually consult with the DDS commissioner and report to the Appropriations, Human Services, and Public Health committees on the following:

1. the number of people (a) on the waiting lists and (b) who are underserved and waiting for additional waiver program services;
2. how many people were added and removed from waiting lists in the previous calendar year; and
3. whether, and by how much, waiting lists have increased or decreased in the previous calendar year.

EFFECTIVE DATE: July 1, 2023

§ 4 — REDEFINING IDD AND SERVICE ELIGIBILITY

Requires the OPM secretary to (1) develop and recommend new statutory definitions for IDD, (2) identify related programs that may need to be updated based on the new definitions, (3) evaluate whether IQ should be used in the definitions, and (4) evaluate the level-of-need assessment tool used by state agencies serving people with IDD

The act requires the OPM secretary, in consultation with the ADS, DDS, education, public health (DPH), and DSS commissioners; the Council on Developmental Disabilities; and the Autism Spectrum Disorder Advisory Council to:

1. develop and recommend new statutory definitions for IDD and identify related programs for people with these disabilities that may need to be changed or redesignated accordingly,
2. evaluate whether IQ should be a factor in these definitions, and
3. evaluate the level-of-need assessment tool used by state agencies that serve people with IDD.

In doing so, the OPM secretary must:

1. examine statutory definitions for IDD in states nationwide;
2. analyze other states' best practices for level-of-need assessment tools;
3. assess alternative tools, models, or ways to capture a person's service needs;
4. evaluate how funding levels for services and programs are determined for each person in Connecticut and other states; and
5. determine the best state models that allow service delivery via self-directed care.

In developing these recommendations, the secretary and state officials must solicit and consider input from people with IDD and their families and caregivers.

Under the act, the secretary must report by January 1, 2025, to the Appropriations, Education, Human Services, and Public Health committees recommendations on (1) statutory definitions, programs redesignations, and qualifying criteria for services; (2) other states' best practices for providing services for people with IDD; and (3) level-of-need assessment tool models. The report must include a summary of the input obtained and how it was incorporated into the recommendations.
EFFECTIVE DATE: Upon passage

§ 5 — AUTISM MEDICAID WAIVER PROGRAM EXPANSION

Requires the DSS commissioner, within available appropriations, to expand the Medicaid waiver program for people with ASD to reduce the number of people on the program's waiting list; requires the ASD statewide coordinator to report on the number of ASD individuals waiting for services

The act requires the DSS commissioner, in consultation with the OPM secretary and within available appropriations, to expand the Medicaid waiver program for people with ASD to reduce the number of people on the waiting list to receive program services.

Starting by January 1, 2024, the act requires the statewide coordinator of programs and services for people with ASD (see § 14 below) to annually consult with the DSS commissioner and report to the Appropriations and Human Services committees on the following:

1. the number of people (a) waiting for services, (b) underserved and waiting for additional services, and (c) added to and subtracted from the waiting list in the previous year;
2. whether, and by how much, waiting lists have increased or decreased in the previous year; and
3. recommendations to further reduce the waiting list and associated costs.

EFFECTIVE DATE: July 1, 2023

§ 6 — DESPP MISSING PERSONS CLEARINGHOUSE

Expands the scope of DESPP's missing persons information clearing house to include information on missing people with IDD

By law, the Department of Emergency Services and Public Protection (DESPP) administers a missing persons information clearinghouse that holds information to help law enforcement agencies locate missing persons ages 65 and older or ages 18 and older with a mental impairment. Starting January 15, 2024, the act expands the clearinghouse to also include information on missing people with IDD.

By law, the clearinghouse must collect, process, maintain, and disseminate this information if a report prepared by DESPP has been filed by the missing person's relative, guardian, conservator, attorney, health care representative, or nursing home administrator testifying the missing person is 65 or older or 18 or older with a mental impairment. The act makes a conforming change allowing the testimony to indicate a missing individual has IDD. In practice, any police department may prepare the report for clearinghouse action.

EFFECTIVE DATE: July 1, 2023

§§ 7 & 8 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM FOR PEOPLE WITH IDD

Creates a voluntary public safety registration system that municipal police departments may implement for children and adults with IDD to collect specified information that can help emergency services personnel interact with these children and adults

The act creates a voluntary public safety registration system that municipal police departments may implement for (1) parents and guardians of children and adults with IDD, including ASD, cognitive impairments, and nonverbal learning disorders, and (2) adults with these disabilities that are not represented by a parent, guardian, or other representative. (PA 23-204, § 170, limits the voluntary registration system to children with IDD.) It requires DESPP, within available appropriations, to develop a form that municipal police departments may distribute to these parents, guardians, and unrepresented adults to collect specified information that can help emergency services personnel (i.e., police, firefighting, medical, ambulance, and others) interact with the children and adults. Under the act, participating municipal police departments must record the information collected in a database that police officers and emergency dispatchers can access in specified situations.

(PA 23-204, § 170, establishes a notification and opt-in procedure municipal police departments must follow when registrants turn 18. It also requires departments to remove a person's information from the database when he or she turns 18 unless they opt to keep their information there, according to the procedure outlined in the act.)

EFFECTIVE DATE: Upon passage

Form's Required Components

Under the act, DESPP must develop the form, within available appropriations, by January 1, 2024, and publish it on its website by July 1, 2024. Beginning July 15, 2024, municipal police departments may make copies of it available in a publicly accessible area of their departments. If the municipal police department in a municipality in which a child or adult with IDD resides has made the form available or maintains the database described below, the form may be completed and returned to the department by the (1) parents or guardians of the child (i.e., under age 18); (2) adult (i.e., age 18 or older)

with IDD with legal decision-making capacity; or (3) person with legal decision-making authority for an adult with IDD who lacks that capacity. (PA 23-204, § 170, makes numerous conforming changes to limit the registration system to children with IDD, including limiting the individuals who may complete and return the form to the parents and guardians of the child.)

Under the act, the form must contain a section in which the parent, guardian, adult, or person with decision-making authority, as applicable, consents to the release of specified information about the person with disabilities. At a minimum, this includes consenting to the release of the following:

1. the person's name, nickname, date of birth, sex, height, weight, eye and hair color, address, and any scars or identifying marks;
2. the name and telephone number of someone the personnel may contact in an emergency affecting the person;
3. the person's language and communication skills, including whether he or she (a) is verbal or nonverbal; (b) speaks American Sign Language; and (c) can read or write, communicate by pointing to pictures, repeat questions, or respond to yes or no questions;
4. whether the person is sensitive to noise, touch, light, crowds, or other stimuli;
5. conditions, circumstances, or items the person dislikes or avoids (e.g., eye contact, being wet or dirty, interacting with strangers, and certain clothing or shoes);
6. atypical behaviors he or she exhibits (e.g., speaking loudly, self-injury, running if chased, vocal stimming, making high-pitched noises, disregarding or having no sense of danger, and sensory seeking);
7. relevant medical information (e.g., hearing or visual impairments, seizure disorders, motor or vocal tics, or a high pain tolerance); and
8. methods the personnel can use to calm him or her (e.g., a calm and quiet voice, noise-canceling headphones, time alone, specific food items, or asking him or her how the personnel can help).

Database for Police and Emergency Dispatchers

The act requires participating municipal police departments to record the information provided on this form in a searchable electronic database they maintain. They must make this database available to (1) each police officer they employ so that they can determine whether someone with IDD lives at an address to which they are responding and (2) the municipality's public safety answering point (PSAP). Under the act, departments must remove a person's information from the database at the request of (1) the child's parent or guardian, (2) an adult with legal decision-making capacity, or (3) a person with legal decision-making authority for an adult lacking capacity.

Starting July 15, 2024, each emergency dispatcher employed by a PSAP must, when practicable, search this database when dispatching emergency services to a residential address. They must do so to (1) determine whether a child or adult with IDD lives there and (2) communicate information about this person to the responding emergency services personnel.

Grant Program

By January 1, 2024, the DESPP commissioner must, within available appropriations, set up a grant program for municipalities and local police departments to establish and implement this local voluntary registration system. He must set the grant program's requirements and application process.

Background — Related Act

PA 23-205, § 95, authorizes up to $800,000 in state general obligation (GO) bonds in FY 24 for DESPP to use for the grant program described above.

§§ 9 & 10 — EMERGENCY SERVICES AWARENESS PROGRAMS AND SENSORY KITS

Requires DDS, DCF, and DESPP to develop guidelines and best practices for municipal emergency services awareness programs for children and adults with specified disorders and disabilities; requires DAS to develop and acquire sensory kits for emergency services personnel who interact with these children and adults and allows municipalities to apply to DESPP for these kits by September 1, 2025; authorizes DESPP to determine the eligibility criteria and formula for distributing the kits

Emergency Services Awareness Programs

The act requires DDS, DESPP, and the Department of Children and Families (DCF), by December 31, 2023, to jointly develop guidelines and best practices for municipalities to create and implement emergency services awareness programs for children and adults with ASD, cognitive impairments, nonverbal learning disorders, and IDD. The departments must publish the guidelines and best practices on their respective websites by January 1, 2024.

At a minimum, the emergency services awareness programs must give these children and adults an opportunity to observe and interact with (1) uniformed emergency services personnel, (2) their vehicles and their associated flashing lights and sirens, and (3) mock traffic stops. They must be held in a setting suited to the children's and adults' developmental and sensory needs.

Sensory Kits

By January 1, 2024, the act requires the Department of Administrative Services (DAS) to develop and acquire sensory kits for DESPP to distribute to emergency services personnel who interact with children and adults with ASD, cognitive impairments, or nonverbal learning disorders. DAS must do so in consultation with the E-911 Commission and the DESPP Coordinating Advisory Board, which advises the department on ways to improve emergency response communications and related issues. The kits must (1) help these children and adults manage emotions and anxiety while interacting with emergency services personnel and during emergencies to which they respond and (2) include noise-canceling headphones, dark tinted glasses, and anxiety-reducing tactile objects or toys.

The act allows municipalities to apply to DESPP for these sensory kits, as the department prescribes, by September 1, 2025. DESPP must choose up to 75 municipalities to receive the kits, based on criteria it develops, including (1) whether a municipality created and implemented an emergency services awareness program according to the state agencies' guidelines and best practices noted above and (2) the municipality's demonstrated need for the kits. DESPP must determine the number of kits to distribute to each selected municipality based on a formula it sets, which must consider the municipality's population and demonstrated need for the kits.

EFFECTIVE DATE: Upon passage

§ 11 — HUMAN SERVICES CAREER PIPELINE PROGRAM

Requires the Chief Workforce Officer to establish a Human Services Career Pipeline program to ensure there is a sufficient human services workforce to serve the needs of residents who are elderly or have disabilities

The act requires the Office of Workforce Strategy's Chief Workforce Officer (CWO) to establish a Human Services Career Pipeline program to ensure a sufficient number of trained providers are available to serve the needs of residents who are elderly or have IDD, physical disabilities, cognitive impairment, or mental illness ("human services providers"). The CWO must do this by July 1, 2024, and in consultation with the (1) ADS, DDS, labor (DOL), DPH, and DSS commissioners; (2) Governor's Workforce Council; (3) Office of Higher Education executive director; (4) Council on Developmental Disabilities; (5) Autism Spectrum Disorder Advisory Council; and (6) regional workforce development boards.

The act requires the program to include (1) training and certification for CPR, first aid, and medication administration and (2) job placement and retention incentives in the human services job sector after completing the program.

It requires the CWO to consult with the labor commissioner and develop a plan for the program that includes the following:

1. a strategy to increase the number of state residents pursuing human services careers,
2. recommended salary and working conditions needed to retain enough human services providers to serve state residents, and
3. the program's estimated funding needs.

Under the act, the CWO must also consult with the ADS, DDS, Mental Health and Addiction Services (DMHAS), DOL, and DSS commissioners; Council on Developmental Disabilities; and Autism Spectrum Disorder Advisory Council to determine the greatest needs for human services providers and barriers to hiring and retaining qualified providers. The CWO must also help local and regional boards of education to enhance or establish partnerships with human services providers and higher education institutions to offer pathways to obtain human services credentials (e.g., diplomas, certificates, or licenses) and jobs.

Starting by January 1, 2026, the CWO must annually report on the program to the Aging, Appropriations, Higher Education and Employment Advancement, Human Services, Labor and Public Employees, and Public Health committees.

EFFECTIVE DATE: July 1, 2023

§ 12 — RIGHTS OF PEOPLE UNDER DDS SUPERVISION

Requires the DDS commissioner to review the rights of people placed or treated under the commissioner's supervision in public or private facilities to determine whether modifications are needed

Existing law grants people placed or treated under the DDS commissioner's supervision in public or private facilities certain rights, such as the right to (1) receive prompt, sufficient, and appropriate medical and dental treatment; (2) be free from unnecessary or excessive physical restraint; and (3) communicate freely and privately with any person, including a legal representative of their choosing (CGS § 17a-238).

The act requires the DDS commissioner, in consultation with the ADS commissioner, Council on Developmental Disabilities, and Autism Spectrum Disorder Advisory Council, to review the rights of people with IDD to determine whether (1) additions or changes are needed to the rights noted above and (2) other statutory changes are needed to ensure that these people are afforded all rights due to them and may seek a remedy in court for a violation of their rights.

Under the act, the commissioner must report to the Human Services and Public Health committees by December 1, 2023, on his recommendations for any (1) changes needed to these statutory rights for people under his supervision and (2) action needed to ensure that the rights of all people with IDD are protected.

EFFECTIVE DATE: Upon passage

§ 13 — STATE AGENCY ONLINE DATA PORTAL

Requires OPM to create a plan to develop an online portal to share information across agencies to ensure efficient and safe services delivery

The act requires the OPM secretary, in consultation with DAS, ADS, DCF, DDS, DMHAS, DSS, the State Department of Education, the Department of Correction, and the Office of Early Childhood, to create a plan to develop a secure online portal to share basic critical information across agencies to ensure efficient and safe services delivery.

The portal must include a way for (1) an agency to note when it performs or schedules a site visit (i.e., a client meeting or inspection conducted outside of the office) and (2) the person conducting a site visit to record notes that can be shared across agencies.

The act requires the plan to (1) review the feasibility of using existing state agency online portals, or a new online portal; (2) detail data sharing and privacy requirements for sharing this information across state agencies in accordance with state and federal law; and (3) be submitted to the Appropriations and Human Services committees by July 1, 2024.

EFFECTIVE DATE: July 1, 2023

§ 14 — ESTABLISHMENT OF NEW PROGRAM COORDINATOR POSITIONS

Requires OPM to establish two new positions for statewide coordinators of services for people with ASD and other IDDs

The act requires OPM to establish, by October 1, 2023, two new positions: (1) one to serve as the statewide coordinator of state-provided programs and services for people with ASD and (2) one to identify state-provided programs and services for people with other IDDs and help state agency commissioners coordinate them.

EFFECTIVE DATE: Upon passage

§ 15 — CONNECTICUT SENTENCING COMMISSION STUDY

Requires the Connecticut Sentencing Commission to study the experience of people with IDD or ASD who are in the criminal justice system

The act requires the Connecticut Sentencing Commission to study the experience of people with IDD or ASD who are in the criminal justice system. The study must include (1) incarceration rates of people with IDD and ASD compared to their overall population in the state, (2) the advisability and cost of pre-sentencing behavioral assessments for these people, and (3) other states' best practices.

To help complete the study, the act grants the commission access to (1) each database in the statewide criminal justice information technology system and (2) any offender-based tracking system or state or local criminal or judicial database not integrated into the statewide system.

Under the act, the commission must report the study results, including recommendations for related sentencing

considerations, to the Human Services, Judiciary, and Public Health committees by December 31, 2025.
EFFECTIVE DATE: July 1, 2023

§ 16 — FUNDS FOR GROUP HOME COMPLIANCE WITH FIRE REGULATIONS

Requires DAS, by January 1, 2025, and within available appropriations, to give financial assistance to private group home providers to comply with certain fire regulations; requires DAS to assess the level of need for these funds and review other states' fire regulations

The act requires DAS to consult with DESPP and OPM and create a funding pool, by January 1, 2025, within available appropriations, for private providers to apply for financial assistance to comply with the fire regulation requirement that group homes be equipped with a 5,000-gallon water tank. The DAS commissioner must prescribe application requirements for the funding and post them on the DAS website.

Additionally, the act requires the DAS commissioner, in consultation with DESPP, the Connecticut Council of Small Towns, the Connecticut Conference of Municipalities, and the Connecticut Builders Trade Association, to assess the level of need for these funds and review other states' fire regulations for group homes, including the New England states, California, and Colorado, to determine whether any changes are needed to Connecticut regulations.

The commissioner must report on the level of need for the funds to the Appropriations; Finance, Revenue and Bonding; Human Services; Planning and Development; Public Health; and Public Safety and Security committees by October 1, 2024.
EFFECTIVE DATE: July 1, 2024

Background — Related Act

PA 23-205, § 96, authorizes up to $200,000 in state GO bonds in FY 25 for DAS to use for the program described above.

§ 17 — IDD AWARENESS AND ADVOCACY DAY

Designates May 23 as "Intellectual and Developmental Disabilities Awareness and Advocacy Day"

The act designates May 23 as "Intellectual and Developmental Disabilities Awareness and Advocacy Day" to promote awareness of and advocacy for people with IDD. It requires suitable exercises to be held at the Capitol and in public schools (1) on this day or (2) if that day is not a school day, on the school day before this day or another day the local or regional board of education prescribes.
EFFECTIVE DATE: Upon passage

§ 18 — PILOT PROGRAM FOR PEOPLE WITH ASD

Requires DSS, within available appropriations, to establish a two-year pilot program with a hospital to provide nonresidential outpatient day services for people with ASD

The act requires the DSS commissioner, in consultation with the statewide coordinator of programs and services for people with ASD created under the act (see § 14 above), to establish, within available appropriations, a two-year pilot program in partnership with a hospital to provide nonresidential outpatient day services for people with ASD.

Under the act, the DSS commissioner must prescribe the qualifications for a hospital to participate in the program and the services the participating hospital must offer. The commissioner must select a hospital for the program by September 1, 2024, and the hospital must start providing services by October 1, 2024. The commissioner must report on the development and implementation of the program to the Human Services and Public Health committees by January 1, 2025.
EFFECTIVE DATE: July 1, 2023

§ 19 — IDD AND DEMENTIA STUDY

Requires the ADS commissioner to study the higher prevalence of Alzheimer's disease, dementia, and other related conditions in people with IDD and determine whether programs adequately address it

The act requires the ADS commissioner to (1) study the higher prevalence of Alzheimer's disease, dementia, and other related disorders in people with IDD and (2) determine whether public or private programs adequately address this prevalence. In doing so, she must consult with the OPM secretary, DPH commissioner, Council on Developmental Disabilities, and Autism Spectrum Disorder Advisory Council.

The act requires the ADS commissioner to report on the study to the Aging, Appropriations, and Human Services committees by June 1, 2024.

EFFECTIVE DATE: Upon passage

§ 20 — STUDY ON TRANSPORTATION NEEDS FOR PEOPLE WITH IDD

Requires DOT to study the demand and need for statewide and local transportation services for people with IDD

The act requires the Department of Transportation (DOT) commissioner to study the demand and need for statewide and local transportation services for people with IDD, including ASD. The study must at least address the following:

1. expanding the operating hours, including evening hours, for commuter rail and state-funded public transit services;
2. determining the daily transportation needs of people with IDD, including traveling to and from work, educational facilities, medical appointments, stores, and other places to enjoy life's amenities;
3. determining how accessible using these services is for them; and
4. a specific analysis of each transit district's services that identifies underserved locations, specific routes for possible expansion to meet the needs, and the associated costs.

The act also requires the DOT Commissioner to (1) collaborate with the DDS commissioner and each transit district, (2) consult with the Council on Developmental Services and the Autism Spectrum Disorder Advisory Council, and (3) consider the best practices of other states. He must report on the study results and recommendations to the Human Services, Public Health, and Transportation committees by January 1, 2025.

EFFECTIVE DATE: Upon passage

§ 21 — STUDY ON NONMEDICAL TRANSPORTATION SERVICES FOR PEOPLE WITH AN INTELLECTUAL DISABILITY

Requires DOT to study ways to provide nonmedical transportation for people with an intellectual disability

The act requires the DOT commissioner to study ways to provide nonmedical transportation services to and from work, educational facilities, stores, and other places for people with an intellectual disability, including the following:

1. issuing a request for proposals (RFP) for providing these services to people with an intellectual disability whose transportation needs are not currently met by public transportation in Connecticut;
2. providing incentives, such as DDS grants or payments or a business tax credit, to employers who arrange or pay for transportation to and from work for their employees with IDD;
3. providing incentives, such as a DDS payment or tax credit, to employees who arrange for transportation to and from work for their coworkers with IDD; and
4. issuing an RFP, or requiring transit districts to issue RFPs, for school bus owners to transport people with IDD once or twice a week before and after regular school hours.

The study must at least have an (1) analysis of the initial capital and operational costs for providing these services; (2) operational feasibility assessment and consideration of the reliability and convenience for each way identified; and (3) assessment of whether expanding each identified way to other people, including to people with ASD and people who are 60 years old or older, would increase its cost efficiency.

The act also requires the DOT Commissioner to (1) collaborate with the DDS and DSS commissioners, (2) consult with the Council on Developmental Services and the Autism Spectrum Disorder Advisory Council, and (3) consider the best practices of other states. He must report on the study results and recommendations to the Human Services and Transportation committees by July 1, 2025.

EFFECTIVE DATE: Upon passage

§ 22 — MODERNIZING AND MAINTAINING BUS STOPS AND SHELTERS

Requires (1) DOT and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters and (2) new construction of them to be done according to these plans

The act requires the DOT commissioner and each transit district to jointly develop plans to modernize and maintain Connecticut's bus stops and shelters. They must:

1. ensure all bus stops and shelters are built and maintained in compliance with the federal Americans with Disabilities Act's (ADA) physical accessibility guidelines;
2. include sidewalks, appropriate curb cuts and ramps, shelter from weather conditions, lighting, and signage that shows real-time transportation service information to serve users of all ages and abilities conveniently and safely;
3. consider installing solar photovoltaic systems at bus stops and shelters to operate the lights and allow the charging of mobile electronic devices; and
4. include ways to ensure the maintenance and safety of bus stops and shelters after their construction.

By July 1, 2024, the DOT commissioner must submit to the Transportation Committee a plan on bus stops and shelters owned by DOT and another for those owned by transit districts.

Beginning July 1, 2024, the act requires that each bus stop or shelter constructed by DOT or a transit district must be built according to the above plans and comply with the ADA's applicable physical accessibility guidelines. (Existing law already requires that the state building code, which generally regulates the design, construction, use, and alteration of buildings and structures including bus stops and shelters, be in substantial compliance with the ADA (CGS §§ 29-252 & 29-269).)

EFFECTIVE DATE: Upon passage

§ 23 — NORTHWEST NONMEDICAL TRANSPORTATION SERVICES PILOT PROGRAM

Requires DDS to create a pilot program to provide nonmedical transportation services to people with an intellectual disability in northwestern Connecticut

The act requires DDS, within available appropriations, to create a pilot program to provide nonmedical transportation services for people with an intellectual disability in the northwestern region of Connecticut. The services must include transportation to and from work, educational facilities, stores, and other places located within a 20-mile radius of the residence of a person with an intellectual disability. They must also be provided at least two days per week so long as one of those days is on the weekend or includes evening hours.

By December 1, 2023, the department must issue an RFP to select a transportation provider for implementing and operating the program. The selected transportation provider may expand services to other people, including to people with other developmental disabilities, such as ASD, and to people who are 60 years old or older, if DDS approves the expansion and determines it will not adversely affect the services to people with an intellectual disability.

Starting by January 1, 2025, and until the pilot program ends, the department must annually submit a report to the Human Services, Public Health, and Transportation committees on the program's operation and its utility to people with an intellectual disability.

EFFECTIVE DATE: Upon passage

§ 24 — NOTICE ON DOT-FUNDED TRAINING PROGRAMS

Requires DOT to create a notice on the available training programs that instruct how to safely use commuter railroad systems and public transit services

The act requires DOT, by January 1, 2024, to (1) create a notice on department-funded training programs regarding the safe use of commuter rail and public transit services, (2) revise the notice as needed, and (3) give the notice to DDS and the State Education Resource Center. DDS must then give this notice to its service providers and the Center must publish the notice on its website.

EFFECTIVE DATE: Upon passage

§ 25 — VIDEO PRESENTATION ON INTERACTING WITH PEOPLE WITH DISABILITIES

Requires (1) DMV to create a video presentation that instructs and shows best practices on ways to appropriately interact with certain people with disabilities, (2) DMV and certain other departments to post the presentation on their websites, and (3) applicants for a public passenger license endorsement to watch the presentation

The act requires the Department of Motor Vehicles (DMV), in consultation with DDS, ADS, the Department of Mental Health and Addiction Services (DMHAS), and DSS to create, and revise as needed, a video presentation that instructs and

shows best practices on ways to appropriately interact with people with disabilities who may receive department services. The act allows them to use materials and video presentations developed by a governmental entity, independent contractor, or any other party in developing their own. They must post their video presentation and any other training resources on ways to appropriately interact with people with IDD in a conspicuous location on their respective websites.

Starting January 1, 2024, before issuing or renewing a driver's license with a public passenger endorsement, DMV must require that applicants watch the video presentation.

EFFECTIVE DATE: October 1, 2023

§ 26 — STATEWIDE TRANSITION SERVICES COORDINATOR AND ASSISTANT COORDINATOR

Requires SDE to employ a statewide transition services coordinator and assistant coordinator to coordinate providing transition resources, services, and programs

The act requires the State Department of Education (SDE) to employ a statewide transition services coordinator within its Bureau of Special Education. Specifically, the act assigns the following duties to the coordinator:

1. coordinating the provision of transition resources, transition services, and public transition programs throughout the state in collaboration with other state agencies' appointed liaisons (i.e., from the Office of Early Childhood (OEC) and the aging and disability services, developmental services, children and families, social services, and correction departments);
2. establishing minimum standards for public transition programs and metrics for measuring them;
3. performing unannounced site visits at public transition programs to determine their effectiveness and suggest improvements, and posting data on SDE's website about how the program measured against the office's minimum standards;
4. developing a course on SDE's website for educators and school staff who do not provide transition services to inform them about the services and these programs' purpose, essential programming, and deadlines;
5. creating minimum standards for training transition coordinators;
6. maintaining a record of each transition coordinator's training program completion; and
7. establishing best practices for providing transition services and distributing them to each transition coordinator.

Under the act, "transition resources" are sources of information, counseling, or training about transition services or programs. "Transition services" are for students who require special education to facilitate their transition from school to postsecondary activities such as education and training, employment, or independent living. These services, as recommended by the student's planning and placement team (PPT), are provided by public transition programs that boards of education or regional education service centers (RESCs) operate for students ages 18 to 22, based on the goals in their individualized education programs (IEPs).

The act also requires the education commissioner to hire at least one assistant statewide transition services coordinator to help with the statewide coordinator's duties. The commissioner must make staff available as the statewide coordinator's and the assistant coordinator's needs require.

EFFECTIVE DATE: July 1, 2023

Background — Planning and Placement Team (PPT)

The PPT determines the specific educational needs of a child with a disability and develops an IEP for the child under state and federal special education law (Conn. Agencies Regs., § 10-76a-1(14)). The PPT consists of a student's parents, teachers, school administrators, and educational specialists.

Background — Individualized Education Program (IEP)

An IEP is a written statement detailing the student's academic achievement level, goals for future achievement, and specialized educational services needed to reach the goals. Federal law requires school boards to develop IEPs for students eligible to receive special education and related services (Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.).

§ 27 — SPECIAL EDUCATION AND TRANSITION SERVICES TRAINING PROGRAM

Requires SDE to develop a training program on the legal requirements and best practices for special education and transition services

The act requires SDE's Bureau of Special Education to develop by July 1, 2024, and update at least annually, a training program on the legal requirements and best practices for special education and transition services. This training must be delivered via on-demand, online courses. It may be delivered in person at the bureau's discretion.
EFFECTIVE DATE: July 1, 2023

§ 28 — INTERAGENCY MEMORANDA OF UNDERSTANDING AND LIAISONS

Requires agencies that must have MOUs by law with SDE to each appoint a liaison to the department's statewide transition services coordinator; also makes conforming changes

By law, SDE must enter into memoranda of understanding (MOUs) with other state agencies about providing special education and related services to children. This includes education, health care, and transition services. The act additionally requires the MOU to address providing transition resources and public transition programs. By law and unchanged by the act, the MOUs must account for current programs and services, use best practices, and be updated or renewed at least every five years.

Existing law requires the department to have MOUs with the OEC and the development services, children and families, social services, and correction departments. The act makes a conforming change by adding ADS in place of the Bureau of Rehabilitation Services (BRS), which is within ADS. It also adds ADS, in place of BRS, to the list of state agencies that must enter into MOUs with each other for providing special education and related services.

Additionally, the act requires each of the above agencies that have an MOU with SDE, along with the Labor, Mental Health and Addiction Services, and Public Health departments, to appoint an employee to act as a liaison to SDE's statewide transition services coordinator. The liaisons must give information and advice to the statewide coordinator about the transition resources, transition services, and public transition programs that their respective agency provides.
EFFECTIVE DATE: July 1, 2023

§ 29 — INTERAGENCY COORDINATION OF TRANSITION SERVICES

Requires SERC to develop and maintain an online listing of the transition resources, services, and programs that certain state agencies provide

Prior law required the State Board of Education (SBE), in collaboration with BRS, DDS, and the Office of Workforce Strategy (OWS), to coordinate the provision of transition resources, services, and programs to children requiring special education and related services. The board also had to distribute to boards of education a fact sheet describing these resources, services, and programs. Boards were then required to distribute the sheet to parents, teachers, and administrators.

The act instead requires the State Education Resource Center (SERC) to collaborate with SDE, DDS, DSS, ADS, OWS, and OPM to develop and maintain an easily accessible and navigable online listing that includes a plain language description of the transition resources, transition services, and public transition programs that each agency provides, along with the eligibility requirements and application deadlines for each one. Additionally, similar to prior law, this new group of collaborating state entities must annually collect information about transition resources, programs, and services provided by other state agencies.

Beginning in the 2024-25 school year, the act requires SDE's statewide transition services coordinator to (1) ensure the online listing is updated and accurate, (2) post a link to the listing on SDE's website in an easily accessible location, and (3) distribute a notice about the listing to each board of education. Boards must distribute this notice annually to parents, guardians, surrogate parents, emancipated minors, or 18-year-old pupils at a PPT meeting for each child in grades six through 12 requiring special education services.

The act also (1) requires ADS, DDS, DSS, and OPM to each place a link to the above online listing on their respective websites in an easily accessible location and (2) makes other related conforming changes.
EFFECTIVE DATE: January 1, 2024

§§ 30 & 31 — TRAINING PROGRAM

Requires SDE to work with other state entities and RESCs to develop a training program on public transition programs

Development (§ 30)

The act requires SDE, in consultation with DDS, ADS, and the RESCs, to develop a training program for educators, school paraprofessionals, and transition coordinators by July 1, 2024. Under the act, a "transition coordinator" is a director of pupil personnel, or other board of education employee who the director designates, who helps the school district's parents and students navigate the available transition resources, transition services, and public transition programs. The act requires that the training program comply with the statewide transition services coordinators' minimum standards (see § 26 above).

Providers (§ 30)

Under the act, each RESC must provide the training program at no cost to (1) transition coordinators, educators, and school paraprofessionals who provide transition services and (2) any other educators or staff interested in taking it.

Required Enrollment (§ 31)

The act requires all transition coordinators to complete the training program. If a school district appoints a new coordinator before a RESC's training program begins, then the act requires that person to complete the program within the three years immediately after the program begins. Conversely, if a district appoints a new coordinator after the training program begins, then that person must complete the program within one year after being appointed.

The act also requires each educator and school paraprofessional who provides special education to students aged 14 or older to complete the training program. If the person is hired before the training program begins, then that person must complete the program within the five years immediately after the program begins. Conversely, if the person is hired after the training program begins, then that person must complete the program within one year after the date of hire.

EFFECTIVE DATE: Upon passage for the provisions on the program's development and providers, and July 1, 2023, for provisions on program enrollment.

§ 31 — DISTRICT TRANSITION COORDINATOR

Requires each board of education to appoint a transition coordinator for the district

The act requires each local and regional board of education to ensure the designation of a transition coordinator by January 1, 2024. It allows either the district's pupil personnel director or another board employee appointed by the director to serve in the position. Every transition coordinator must ensure that the parents of students requiring special education (1) receive information about transition resources, transition services, or public transition programs and (2) are aware of the eligibility requirements and application details that specifically apply to their student.

EFFECTIVE DATE: July 1, 2023

§§ 32-37 — AGE FOR SPECIAL EDUCATION ELIGIBILITY

Aligns special education statutes to a federal court ruling requiring boards of education to provide special education until an eligible student graduates high school or until the end of the school year when the student reaches age 22

The act makes changes in various special education laws to align with the ruling in the class action lawsuit *A.R.* v. *Connecticut State Board of Education*. In this case, the Second Circuit of the U.S. Court of Appeals affirmed the U.S. District Court for the District of Connecticut's ruling that special education eligibility cannot end when a student reaches age 21 (5 F.4th 155 (2d Cir., 2021)).

Specifically, these conforming changes affect several categories of special education law.

EFFECTIVE DATE: July 1, 2023

Special Education Services (§§ 32 & 34)

The act makes conforming changes to require (1) local and regional boards of education to provide special education until the child graduates from high school or until the end of the school year when the child reaches age 22 (rather than until age 21 as under prior law), whichever occurs first, and (2) SBE to adopt regulations to implement this requirement. The act also explicitly extends this requirement to children who are placed in a school district by the Department of Children

and Families commissioner, offices of a Native American tribe's government, and DMHAS and Department of Public Health (DPH) residential facilities operators, among others.

Parental Rights (§ 33)

The act makes conforming changes requiring SBE to state in its "special education bill of rights for parents" that (1) parents' and children's rights are protected until children have graduated from high school or at the end of the school year when the child reaches age 22, whichever occurs first, and (2) parents have the right to ask the board to consider providing their child with transition services from age 18 through that time period, rather than until age 21.

Juvenile Justice (§ 35)

The act also makes conforming changes requiring that the liaison between a school district and the criminal justice system assist all relevant educational service providers in ensuring that people in justice system custody age 22 or younger, rather than 21 or younger, are promptly evaluated for special education services eligibility. These services must be provided until the student graduates from high school or until the end of the school year when the student reaches age 22, whichever happens first.

Special Education Terminology (§§ 36 & 37)

Lastly, the act makes conforming changes defining the term "child" in special education law to mean any person 22 years old or younger, rather than 21 or younger, or, for children requiring special education, until the child graduates from high school or until the end of the school year when the child reaches age 22, whichever happens first. It also removes an obsolete reference to state regulations that limit a child's special education eligibility age to 21 years old.

§ 38 — PROGRAM REVIEW BY SERC

Requires SERC to review each public transition program and report its findings to the Education Committee

Under the act, SERC, under SDE's supervision, must review each public transition program by examining at least the following aspects:

1. each program's types of transition services;
2. staff numbers and qualifications;
3. program location relative to the student's or student's family's residence; and
4. any metrics for measuring the program's performance (e.g., student and family feedback; student placement in jobs, postsecondary education, or adult training or programs).

By February 1, 2024, SERC must submit its findings, including best practices and innovative programs, to the Education Committee.

EFFECTIVE DATE: July 1, 2023

§ 39 — PROVIDING INFORMATION AT PPT MEETINGS

Aligns state law with federal requirements for interpreters at PPT meetings and translated IEP documents; requires boards of education to give parents, guardians, or surrogate parents information about conservatorship, guardianship, decision-making alternatives, and mediation services

Interpreters and Translated Documents

Federal special education regulations require boards of education to ensure that the parent understands the proceedings at a PPT meeting, including arranging for an interpreter for parents whose native language is not English (34 C.F.R. § 300.322(e)). The act aligns state law with this requirement by requiring local or regional boards of education to provide these interpreters and translated documents for students, parents, or guardians when needed or upon request.

Specifically, the act grants a student's parents, guardians, or surrogate parents the right to have a language interpreter, including a registered interpreter for persons who are deaf, hard of hearing, or deafblind, during PPT meetings where the student's educational program is developed, reviewed, or revised. The interpreter may be in person, available by telephone or through an online technology platform, or through a website or other electronic application approved by SBE. The board

of education must provide an interpreter if there is an apparent need or if the parent, guardian, surrogate parent, or student requests one. The interpreter must participate or be available for all portions of the PPT meeting.

The act also requires boards of education to provide translations of the following documents in the primary language of the student, parent, guardian, or surrogate parent: (1) a student's IEP and any related documents and (2) any relevant information about IEPs that SDE creates, including information about transition resources and services for high school students. Boards must supply translated documents if there is an apparent need or upon request.

Conservatorship and Mediation Information

The act requires local or regional boards of education to give the following information at the following times to students, parents, guardians, or surrogate parents of students eligible for special education and related services.

At the first PPT meeting after a student reaches age 14 and then annually, boards must provide (1) information on the full range of decision-making supports, including alternatives to guardianship and conservatorship, and (2) SDE's online resource about the process for establishing guardianship, conservatorship, or other decision-making alternatives once the student reaches age 18 (see § 41 below).

Additionally, boards must provide the notice created by the mediation services coordinator about available mediation services (see § 45 below) in writing at the beginning of the school year. This notice also must be read aloud at the end of the first PPT meeting of each school year.

EFFECTIVE DATE: July 1, 2023

§ 40 — PPT COORDINATION OF TRANSITION SERVICES

Requires a student's PPT to coordinate transition services during meetings at two points in the student's high school career

Meeting Post-Fourteenth Birthday

Under the act, if a student's IEP contains a statement of transition service needs, then the student's PPT must do the following at its first meeting after the student's fourteenth birthday:

1. notify each state agency that the student may be eligible, pending parent, guardian, or student permission when applicable, for a public transition program or adult program that the agency offers and
2. give the parent, guardian, surrogate parent, or student a listing of these agency programs that includes for each one a plain language description, eligibility requirements, and application deadlines and instructions.

Meeting Two Years Before Transfer of Services

Subsequently, at a meeting approximately two years before a student's anticipated graduation or the end of the school year when the student will turn 22 years old, whichever happens first, the PPT must do the following pending parent, guardian, surrogate parent, or student permission:

1. re-notify each state agency about the student's potential eligibility for a transition program or adult program that it offers;
2. invite a representative from each of the applicable agencies to attend the PPT meeting to establish contact with and counsel the parent, guardian, surrogate parent, or student on the process for the student's anticipated services transfer; and
3. allow and facilitate contact and coordination between each applicable agency and the above parties to ease the transfer of services process.

At this meeting, the act requires the PPT to also give these parties the following: (1) a listing of each adult program for which the student may be eligible, including a plain language description, eligibility requirements, and application deadlines and instructions, and (2) help completing an application to any of these programs.

EFFECTIVE DATE: July 1, 2023

§ 41 — ONLINE RESOURCE FOR ADULT STUDENTS

Requires SDE to develop an online resource about establishing guardianship, conservatorship, or other decision-making alternatives for when a student reaches age 18 and is receiving special education or related services

The act requires SDE, by July 1, 2024, to develop a plain language, online resource for students and parents, guardians, or surrogate parents with a child aged 14 or older who requires special education and related services. This resource must have information and training resources about decision-making options once the student reaches age 18. SDE must develop it in consultation with in-state disability rights advocacy groups.

Specifically, this resource must include at least the following information: (1) the child's and parent's rights under federal special education law when the child reaches age 18 (see *Background — Students Aged 18 and Older*) and (2) alternatives to guardianship and conservatorship, including supported decision-making, powers of attorney, advance directives, and other decision-making alternatives. Under the act, "supported decision-making" is a tool used by a person with a disability to retain decision-making authority through the help of one or more individuals, chosen by the person, in understanding the nature and consequences of potential personal and financial decisions and in communicating these decisions.

The act requires SDE to post the online resource on its website in an easily accessible location. The department also must give information about it to (1) SERC, so that it may be included in the online listing of the transition resources, services, and programs provided by state agencies (see § 29 above), and (2) each local and regional board of education to give to parents and guardians at the first PPT meeting after students reach age 14. SDE must update this resource as needed.
EFFECTIVE DATE: July 1, 2023

Background — Students Aged 18 and Older

Under federal special education law, when a student with a disability reaches the "age of majority" under state law (i.e., becomes a legal adult), all parental rights transfer to the student. However, if the student is unable to give informed consent about his or her educational program, then the state must establish procedures for appointing the student's parent, or, if unavailable, another appropriate individual, to represent the student's educational interests throughout the period of special education eligibility (20 U.S.C. § 1415(m)).

§ 42 — SDE INTERAGENCY REPORTING

Requires SDE to report annually to applicable state agencies and legislative committees the number of students statewide who (1) received transition services information as part of a PPT meeting or (2) may qualify for services

The act requires SDE, starting by July 1, 2024, to annually report the total number of students from all school districts who had PPT meetings during the previous school year where information about transition services and programs was provided. This number may be reduced, to the extent possible, to the number of students who may qualify for the services or programs that state agencies provide. SDE must report this data to (1) each state agency that provides services and programs for adults with disabilities, including DDS, the Department of Social Services (DSS), and ADS, and (2) the Appropriations, Education, Human Services, and Public Health committees.
EFFECTIVE DATE: July 1, 2023

§§ 43 & 44 — AGENCY STAFFING

Requires DDS and ADS to employ enough staff, within available appropriations, to provide transition services

The act requires the DDS commissioner to employ, within available appropriations, enough transition advisors to provide transition services for any students receiving special education whose PPT finds that they are potentially eligible for DDS services. It also requires the ADS commissioner to employ, within available appropriations, enough vocational rehabilitation staff to provide transition services for students requiring special education if their PPT determines that they may be eligible to receive services from ADS.
EFFECTIVE DATE: July 1, 2023

§ 45 — SPECIAL EDUCATION MEDIATION SERVICES COORDINATOR

Requires SDE to employ a mediation services coordinator position in its Bureau of Special Education to coordinate and oversee special education mediation services and approved mediators; establishes the coordinator's oversight authority over mediator training and continuing education requirements

The act requires the education commissioner to employ a mediation services coordinator in SDE's Bureau of Special Education. The position must be separate and distinct from any of the department's investigatory or enforcement functions. EFFECTIVE DATE: July 1, 2023

Duties

Under the act, the mediation services coordinator must do the following:

1. facilitate the expansion of SDE's mediation services offered in place of parties proceeding directly to a special education administrative hearing;
2. oversee and coordinate these services for each school district statewide;
3. maintain a list of special education mediators who (a) meet the act's minimum training requirements and (b) are sufficient in number to meet each district's needs;
4. promote mediation's benefits to each board of education, parents and guardians, and special education advocacy groups;
5. solicit feedback from school boards, parents, and guardians about the mediation process (a) at an open annual meeting, (b) after any mediation ends, and (c) in any other way the coordinator chooses; and
6. create (a) a statement on mediation impartiality and confidentiality; (b) an explanation of the mediation process; and (c) a notice of available mediation services, each further explained below.

Coordinator-Created Resources

Impartiality and Confidentiality Statement. The act requires the mediation services coordinator to create and post on SDE's website a statement that, at a minimum, prohibits bureau employees and special education mediators from sharing information from any mediation with any employee from the department tasked with investigatory or enforcement functions unless state or federal law requires it.

The act also requires mediators to remain impartial and maintain the confidentiality of any matter discussed during mediation.

Process Explanation. The act also requires the coordinator to create and post on SDE's website a plain-language resource that explains the mediation process, including how to request and prepare for a mediation. This resource must be translated into the state's most commonly spoken languages.

Notice of Available Services. The act requires the coordinator to create a brief notice that is suitable to be read aloud during a PPT meeting and lists available mediation services. The notice must include a link to the plain-language process explanation described above. It also must be translated into the state's most commonly spoken languages and be distributed by boards of education to parents, guardians, and surrogate parents of students requiring special education.

Mediator Oversight

Pre-Service Training Requirements. The act requires SDE's Bureau of Special Education to verify that each mediator on the mediation service coordinator's list completes (1) at least 40 hours of mediation skills training using an SDE-approved module or course and (2) training in special education law, using a module or course provided by SDE or another bureau-approved provider, for the minimum hours the bureau requires.

The act allows the bureau to waive one of these training requirements for certain applicant mediators under the following conditions:

1. the mediation skills training requirement, if the applicant submits proof of completing (a) a 40-hour mediation skills training or (b) an equivalent course related to mediation skills from a higher education institution or
2. the special education law training requirement, if the applicant (a) has sufficient, direct professional experience in special education law or (b) submits proof of completing a comparable course related to special education law from a higher education institution.

Additionally, the act requires the bureau to exempt at least five mediators from the pre-service training requirements entirely. These mediators must (1) have conducted special education mediation for SDE before July 1, 2023, and (2) be included on the list of mediators that the mediation services coordinator maintains.

Continuing Education Requirements. The act requires each approved mediator on the list to complete at least two hours of continuing education every two years in subject areas the bureau prescribes. SDE or any other bureau-approved office may provide the continuing education.

§ 46 — SPECIAL EDUCATION MEDIATION REQUESTS

Specifies the parties that may request mediation services from the mediation services coordinator and requires the coordinator to notify relevant parties and provide language translation services

The act allows the following parties to request a mediation at any time through the mediation services coordinator for any special education matter, including identification, evaluation, educational placement, or IEP implementation, among other reasons:

1. a parent or guardian of a student requiring special education and related services;
2. a student who requires these services and is either (a) at least age 18 or (b) an emancipated minor;
3. a surrogate parent;
4. the Department of Children and Families (DCF) commissioner, or her designee, on behalf of any child in DCF custody; or
5. the local or regional board of education responsible for providing special education and related services to a student.

After the coordinator receives a mediation request, the act requires him or her to give the requester and other parties subject to the request the following: (1) notice that a conflict exists between the parties, (2) information about the mediation process, (3) a statement that the mediation process is voluntary and facilitated by a neutral mediator, and (4) an invitation to all parties to participate.

The coordinator also must provide language translation services (1) by an interpreter who is present in person or available by telephone or an online technology platform or (2) through an internet website or other SBE-approved electronic application.

EFFECTIVE DATE: July 1, 2023

§ 47 — SPECIAL EDUCATION ADMINISTRATIVE HEARINGS

Makes changes in the special education administrative hearing laws on testimony, hearing officer decisions, and mediation

By law, certain aggrieved parties may request an administrative hearing before an SDE-provided hearing officer when the school district responsible for providing special education services proposes or refuses to initiate or change the (1) student's identification, evaluation, or educational placement or (2) free appropriate public education (FAPE) given to the student. The act modifies the order in which the parties must testify and makes changes in the laws on publishing the hearing officers' decisions and using mediation in place of proceeding directly to a hearing.

EFFECTIVE DATE: July 1, 2023

Testimony Order

By law and unchanged by the act, the hearing officer or board must hear testimony relevant to the disputed issue by the requesting party and any other party directly involved. In a dispute about providing FAPE, the act additionally requires that the hearing officer or board hear the testimony of the party responsible for providing special education to the student (i.e., the local or regional board of education or unified school district) before hearing any other party's testimony.

Decision Publishing

By law, the hearing officer's findings of fact, conclusions of law, and decision must be written without personally identifiable information about the student who is the subject of the dispute so that the decisions may be available for public inspection. The act adds the requirement that the decisions be promptly indexed and published.

Mediation Prior to Hearing

By law and unchanged by the act, mediation is available as a dispute resolution process before an administrative hearing. Prior law required the parties to agree in writing to request a state mediator from SDE. The act instead allows any one party to request that the mediation services coordinator appoint a mediator, and it does not require the request to be written or signed. The coordinator must then notify all parties using the process in the act (see § 46 above) and appoint a mediator if all parties agree to mediate.

The act requires the coordinator to invite all parties to a mediation with a person selected from the list of special education mediators the coordinator maintains (see § 45 above). It also makes conforming changes related to the mediator's appointment. By law and unchanged by the act, the mediator must certify in writing to the parties whether the mediation was successful or not; however, the act additionally specifies that the mediator must certify this to the Bureau of the Special Education rather than to SDE in general.

Additionally, the act requires SDE to create and publish on its website a plain language explanation of the department's process for resolving special education complaints and the administrative hearing process. This explanation must be translated into the state's most commonly spoken languages.

§ 48 — STATEWIDE SPECIAL EDUCATION AUDITS

Requires SDE to randomly audit school districts' implementation of federal special education law

The act requires SDE to conduct audits of special education programs each year in randomly selected school districts to oversee their implementation of federal special education law (i.e., the Individuals with Disabilities Education Act (IDEA)). The audits must at least include the following components:

1. interviews of teachers and staff who provide special education services and parents and guardians of children who require these services;
2. unannounced, on-site visits to observe classroom practice and any other aspect of the administration or provision of special education services to ensure compliance with IEPs and state and federal law and guidance; and
3. a review of students' IEPs.

EFFECTIVE DATE: July 1, 2023

§ 49 — IN-SERVICE TRAINING

Expands required in-service training topics to include laws governing PPT meetings, 504 plans, and updates to state and federal special education policies

By law, local and regional boards of education must provide in-service training to their licensed teachers, administrators, and pupil personnel that covers various topics, such as health and mental health risk reduction education, school violence prevention, and CPR and other emergency life-saving procedures. The act expands these training topics to include (1) the laws governing PPT meeting implementation and 504 plans and (2) an annual update of new state and federal policies about special education, recommendations, and best practices.

EFFECTIVE DATE: July 1, 2023

Background — 504 Plans

Section 504 of the federal Rehabilitation Act of 1973 protects students with mental or physical disabilities from discrimination in public schools (29 U.S.C. § 794). Students who receive school accommodations under this law have them memorialized in a written plan, commonly known as a "504 plan."

§ 50 — INDIVIDUAL SERVICE COORDINATORS

Requires individual service coordinators for children receiving early intervention services to help facilitate eligible children's transition to public school special education services

By law, each child eligible for Birth-to-Three program early intervention services is assigned an individual service coordinator from the profession most relevant to the child's or family's needs. This coordinator is responsible for implementing the child's individualized family service plan (IFSP).

Within the three months before an eligible child's third birthday, the act requires the child's individual service coordinator to (1) notify the child's parent or guardian so that they may meet, upon request, to discuss the contact information for the person who administers or coordinates special education services for the child's public school district and (2) give the child's IFSP to the public school district's special education coordinator.

EFFECTIVE DATE: July 1, 2023

§§ 51 & 52 — INFORMATION FOR STUDENTS AND PARENTS

Requires SDE to develop an informational handout for students explaining IEPs, 504s, and associated student rights in the classroom; requires boards of education to give students and parents information about their rights, resources, and advocacy groups

Student Informational Handout (§§ 51 & 52)

The act requires SDE to develop an informational handout for students by January 1, 2024, that explains IEPs and 504 plans, including students' rights in the classroom; make it available to boards of education; and post it on the department website. In turn, boards of education must give it to each eligible student at the beginning of each school year. The handout must (1) be age-appropriate; (2) be prepared separately for students in grades K through four, five through eight, and nine through 12; (3) be translated into multiple languages, including English, Spanish, Portuguese, French, and Polish; and (4) include a glossary of the most common tools used to implement an IEP or 504 plan.

Additional Information on Rights and Resources (§ 52)

Upon Identification for Special Education. By law, immediately when a student is formally identified as requiring special education and at each subsequent PPT meeting, the board of education must inform the student's parent, guardian, surrogate parent, or student (if over age 18 or an emancipated minor) about his or her rights under special education laws and regulations, including some specifically enumerated rights. The act adds the following rights to this list:

1. to obtain the plain language resources on SDE's website that explain the administrative hearing and appeals process available to the student if there is a disagreement about the IEP, identification, evaluation, educational placement, or provision of FAPE to the student;
2. to receive information about free and low-cost legal assistance; and
3. to receive SDE's "Parent's Guide to Special Education" in addition to other relevant information and resources on IEPs as under existing law.

When Each School Year Begins. Additionally, at the beginning of each school year, the act requires the board of education to give these parties SDE's "Parent's Guide to Special Education in Connecticut" and the rights and resources available to the student with an IEP or 504 plan.

EFFECTIVE DATE: July 1, 2023

§ 53 — SUPPORTIVE HOUSING GRANTS FOR NONPROFITS

Requires DDS to establish a program to provide grants to qualifying private nonprofits for supportive housing for people with an intellectual disability or other developmental disabilities; creates related administrative and reporting requirements

The act requires the Department of Developmental Services (DDS) commissioner to establish a program to provide grants to qualifying private nonprofits for supportive housing for people with an intellectual disability or other developmental disabilities, including autism spectrum disorder. It prohibits the commissioner from spending more than (1) $5 million on the grant program in any one DDS service region and (2) 2% of the program's funding on directly related administrative expenses.

The act requires the commissioner to prioritize nonprofits that reserve at least 50% of a housing site's initial residential capacity for individuals with these disabilities who are on a supportive housing waiting list DDS or the Department of Social Services (DSS) maintains. Under the act, a grant recipient must annually report to the DDS commissioner, on a form he develops, on how it spent its funding.

The act requires the DDS commissioner to (1) develop and publish guidelines for awarding grants under the program and a uniform application form and (2) post these materials on the DDS website by July 1, 2024. Beginning January 1, 2025, he must annually report to the Housing, Human Services, and Public Health committees, on how the awarded grant funds were spent under the program.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-205, § 97, authorizes up to $15 million in state GO bonds for DDS to use for the grant program described above.

§ 54 — COMMUNITY-BASED GROUP HOMES PLAN FOR REENTERING INDIVIDUALS

Requires the DDS commissioner, within available appropriations and in collaboration with the housing and correction commissioners, to create a plan for a comprehensive program for community-based group homes for people with intellectual disabilities reentering society from the correctional system

The act requires the DDS commissioner, within available appropriations and in collaboration with the housing and correction commissioners, to create a plan for a comprehensive program for community-based group homes for people with intellectual disabilities reentering society from the correctional system. Under the act, the program must provide these people supportive services, which may include, among other things, assistance with daily living tasks and transportation, medical care, and job training.

The act requires the DDS commissioner, by January 1, 2024, to submit the plan to the Housing, Human Services, Public Health, and Public Safety and Security committees.

EFFECTIVE DATE: October 1, 2023

§ 55 — MUNICIPAL AFFORDABLE HOUSING PLANS

Expands the municipal affordable housing planning requirement by requiring plans submitted to OPM after October 1, 2023, to specify how the municipality will improve affordable housing unit accessibility for people with an intellectual disability or other developmental disabilities

The act expands existing law's municipal affordable housing planning requirement by requiring plans submitted to the Office of Policy and Management (OPM) after October 1, 2023, to specify how the municipality will improve affordable housing unit accessibility for people with an intellectual disability or other developmental disabilities.

Existing law requires all municipalities to adopt an affordable housing plan and submit a copy to OPM at least once every five years. The plan must detail how the municipality will increase its number of affordable housing developments, as defined under CGS § 8-30g. By law, "affordable housing development" generally means a proposed housing development that is either government assisted housing or a set-aside development subject to an affordability deed restriction.

EFFECTIVE DATE: October 1, 2023

§§ 56-59 — ACHIEVING A BETTER LIFE EXPERIENCE (ABLE) ACCOUNTS

Authorizes a personal income tax deduction up to $5,000 for individuals or $10,000 for joint filers for contributions made to ABLE accounts; establishes a credit against the corporation business and personal income taxes for contributions employers make into employees' ABLE accounts, capped at $2,500 per employee per year; exempts ABLE accounts from claims by the state against the estates of Medicaid beneficiaries; and requires the state treasurer to designate an ABLE program director of outreach

The act makes several changes to the state treasurer's federally qualified ABLE program (see *Background — ABLE Program*). Specifically, it:

1. requires the state treasurer to designate a director of outreach for the ABLE program from among the existing employees in his office who must coordinate outreach and marketing efforts for ABLE accounts (§ 56);
2. authorizes a personal income tax deduction up to $5,000 for individual taxpayers or $10,000 for joint filers for contributions made to ABLE accounts established through Connecticut's ABLE program (§ 57);
3. establishes a credit against the corporation business and personal income taxes for contributions employers make into employees' ABLE accounts, capped at $2,500 per employee per year (§ 58); and
4. exempts ABLE accounts, to the extent allowed by federal law, from claims by the state against the estates of Medicaid beneficiaries (§ 59).

EFFECTIVE DATE: October 1, 2023, except the tax deduction and tax credit provisions take effect January 1, 2024, and apply to tax and income years beginning on or after that date.

Employer ABLE Account Contribution Tax Credit

Under the act, taxpayers may claim this credit against the corporation business or personal income tax (but not the withholding tax) for contributions they make to the state-administered ABLE accounts of their employees, up to $2,500 per

employee per income or taxable year, as applicable. The tax credit under the act may be claimed by the shareholders or partners of S corporations or entities treated as partnerships for federal income tax purposes. For single member limited liability companies treated as disregarded entities for federal tax purposes, it may be claimed by their owners.

Background — ABLE Program

Similar to 529 plans for education savings, ABLE accounts (also known as 529A plans) are tax-advantaged savings plans designed to encourage savings for a designated beneficiary's future expenses. They allow individuals to retain assets to offset costs associated with living with a disability (up to certain account limits) without affecting eligibility for means-tested public programs such as supplemental security income (SSI) and Medicaid. Individuals may open an ABLE account, or one may be opened on their behalf, if they developed their disability before age 26 and either (1) qualify for SSI or Social Security disability income (SSDI) or (2) have a certification from a qualifying health care provider stating that their disability meets the "marked and severe" standard set forth in federal law. Account funds may be used to cover "qualified disability expenses," which are disability-related expenses that help increase or maintain a person's health, independence, or quality of life (e.g., housing, transportation, education, and assistive technology costs).

Total annual contributions to an ABLE account by all individuals are generally capped at the federal gift tax exclusion amount ($17,000 per year, as of January 1, 2023), though certain employed ABLE account owners may make additional deposits.

§ 60 — COMPENSATION FOR FAMILY CAREGIVERS

Requires DSS to apply for federal approval to compensate family caregivers under DDS-administered Medicaid waivers

The act requires the DSS commissioner, in consultation with the DDS commissioner, to apply to the federal Centers for Medicare and Medicaid Services (CMS) for a Medicaid waiver by November 1, 2023, to authorize compensation for family caregivers, including legally responsible relatives, who provide personal care assistance services to DDS-administered Medicaid waiver participants. The requirement applies to the three home- and community-based Medicaid waivers administered by DDS that serve people with intellectual disabilities: the Comprehensive Supports Waiver, the Individual and Family Support Waiver, and the Employment and Day Supports Waiver. (PA 23-204, § 171, requires DSS to amend the current waivers rather than applying for a new one, and requires amendments to be implemented upon CMS approval.)

Under the act, a "family caregiver" is (1) a caregiver related by blood or marriage to a Medicaid waiver participant or (2) the participant's legal guardian. A "legally responsible relative" is a participant's spouse, parent, or legal guardian.
EFFECTIVE DATE: Upon passage

§ 61 — JOBSCT TAX REBATE PROGRAM

Decreases, from 25 to 15, the number of new FTEs that a business must create and maintain to be eligible for the JobsCT tax rebate program if at least one of these FTEs is an individual with intellectual disability; makes these FTEs eligible for a 50% rebate; increases, from $10 million to $15 million, the cap on the aggregate rebate amount that may be awarded in a fiscal year for discretionary FTEs

The act decreases the number of full-time equivalent employees (FTEs) that a business must create and maintain to be eligible for the JobsCT tax rebate program if at least one of these FTEs is an individual with intellectual disability. It also allows the business to earn an increased rebate amount for each FTE who is an individual with intellectual disability. Under the act, "intellectual disability" means a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before 18 years old.

Specifically, existing law generally requires that a business create and maintain at least 25 new FTEs to be eligible for a rebate (see *Background — New FTEs*). The act allows a business to qualify for a rebate by creating and maintaining at least 15 new FTEs if at least one of these FTEs is an individual with intellectual disability.

By law, the rebate amount is based on a percentage of the state income tax paid by the new FTEs. Generally, it equals 25% of the income tax paid, but the act allows businesses to receive a 50% rebate for income tax paid by FTEs who are individuals with intellectual disability.

Separately, the act increases, from $10 million to $15 million, the cap on the aggregate rebate amount that may be awarded in a fiscal year for discretionary FTEs. Generally, these are FTEs who earn less than the program's general wage

requirements but meet certain other criteria (see *Background — Discretionary FTEs*). It retains the overall rebate cap of $40 million per fiscal year.

Lastly, the act requires the Department of Economic and Community Development (DECD) commissioner to post information about the JobsCT program on the agency's website, including information about rebates available for employing individuals with intellectual disability. DECD must post this information by January 1, 2024.

EFFECTIVE DATE: January 1, 2024, and applicable to tax years starting on or after that date.

Rebate Calculation

The JobsCT tax rebate program allows companies in specified industries (e.g., manufacturing and bioscience) to earn rebates against the corporation business, pass-through entity (PE), and insurance premiums taxes for reaching certain job creation targets. Under existing law, a business's rebate is based on (1) the number of new FTEs created or maintained, (2) their average wage, and (3) the state income tax that a single filer would pay on this average wage. Generally, it equals 25% of the average state income tax that these employees would pay, multiplied by the number of employees.

However, for FTEs who are individuals with intellectual disability, the act sets a rebate amount of 50% of the average state income tax that these employees would pay, multiplied by the number of employees who meet this criterion. Existing law also (1) allows a 50% rebate for new FTEs in an opportunity zone or distressed municipality and (2) sets a rebate floor of $1,000 per new FTE and caps the rebates at $5,000 per new FTE.

Background — New FTEs

By law, new FTEs are those that did not exist in the state when the business applied to the DECD commissioner for acceptance into the program. They exclude FTEs (1) acquired due to a merger or acquisition; (2) employed in the state by a related person (e.g., entities controlled by the business) within the previous 12 months; or (3) hired to replace FTEs that existed in the state after January 1, 2020. The law allows the DECD commissioner to issue implementation guidance.

To qualify as a new FTE, an employee must be paid wages sourced to the state (i.e., qualified wages) of at least 85% of the median household income for the location where the position is primarily based or $37,500, whichever is greater.

Background — Discretionary FTEs

By law, a discretionary FTE is an FTE paid qualified wages who does not meet the program's general wage requirements (see above) but is approved by the DECD commissioner. The law lists several types of employees whom the commissioner may approve as discretionary FTEs, including those who (1) are receiving, or have received, services from the Department of Aging and Disability Services because of a disability or (2) are receiving employment services from the Department of Mental Health and Addiction Services or participating in employment opportunities or day services operated or funded by DDS.

§ 62 — PRICE PREFERENCE FOR INTELLECTUAL DISABILITY WORKFORCE

Allows DAS to give a price preference for bids on open market orders or contracts for businesses with a workforce of at least 10% people with intellectual disability

The act allows the administrative services (DAS) commissioner to give a price preference of up to 10% for open market orders or contracts to a business that has a workforce of at least 10% individuals with intellectual disability when it submits its bid or proposal. A price preference is the percentage by which a bid may be reduced for purposes of awarding a contract to the lowest qualified bidder.

EFFECTIVE DATE: October 1, 2023

§ 63 — WORKFORCE DEVELOPMENT GRANT PROGRAM

Creates a workforce development grant program for nonprofit organizations with a workforce of at least 10% people with intellectual disability

The act requires the DECD commissioner to establish a workforce development program, within available resources, to make grants to nonprofit organizations that employ a workforce of at least 10% individuals with intellectual disability. Grants made under this program must be awarded for infrastructure expenditures, start-up costs, or expansion costs.

Grants awarded under the act are capped at (1) $25,000 for organizations with a workforce consisting of at least 10% but not more than 30% individuals with intellectual disability and (2) $75,000 for organizations with a workforce that has more than 30% individuals with intellectual disability.

The act requires DECD to set the application procedure and create a competitive application award process. It allows the department, under existing procedures for state consultants and personal service agreements, to enter into an agreement with a third-party to operate the program.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-205, § 98, authorizes up to $1,000,000 in state general obligation (GO) bonds in FY 24 for DECD to use for the grant program described above.

§ 64 — SUPPORT ORDERS FOR ADULT CHILDREN WITH DISABILITY

Starting October 1, 2023, increases the age up to which a court may issue support orders for adult children with certain disabilities, from up to 21 to up to 26

Existing law allows the court to make appropriate support orders for children up to age 21 who (1) have an intellectual disability or a mental disability or are physically disabled and (2) live with a parent on whom they are primarily dependent for support. Starting October 1, 2023, the act increases the age limit for these support orders to up to age 26.

The act's age limit increase applies to support orders entered on or after October 1, 2023, as (1) part of a divorce, legal separation, or annulment decree or (2) an initial support order not claiming one of these decrees. In cases entered before this date, the court may make the support orders only until the child attains age 21, as allowed under existing law.

Under the act, as under existing law, the child support guidelines do not apply to these support orders.

The act also makes a technical change regarding the definition of "mental disability."

EFFECTIVE DATE: October 1, 2023

§§ 65-68 — COMMUNITY RESIDENCES

Extends an existing prohibition on zoning regulations treating certain community and child-care residences (i.e., group homes) and hospice facilities differently than single-family homes to cover those housing up to eight (rather than six) people; updates, for certain public health provisions and restrictions on zoning regulations, the definition of "community residence"; and exempts certain community and child-care residences from proximity and density restrictions

The act makes several changes in laws governing where certain community and child-care residential facilities (i.e., certain group homes for adults or children, respectively, who have disabilities) may be located. Principally it does the following:

1. increases the maximum size, from those housing up to six people to those housing up to eight people, of these residences (and certain hospice residences) that cannot be treated differently than single family homes by zoning regulations;
2. modifies the definition of "community residence" (to no longer use the term "mentally ill") that applies to a public health provision and restriction on zoning regulations allowing for multi-family dwellings; and
3. exempts certain community and child-care residences from a density restriction and prohibitions on their locating within 1,000 feet from one another.

EFFECTIVE DATE: October 1, 2023

Zoning Regulations

The law prohibits zoning regulations from treating certain community residences, child-care residences, or hospices differently than single family dwellings if they house a certain number of people, plus staff. Under prior law, this protection covered residences and hospices that housed up to six people. The act extends this protection to those that house eight or fewer people, plus staff. Unchanged by the act, this protection applies to the following:

1. Department of Children and Families (DCF)-licensed child-care facilities for children with mental or physical disabilities;
2. DDS-licensed facilities for adults with intellectual disabilities;

3. Department of Public Health (DPH)-licensed facilities, if licensing is necessary, in which adults receive mental health or addiction services paid for or provided by the Department of Mental Health and Addiction Services; and
4. nonprofit, licensed hospices that meet certain building code and zoning requirements.

Additionally, under existing law and the act, zoning regulations may not prohibit community residences from any areas that are zoned to allow structures with two or more dwelling units (e.g., multi-family housing) (CGS § 8-3g). For this restriction on zoning regulations, the act's revised definition of "community residence" applies (see *Definition of "Community Residence" for Certain Purposes*).

Proximity and Density Restrictions

The law generally prohibits community and child-care residences from locating within 1,000 feet of an existing community or child-care residence unless the municipal zoning authority approved it. The act exempts from this prohibition the above-listed community and child-care residences (i.e., DCF-, DDS-, or DPH-licensed residences that provide certain services and house eight or fewer people).

It also exempts these same community and child-care residences from another, similar restriction in public health law that prohibits (1) a community residence from locating within 1,000 feet from an existing community residence or (2) the cumulative capacity of multiple community residences from exceeding 0.1% of the municipality's population. Under prior law, this prohibition applied to a certain, defined type of "community residence," which the act changes as described below (PA 23-204, § 172, removes this act's exemptions for child-care residences and certain community residences, which are not subject to this proximity and dispersion restriction under prior law or the act; see *Definition of "Community Residence" for Certain Purposes*).

Definition of "Community Residence" for Certain Purposes

Under prior law, for the public health proximity and density restriction (CGS § 19a-507b) and the zoning restriction (CGS § 8-3g), "community residence" was defined as a DPH-licensed facility that houses and provides group living activities and psychosocial rehabilitation and other support services to eight or fewer mentally ill adults who have been discharged from a state-operated or licensed facility or referred by a psychologist or psychiatrist.

The act replaces the term "mentally ill adults" with "adults impacted by mental health disorders," which it defines as adults who experience symptoms, or are in remission from, a mental or emotional condition that has a clinically significant impact on one or more areas of their functioning and who require care and treatment. As under prior law, these individuals generally do not include those who are a danger to themselves or others, are alcohol- or drug-dependent, are placed in community-based residential homes by the Department of Correction or a Superior Court order, or were found incompetent to stand trial for certain crimes.

The act applies the new definition of "community residence" to the (1) existing law's restriction on zoning regulations for areas zoned for multi-family housing; (2) public health proximity and density restriction, modified by the act as described above; and (3) existing related public health provisions on these community residences (e.g., requiring community residences to mail a copy of their DPH licensing application to the municipality in which they intend to locate (CGS § 19a-507b(c) & (d)).

PA 23-168—sHB 6775
Human Services Committee

AN ACT CONCERNING MANDATED REPORTERS

SUMMARY: This act expands the list of mandated elder abuse reporters who must notify the Department of Social Services (DSS) when they suspect that an elderly person needs protective services. The act adds the following professions and titles:

1. licensed professional counselors;
2. adult probation officers;
3. adult parole officers;
4. physician assistants;
5. dental hygienists; and
6. resident service coordinators, clinical care coordinators, and managers employed at housing authorities, or municipal developers operating elderly housing projects.

By law, mandated reporters must report to DSS within 24 hours when they have reasonable cause to suspect that an elderly person needs protective services or has been abused, neglected, exploited, or abandoned. Mandated reporters must also take a training program developed or approved by DSS within 90 days of becoming a mandated reporter. Those who fail to report to DSS must retake the training and submit proof to DSS that they did so. Subsequent violations may additionally be subject to a fine of up to $500 (CGS § 17b-451).

Intentional failure to report is a class C misdemeanor for the first offense (see Table on Penalties). Subsequent offenses are a class A misdemeanor (see Table on Penalties) (CGS § 17b-451).

EFFECTIVE DATE: July 1, 2023

PA 23-186—sSB 989
Human Services Committee
Judiciary Committee

AN ACT CONCERNING NONPROFIT PROVIDER RETENTION OF CONTRACT SAVINGS, COMMUNITY HEALTH WORKER MEDICAID REIMBURSEMENT AND STUDIES OF MEDICAID RATES OF REIMBURSEMENT, NURSING HOME TRANSPORTATION AND NURSING HOME WAITING LISTS

SUMMARY: This act makes several changes in laws concerning human services providers. Specifically, it does the following:

1. requires the Department of Social Services (DSS) to (1) conduct a two-part study of Medicaid reimbursement rates and (2) implement a program to provide Medicaid reimbursement to certified community health workers (CHW) (§§ 1 & 4);
2. requires DSS and certain other state agencies to allow nonprofit private provider organizations that provide health and human services to retain any savings from a purchase of service contract at the end of each fiscal year, so long as the organization otherwise meets contractual requirements (§§ 2 & 3);
3. allows nursing homes to provide nonemergency transportation for their residents to travel to their family members' homes under certain circumstances and requires DSS to evaluate whether federal funding may be available for this transportation (§ 5); and
4. requires the State Long-Term Care Ombudsman and the Department of Public Health (DPH) and DSS commissioners to convene a working group on nursing home waiting list requirements and report any recommended changes to the Human Services and Public Health committees by January 1, 2024 (§ 6).

EFFECTIVE DATE: Upon passage, except provisions on nonprofit providers' contract savings and nursing home transportation are effective on July 1, 2023.

§ 1 — MEDICAID REIMBURSEMENT RATE STUDY

The act requires the DSS commissioner, within available appropriations, to conduct a two-part study of Medicaid reimbursement that must compare state Medicaid rates to (1) Medicaid rates in neighboring states and (2) Medicare rates and cost-of-living increases.

For the first part, DSS must examine Medicaid rates for physician specialists, dentists, and behavioral health providers; and for the second part, it must review the reimbursement system for all other aspects of the Medicaid program (e.g., ambulance services, federally qualified health centers, specialty hospitals, complex nursing care, and methadone maintenance). The department must file interim reports with the Appropriations and Human Services committees on the first part by February 1, 2024, and on the second part by January 1, 2025.

The act specifies that it does not impact Medicaid reimbursement rates for FYs 24 or 25.

§§ 2 & 3 — NONPROFIT PROVIDER CONTRACT SAVINGS

The act requires certain state agencies to allow nonprofit private provider organizations to retain any savings from a purchase of service contract at the end of the fiscal year. A "purchase of service contract" is a contract between a state agency and private provider organization for direct health and human services for agency clients. It generally excludes administrative or clerical services; material goods, training, or consulting services; or contracts with individuals (CGS § 4-70b(1)). The act specifically applies to contracts with the Department of Developmental Services (DDS), the Department of Mental Health and Addiction Services (DMHAS), DSS, or the Department of Children and Families (DCF) for health

and human services. These services directly support health, safety, and welfare for state residents, including those with behavioral health disorders, disabilities, or autism spectrum disorder.

The act allows a provider to only use retained funds to strengthen quality, invest in deferred maintenance, and make asset improvements, but it explicitly allows them to expend retained funds on programs funded by the same state agency. To retain savings, a provider must otherwise meet its contractual arrangements, including obligations for services provided and clients served. It must also apply to the state agency, describing how it plans to reinvest savings, and report to the state agency on how it will reinvest savings for the allowed purposes described above. The act requires DCF, DDS, DMHAS, and DSS commissioners to (1) prescribe application forms and report frequency; (2) review and respond to any submitted application within 90 days after receiving it; and (3) approve, disapprove, or modify any application in accordance with the allowed purposes described above.

The act prohibits DCF, DDS, DMHAS, and DSS from attempting to recover or otherwise offset funds retained by a provider from their contracted cost for services (i.e., it prohibits agency efforts to recoup savings at the end of each fiscal year). The act also prohibits these agencies from allowing a provider to retain savings if (1) the contract is federally funded and (2) it is prohibited by federal law or regulations or would jeopardize federal funding.

The act authorizes the DSS commissioner to study nonprofit private provider organization contracting and billing practices to ensure compliance with Medicaid waivers and state plan amendments. If she undertakes this study, she must (1) consult with the Office of Policy and Management (OPM) secretary and the DCF, DMHAS, and DDS commissioners and (2) complete it by December 31, 2024.

The act also authorizes the DDS commissioner, in consultation with the OPM secretary, to extend the act's provisions on retained savings to other private provider organizations that contract with DDS, so long as they meet the act's requirements (e.g., meeting contract terms and conditions for DDS services).

Prior law required the OPM secretary to establish a more general incentive program for nonprofit human services providers to allow them to retain savings and prohibit state agencies from reducing future contracted amounts to reflect those savings. The act eliminates this requirement.

§ 4 — MEDICAID REIMBURSEMENT FOR CERTIFIED COMMUNITY HEALTH WORKERS (CHW)

A CHW is a public health outreach professional with an in-depth understanding of a community's experience, language, culture, and socioeconomic needs who provides services that include outreach, engagement, education, coaching, informal counseling, social support, advocacy, care coordination, research related to social determinants of health, and basic screenings and assessments of associated risks (CGS § 20-195ttt(1)).

The act requires the DSS commissioner to design and implement a program to provide Medicaid reimbursement to certified CHWs for services provided to HUSKY Health program members, including the following services:

1. coordinating medical, oral, and behavioral health care services and social supports;
2. navigating and connecting to health systems and services;
3. prenatal, birth, lactation, and postpartum supports; and
4. health promotion, coaching, and self-management education.

The commissioner must design and implement the program in consultation with certified CHWs, Medicaid beneficiaries, and advocates, including advocates for people with disabilities, and others. These consultations must (1) include community-based and clinic-based certified CHWs, (2) represent medical assistance program member demographics, and (3) help shape the program's design and implementation. The commissioner, and those with whom she consults, must explore options for the program's design that ensure access to CHWs, encourage workforce growth to support this access, and avert the risk of creating financial incentives for other providers to limit access to CHWs.

Starting by January 1, 2024, and continuing until the program is fully implemented, the act requires the DSS commissioner to report annually to the Human Services Committee and the Council on Medical Assistance Program Oversight (MAPOC). The act requires her to submit the initial report at least six months before implementing the reimbursement program. The report must include an update on the program's design and analyze program elements designed to (1) ensure access to CHW services, (2) promote workforce growth, and (3) avert risk of creating financial incentives for other providers to limit access to CHWs. It must also evaluate the program's impact on health outcome and health equity.

§ 5 — NURSING HOMES AND NONEMERGENCY TRANSPORTATION

The act allows a nursing home to provide nonemergency transportation for nonambulatory residents to their family members' homes if (1) it has available vehicles equipped to transport these residents; (2) the family members live within 15 miles of the nursing home; and (3) a physician, physician's assistant, or advanced practice registered nurse approves the

transportation at least five days in advance. The act specifies that it must not be construed to authorize or require any payment or reimbursement to a nursing home for this transportation service.

The act requires the DSS commissioner to (1) evaluate whether the need for this transportation qualifies as a health-related social need and (2) by October 1, 2023, report on this evaluation and any potential federal funding for this transportation to MAPOC. Under the act, a "health-related social need" is a health need deriving from an adverse social condition that contributes to poor health and health disparities (e.g., the need for reliable transportation).

§ 6 — NURSING HOME WAITING LIST WORKING GROUP

Existing law sets requirements for nursing home waiting lists, generally requiring nursing homes to admit applicants in the order in which they apply, provide a receipt for each person who requests to be placed on a waiting list, and maintain a dated list of applications, among other things (CGS § 19a-533).

The act requires the State Long-Term Care Ombudsman and the DPH and DSS commissioners to (1) convene a working group on any necessary revisions to the statutory requirements for nursing home waiting lists and (2) report to the Human Services and Public Health committees by January 1, 2024, on any recommended changes, including allowing nursing homes to keep waiting lists in electronic form.

The working group's members must include (1) the ombudsman and commissioners, or their designees, and (2) two nursing home industry representatives, appointed by the DSS commissioner. The working group must meet monthly, and the ombudsman and the DSS commissioner, or their designees, must serve as chairpersons.

PA 23-15—SB 1038
Insurance and Real Estate Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING CAPTIVE INSURANCE COMPANIES

SUMMARY: Generally, a captive insurer is an insurance company formed to insure or reinsure the risks of its owners, parent company, or affiliated company. This act allows captive insurers to accept or transfer risk through parametric contracts (i.e., any agreement to make a payment based on a specified triggering event without proof of a loss or obligation to indemnify). It also expressly requires captive insurers that use these contracts to comply with applicable state and federal laws and regulations.

Existing law allows several different types of captive insurers to be licensed and operate in the state. One type, a sponsored captive insurer, is an insurance company (1) in which the minimum paid-in capital and surplus is provided by one or more sponsors, (2) that insures its participants through separate participant contracts, and (3) that funds its liability to each participant through protected cells and separates each cell's assets from that of other cells and the captive insurer as a whole. The act allows these protected cells to establish, with the insurance commissioner's prior written approval, separate accounts and allocate assets to them, subject to certain requirements.

Lastly, the act exempts dormant captive insurers from captive insurance premium taxes. Captive insurers must pay taxes on direct premiums and reinsurance premiums collected or contracted, with a varying rate based on the amount of premiums. The annual minimum aggregate tax under existing law is generally $7,500. By law, pure, sponsored, and industrial captive insurers that have stopped doing business and have no more liabilities may apply to the insurance commissioner for a certificate of dormancy, which allows them to meet lower capital and surplus requirements.
EFFECTIVE DATE: October 1, 2023

SEPARATE ACCOUNTS FOR A SPONSORED CAPTIVE INSURER'S PROTECTED CELL

Conditions for Establishing Separate Accounts

Under the act, with the commissioner's prior written approval, a sponsored captive insurer's protected cell can establish separate accounts and allocate assets to them to insure the risks of participants or their controlled unaffiliated business under the following conditions:

1. the income and gains and losses (realized or unrealized) from assets allocated to a separate account must be credited to or charged against the account, without regard to the protected cell's other income, gains, or losses;
2. the protected cell owns the allocations to a separate account, and it cannot be (or hold itself out to be) a trustee of them;
3. assets allocated to a separate account must be valued based on the Connecticut laws and regulations otherwise applicable to the protected cell's assets unless otherwise approved by the insurance commissioner; and
4. the portion of assets in any protected cell equal to the reserves and other contract liabilities of a particular account cannot be charged against liabilities from any of the protected cell's other business (pursuant to applicable contracts).

Sale, Exchange, or Transfer of Assets Between Separate Accounts

The act prohibits selling, exchanging, or transferring assets between any of the protected cell's separate accounts or between any other investment account and the protected cell's separate accounts, unless the transfer is made (1) into a separate account to establish it or support the operation of its contracts and (2) whether into or from a separate account, in cash or by a transfer of securities that has a readily determinable market value and is approved by the commissioner.

The act allows the commissioner to approve other transfers if he determines they are equitable.

Governance

If needed to comply with state or federal law, the act permits a protected cell to allow people with interests in separate accounts (including an account that is a management investment company or unit investment trust) appropriate voting and other rights needed to conduct the account's business. This includes special rights and procedures on investment policy, investment advisory services, and the selection of independent public accountants and a committee to manage the account's business. (The act specifies that these committee members do not need to be affiliated with the protected cell.)

PA 23-65—sHB 6621
Insurance and Real Estate Committee

AN ACT CONCERNING THE RENEWAL OF SURPLUS LINES INSURANCE POLICIES

SUMMARY: This act changes how surplus lines brokers and insureds must document how they procure surplus lines insurance policies. In practice, surplus insurance covers high risk needs that are unavailable in the traditional, licensed (i.e., authorized) market.

By law, the insurance commissioner must maintain, publish, and make available to surplus lines brokers a list of insurance lines that are generally unavailable from licensed insurers. Under prior law, whenever an insured procured or renewed an insurance line that did not appear on this list, both the insured and broker had to sign a statement (1) indicating that they made diligent efforts to obtain insurance from a licensed insurer and (2) showing specified information about the insurance policy. The act eliminates this signed statement requirement but maintains the requirements that the insured and the broker first make a diligent effort to obtain the insurance from a licensed insurer and document the specified information. Under the act, the commissioner defines a "diligent effort."
EFFECTIVE DATE: October 1, 2023

REQUIRED DOCUMENTATION

Under prior law, the signed statements had to show:

1. that the insured and broker were unable to procure, from licensed insurers after diligent effort, the full amount of insurance the insured needed to protect his or her interest (in practice, the insured must receive three declinations from licensed insurers to show coverage is unavailable);
2. that the amount of insurance procured from unlicensed insurers was only the excess over the amount they were able to procure from licensed insurers; and
3. the type of policy and, if it is for real property, the property's location.

The act continues to require brokers and insureds to maintain this information.

Prior law required brokers to electronically file these statements with the insurance commissioner quarterly. The act instead requires brokers to keep (1) all documentation on the broker's and insured's diligent efforts to procure the full amount of insurance from an authorized insurer and (2) information on each policy placed in the surplus lines market. The documentation and information must be kept as the commissioner prescribes and be made available for his examination upon request.

PA 23-127—sSB 1039
Insurance and Real Estate Committee

AN ACT CONCERNING THE INSURANCE DEPARTMENT'S RECOMMENDATIONS REGARDING FINANCIAL REGULATION, LIFE INSURANCE AND INSURANCE LICENSING REQUIREMENTS AND TECHNICAL CORRECTIONS AND REVISIONS TO THE LIFE AND HEALTH INSURANCE STATUTES

SUMMARY: This act makes several unrelated changes to the insurance statutes. Specifically, it does the following:

1. authorizes the insurance commissioner to require people and entities to pay Insurance Department fees electronically and establishes a waiver process for the requirement (§ 1);
2. requires certified reinsurers and reciprocal jurisdiction reinsurers to pay the Insurance Department a fee of $2,000 for each regulatory certificate issued and renewed (§ 1);
3. allows non-resident persons or entities to get a nonresident state license in Connecticut and designate Connecticut as their home state if their resident state does not offer the same or equivalent license (§ 2);
4. explicitly applies certain provisions of the general licensing statute to any licensee or license applicant, including an insurance producer licensee or applicant (§ 2); and
5. makes technical corrections to the applicability of the health insurance statutes requiring dependent coverage, specifically by removing references to accident-only policies, which do not cover a dependent's illness-related expenses (§§ 3-10).

Additionally, the act prohibits certain health insurance policies, beginning January 1, 2024, from discriminating between people on the basis of gender identity or expression, sexual orientation, or age with respect to health insurance

coverage for medically necessary infertility diagnosis and treatment. It also revises the parameters for policies covering infertility-related expenses to conform to the federal Affordable Care Act (§§ 11 & 12).
EFFECTIVE DATE: October 1, 2023

§ 1 — STATUTORY INSURANCE FEES

Electronic Payment

The act authorizes the insurance commissioner to require people and entities to pay fees to the Insurance Department electronically. However, it requires the commissioner to waive this requirement for any person or entity that requests it if he determines that (1) compliance is impractical or causes undue hardship or (2) good cause otherwise exists.

Reinsurer Fees

The act creates two statutory fees for certified reinsurers and reciprocal jurisdiction reinsurers, setting each fee at $2,000 for each certificate issued or renewed. State law and regulations require these reinsurers to apply to the department for certification.

§ 2 — INSURANCE LICENSURE REQUIREMENTS

Non-Resident Licenses

The act sets eligibility requirements for people or entities to get certain non-resident licenses from the Insurance Department. It allows non-resident persons or entities to apply for and get a nonresident state license and designate Connecticut as their home state if their resident state does not offer the same or equivalent resident license and they maintain a principal place of business in Connecticut.

This applies to the following licenses: public adjuster, casualty adjuster, motor vehicle physical damage appraiser, certified insurance consultant, surplus lines broker, or any insurance-related occupation for which a license is deemed necessary by the commissioner, other than an insurance producer.

Insurance Producers

In 2014, a Connecticut court ruled that because the legislature adopted specific insurance producer requirements in 2001 (PA 01-113), the general licensing statute does not apply to insurance producers (*Lagueux* v. *Leonardi*, 148 Conn. App. 234 (2014)). The act explicitly applies certain provisions of the general insurance licensing statute (i.e., CGS § 38a-769(b)-(i)) to any licensee or license applicant, including an insurance producer licensee or applicant (e.g., the applicant must prove to the commissioner that he or she is financially responsible and of sound moral character).

§§ 11 & 12 — MANDATED HEALTH INSURANCE COVERAGE FOR INFERTILITY DIAGNOSIS AND TREATMENT

Changes to Conform to Federal Law

By law, certain individual and group health insurance policies must cover the medically necessary costs of diagnosing and treating infertility (i.e., being unable to conceive or produce conception or sustain a successful pregnancy during a one-year period or the treatment is medically necessary).

Prior law allowed insurers to impose certain limits on the coverage (e.g., number of attempts, among other things). The act eliminates the ability of a policy to (1) limit infertility coverage to those (a) under age 40 and (b) who had coverage under the policy for at least 12 months and (2) require an insured to disclose any previous infertility treatment covered under a different policy. These changes generally conform the coverage provision to the federal Affordable Care Act and codify the Insurance Department's Bulletin HC-125 (2019).

Nondiscrimination Provision

The act prohibits certain individual and group health insurance policies from discriminating between people on the basis of gender identity or expression, sexual orientation, or age with respect to health insurance coverage for medically

necessary infertility diagnosis and treatment. However, a policy may consider age as a factor when determining medical necessity, using guidelines from the American Society for Reproductive Medicine or a comparable organization. Under the act, this nondiscrimination provision does not apply when a religious employer or individual excludes infertility coverage from a policy due to their religious tenets, as allowed by law.

By law, "gender identity or expression" is a person's gender-related identity, appearance, or behavior, whether or not it differs from that traditionally associated with the person's physiology or assigned sex at birth. It can be shown by providing evidence in various ways, including (1) medical history; (2) care or treatment of the gender-related identity; (3) consistent and uniform assertion of the identity; or (4) any other evidence that the identity is sincerely held, part of a person's core identity, or not asserted for an improper purpose.

Applicability

The act applies the federal law conforming changes to policies delivered, issued, renewed, amended, or continued in Connecticut on and after October 1, 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. It applies the nondiscrimination provisions to these policies that are delivered, issued, renewed, amended, or continued in Connecticut on and after January 1, 2024. (Because of the federal Employee Retirement Income Security Act, state insurance benefit mandates do not apply to self-insured benefit plans.)

PA 23-7—sHB 6639
Judiciary Committee

AN ACT ENSURING TIMELY SCHEDULING OF TEMPORARY FINANCIAL SUPPORT HEARINGS IN DIVORCE AND CUSTODY PROCEEDINGS

SUMMARY: This act sets a timeframe within which the court must hold a hearing on temporary financial support in divorce, legal separation, annulment, and custody proceedings.

By law, the court may award alimony and support pendente lite (i.e., pending the final case outcome) to either party at any time after (1) the return date of a complaint for divorce, separation, or annulment or (2) an application for custody and care in a case where the parents do not live together. To do so, the court must hold a hearing on the matter.

The act requires the court to hold the hearing within 60 days after the filing date of (1) a motion requesting an initial order of alimony or support pendente lite and (2) the moving party's accompanying affidavit making specific attestations (e.g., that the moving party has insufficient funds to meet minor children's reasonable needs; see below). The chief court administrator must prescribe the form for the affidavit.

If the hearing must be continued to another date, the act requires the court to give it calendar priority and schedule the hearing on a date that facilitates its expeditious resumption and conclusion, absent a written agreement or interim orders that provide for the alimony or support pendente lite. Under the act, if a delay occurs because the court is closed or one of the parties has an emergency, the hearing must be rescheduled to a date within 14 days after the originally scheduled hearing date.

The act also specifies that a financial order issued by the court as part of a temporary restraining order must not be considered an initial order for alimony or support pendente lite when scheduling the hearing for an initial order of alimony or support pendente lite.

EFFECTIVE DATE: January 1, 2024

ACCOMPANYING AFFIDAVIT

Under the act, the motion for temporary alimony or support orders must be accompanied by an affidavit by the moving party attesting that the (1) moving party has insufficient funds to meet his or her reasonable needs or the reasonable needs of the minor children of the parties, (2) other party is not providing sufficient funds to the moving party to meet those reasonable needs, and (3) moving party reasonably believes that the other party has sufficient means or earning capacity to provide the funds.

PA 23-9—sSB 953
Judiciary Committee

AN ACT CONCERNING RACIAL PROFILING

SUMMARY: Existing law prohibits members of the State Police, municipal police departments, and any other law enforcement agency from engaging in racial profiling. Prior law defined "racial profiling" as detaining, interdicting, or treating anyone differently solely based on the person's racial or ethnic status.

The act broadens this definition's applicability by generally prohibiting police officers from engaging in these actions based in whole or in part, rather than solely, on the person's racial or ethnic status. It also specifies that the prohibition applies to treatment that is based on the person's perceived racial or ethnic status.

The act creates an exception by allowing police officers to take these actions when the perceived racial or ethnic status, in combination with other information, is used when attempting to apprehend a specific suspect whose racial or ethnic status is part of the suspect's description.

Lastly, the act makes technical and conforming changes, including conforming changes in the laws governing police traffic stops, and removes obsolete provisions.

EFFECTIVE DATE: Upon passage

TRAFFIC STOP POLICY

Existing law requires police departments (including the State Police, municipal police, and other departments with authority to conduct traffic stops) to adopt a written policy prohibiting certain police actions during traffic stops if those

actions are based on race, color, ethnicity, age, gender, or sexual orientation. The act requires that departments' policies prohibit these actions motivated, in part or in whole, on any of these attributes, with a similar exception as noted above for efforts to apprehend a specific suspect who matches the description.

In addition to making conforming changes in this policy requirement, the act removes a provision in prior law that required the policy to consider any violation of this traffic stop policy to be a civil rights violation.

The act also makes related conforming changes to the Office of Policy and Management's required standardized method for police officers to record traffic stop information.

PA 23-12—sSB 1196
Judiciary Committee

AN ACT CONCERNING THE TRANSFER OF PERSONS WHO ARE INCARCERATED BETWEEN CORRECTIONAL FACILITIES AND THE USE OF BODY SCANNING MACHINES IN CORRECTIONAL FACILITIES AS AN ALTERNATIVE TO THE USE OF STRIP SEARCHES

SUMMARY: This act requires the Department of Correction commissioner or his designee, after transferring an incarcerated individual from one correctional facility to another, to notify (1) each victim of the crime for which the person is incarcerated and (2) the transferred person's immediate family members. The commissioner must make the notifications only if these individuals requested it and have provided him with a current residential or email address.

The act also requires the commissioner, by January 1, 2024, to issue a request for proposals (RFP) to procure body scanning machines that allow correctional facility staff to conduct full-body x-ray screenings of incarcerated individuals to (1) identify contraband inside and outside of the body (e.g., weapons, cell phones, or drugs) and (2) reduce the number of strip searches staff performs to search for contraband. The commissioner must report to the Appropriations; Finance, Revenue and Bonding; and Judiciary committees on the RFP's issuance by February 1, 2024.

Additionally, the act requires the commissioner, by February 1, 2024, to report to the same committees on the body scanning machines, including on the following:

1. their procurement status and the estimated costs of installing and using them in all correctional facilities;
2. recommendations on the number of required machines;
3. information on potential health risks associated with accumulated radiation exposure due to their use; and
4. their capability to replace strip searches (either partially or entirely) and any impacts on correctional facility safety and security, specifically on transporting contraband into the facilities.

EFFECTIVE DATE: Upon passage, except the transfer notification provision is effective October 1, 2023.

PA 23-18—sSB 1072
Judiciary Committee

AN ACT CONCERNING REVISIONS TO THE COMMON INTEREST OWNERSHIP ACT

SUMMARY: This act makes various revisions to the Common Interest Ownership Act (CIOA) (see BACKGROUND).

It requires common interest community associations to keep confidential any unredacted records that identify how a unit owner voted, including (1) paper or electronic ballots and (2) proxy forms. Prior law gave unit owners access to voting records regardless of whether they were redacted. By law, associations must keep voting records for at least one year after the vote.

The act increases the fee that unit owners must pay their association for the required resale certificate when selling their unit (see BACKGROUND). The act sets the fee at $185; prior law allowed associations to set the fee, up to $125. (By law, the association can also charge certain associated costs.) The act also provides for potential increases in the $185 fee on each July 1, if there is at least a 10% increase over a specified reference base tied to inflation (the U.S. Bureau of Labor Statistics' Consumer Price Index for Urban Wage Earners and Clerical Workers: U.S. City Average).

Existing law allows strictly nonresidential common interest communities to vary or waive the law's insurance requirements. The act also allows residential common interest communities to vary or waive these requirements for a building's units if all units in the building are restricted to nonresidential use. (Under CIOA, residential common interest communities generally must have property, liability, fidelity, and, in some cases, flood insurance.)

Existing law generally allows unit owners to vote at meetings either in person or electronically. The act specifies that owners may vote, by electronic or paper ballot, at meetings (whether held in-person, remotely, or a hybrid), and also may

vote before the meeting or during any continuation of it. As under prior law, these provisions apply unless the association's declaration or bylaws prohibit or limit voting this way.
EFFECTIVE DATE: October 1, 2023

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 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).

CIOA Resale Certificate Requirements

CIOA generally requires residential unit owners, when selling their units, to give the purchaser a resale certificate that includes specified information about the association, such as its current budget, assessments, reserves for capital expenditures, and any occupancy or leasing restrictions (CGS § 47-270).

PA 23-20—sSB 1117
Judiciary Committee

AN ACT IMPLEMENTING ADDITIONAL MEASURES TO PREVENT TRAFFICKING IN PERSONS AND EXPANDING THE COMPOSITION OF THE TRAFFICKING IN PERSONS COUNCIL

SUMMARY: This act expands protections for human trafficking victims by prohibiting hotel, motel, or similar lodging operators ("operators") that offer or provide a room with sleeping accommodations from offering or giving a financial discount or benefit based on an (1) hourly rate or (2) occupancy period that is for 12 hours or less.

The act also increases the Trafficking in Persons Council's membership from 35 to 36 by adding the Department of Developmental Services commissioner, or the commissioner's designee. By law, among other things, the council coordinates human trafficking data collection and consults with government and non-government organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and help victims, and prosecute traffickers.
EFFECTIVE DATE: October 1, 2023, except the Trafficking in Persons Council membership expansion is effective July 1, 2023.

PA 23-23—sHB 6786
Judiciary Committee

AN ACT CONCERNING SERVICE OF BANK EXECUTIONS, WAGE EXECUTIONS AND TAX WARRANTS BY STATE MARSHALS AND AUTHORIZED SERVICE OF PROCESS BY INDIFFERENT PERSONS

SUMMARY: This act makes various changes in the laws on service of process.

For executions against financial institution accounts, the act allows officers serving certain accounts by certified mail to collect actual postage costs and requires the institutions to respond to the execution within seven business days. It also adds requirements for institutions and creditors to notify the serving officer about certain information.

Additionally, the act:

1. expands the instances for which levying officers (e.g., state marshals) may mail executions on wages after judgment and allows them to collect actual postage costs incurred,
2. limits when an indifferent person may serve process to specific instances authorized by law,
3. reconciles two differing minimum fees for serving tax warrants, and
4. allows an officer of any precinct to serve process on the comptroller in any action where process is allowed.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

§§ 1 & 2 — EXECUTION AGAINST FINANCIAL INSTITUTION ACCOUNTS

By law, a person who has a court judgment against someone may apply to the court clerk to have an execution served on a financial institution (e.g., a state or federal bank or credit union) for payment of the debt from the debtor's deposit account (see BACKGROUND).

Fees and Postage Costs

For executions at out-of-state financial institutions lacking a main or branch office in Connecticut, but that conduct transactions online or by other electronic means, the law allows serving officers to serve the execution by certified mail, return receipt requested. The act allows the serving officer to collect the actual postage costs incurred, in addition to the serving officer's fee, from the amount removed from the judgment debtor's account, if any.

For executions where the judgment debtor is an individual (i.e., natural person), prior law required financial institutions to receive an $8 fee from the serving officer as representative of the judgment creditor. The act maintains the fee, but instead requires the institution to deduct it from the amount paid to the serving officer. The act specifies that this fee is not a deposit account charge. As under existing law, the fee may be recoverable by the judgment creditor as a taxable cost of the action.

Financial Institution Duty to Respond

Under existing law, the serving officer must only serve one financial institution for each debtor at a time and not serve the same execution on another financial institution until receiving confirmation from the original institution that the judgment debtor had insufficient funds to satisfy the execution.

The act requires financial institutions to respond to the serving officer about the execution by the seventh business day after the execution is served. Specifically, an institution must send the serving officer by first class mail, postage prepaid, notice on whether the institution removed funds from the judgment debtor's account under the execution. The notice must (1) have the amount of funds removed and (2) reference the docket number, if it was on the execution.

If the judgment debtor is not indebted to the financial institution or if funds were not removed from the debtor's account under the execution, the institution must return to the serving officer by first class mail, postage prepaid, a complete set of all the served documents including the cover page, with endorsements from other financial institutions as applicable, and the original true and attested copy of the execution. For executions where the judgment debtor is an individual, it must also include the affidavit and exemption claim form. The institution's response must note on the serving officer's cover page or on a separate document it prepares that the debtor has no account with the institution or that no funds were removed from the account. The separate document must be affixed to or enclosed with the returned material. The act requires the institution to maintain reasonable procedures to prevent the resubmission of a response to the serving officer.

The act also makes a conforming change by eliminating a provision for executions where the judgment debtor is not a natural person (i.e., legal entity), which allowed serving officers to assume that sufficient funds were unavailable for collection and proceed to serve another institution if the institution did not respond within 25 days after being served.

Individual Judgment Debtor

For executions where an individual is the judgment debtor, existing law requires the financial institution to notify judgment debtors and any secured party that is party to a control agreement with the financial institution if any funds are removed from the judgment debtor's account. The act allows institutions to note that funds were removed from a debtor's account on any account records available to the debtor, including electronic ones.

It also prohibits institutions from displaying or giving the debtor the serving officer's name or contact information. If the debtor asks the institution about the execution, the institution may direct the debtor to the creditor's or the creditor's attorney's telephone number or the applicable court clerk listed on the execution.

Existing law requires a judgment debtor to give notice of an exemption claim to the financial institution to prevent the institution from paying the serving officer. Upon receiving this notice, the institution, within two business days, must send a copy of it to the court clerk who issued the execution. The act requires the institution to send an additional copy of the exemption notice, or a separate one the institution prepares, to the serving officer stating that the debtor submitted an exemption claim.

Entity Judgment Debtor

For executions where the judgment debtor is an entity, if the court clerk receives a written claim for determining property interests from another secured party, existing law requires the clerk to (1) enter the secured party's appearance and (2) send copies of the written claim to the creditor, debtor, and financial institution where the execution was served with a notice that the disputed funds are being held until there is a court order for fund disposition. The act requires the creditor to also send a copy to the serving officer.

§ 3 — EXECUTION ON WAGES AFTER JUDGMENT

Fees and Costs

Under prior law, an officer empowered to serve process had to levy on all earnings that were due or became due to the judgment debtor, to the extent specified in the wage execution, plus the officer's fees and costs. The act specifies that the levy for costs is for actual postage costs incurred.

Under the act, if the levying officer served the judgment debtor's employer and the debt is later satisfied in whole or in part by payment directly to the creditor or his or her agent, the creditor or agent must pay the levying officer's fee (or portion of it) and postage costs.

Service Jurisdiction

Generally, the law allows levying officers to serve process in their precincts (e.g., a state marshal's precinct is the county for which he or she is appointed). The act expands the instances a levying officer may mail executions by allowing him or her to mail service to an address within the officer's precinct or extension of precinct if done following the laws on serving process outside an officer's precinct. Prior law also allowed these officers to serve process by mail to an employer's designated address if the address was not within the officer's appointed jurisdiction. The act specifies that the address must be an out-of-state payroll address for this exception to apply.

In these instances, the act requires service to be made by certified mail, return receipt requested, and the officer may first collect the actual postage costs incurred under the levy.

§ 4 — INDIFFERENT PERSON

By law, an indifferent person is someone who is not a proper officer and is not involved in the case. The act eliminates the authority for them to serve process (1) for multiple defendants living in different counties in the state who are named in the process and (2) in the case of a writ of attachment (an order to seize or attach property), when a plaintiff, or his or her agent or attorney, makes an oath before the authority signing the order that he or she is in danger of losing the debt or demand unless an indifferent person is authorized to serve process immediately.

The law still allows an indifferent person to serve process when specifically authorized to, like delivering notice of special and convened sessions to legislators, serve notice to quit possession or occupancy of premises, and carrying out a bench warrant of arrest (CGS §§ 2-7, 47a-23 & 54-64b).

§ 5 — TAX WARRANT FEE MINIMUM AMOUNT

The act reconciles two differing minimum fees for serving tax warrants. In the tax warrant statute, the minimum amount a serving officer must receive is $30 while the law on service officer fees and expenses has a minimum of $50. The act eliminates the $30 minimum fee.

Under existing law, a state marshal or constable who executes a warrant and collects delinquent municipal taxes receives, in addition to expenses otherwise allowed, 15% of the taxes collected under the warrant (CGS § 52-261).

§ 6 — SERVING THE COMPTROLLER

Prior law only allowed officers of any precinct to serve process, in any action where process is allowed, on the secretary of the state, motor vehicles or insurance commissioners, or the attorney general. The act allows them to also serve process on the comptroller. Existing law considers this service to be within the officer's precinct.

BACKGROUND

Law on Execution Against Financial Institution Accounts

By law, the procedures differ in some respects depending on whether the debtor is an individual or an entity. Among other things, the law generally provides that:

1. when a judgment debtor is an individual, he or she has certain protections and exemptions from execution;
2. serving officers may not serve the same execution on a second institution until they get confirmation from the first institution that there are insufficient funds to satisfy the judgment;
3. if another party has a security interest in an account that is also subject to an execution, the financial institution must notify the secured party, who can submit to the court a claim for a hearing to determine the relative interests;
4. a similar hearing procedure applies if the debtor is an individual who claims an exemption;
5. if no claim for interest determination or exemption is made, the financial institution pays the serving officer, and the officer pays the sum, minus his or her fees, to the judgment creditor unless a court orders otherwise; and
6. a financial institution that fails or refuses to pay the execution amount to the serving officer is liable in an action to the judgment creditor and the amount is applied to the amount due on the execution.

PA 23-26—sSB 1070
Judiciary Committee

AN ACT CONCERNING PROSECUTORIAL ACCOUNTABILITY

SUMMARY: By law, the Division of Criminal Justice (DCJ), in consultation with the judicial branch, Department of Correction, and Criminal Justice Information System Governing Board, must collect disaggregated, case-level data by docket number on adult defendants (i.e., age 18 or older when committing the alleged offense) and annually give it to the Office of Policy and Management (OPM). OPM must then appear before the Criminal Justice Commission (CJC) by July 1 each year to report on this prosecutorial data (CGS § 4-68ff).

This act requires the CJC to require each state's attorney to also appear before it annually to testify and comment on the data collected.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Data on Adult Defendants

State law requires DCJ to collect data under several categories, such as (1) arrests, (2) diversionary programs, (3) contact between victims and prosecutorial officials, (4) dispositions, (5) nonjudicial sanctions, (6) plea agreements, (7) cases going to trial, and (8) demographic data.

Information that personally identifies a victim cannot be disclosed.

Criminal Justice Commission

The state constitution establishes CJC and charges it with appointing a state's attorney for each judicial district and other attorneys as prescribed by law (Conn. Const., art. IV, § 27). It consists of seven members: the chief state's attorney and six members appointed by the governor and confirmed by the General Assembly. Two appointed members must be Superior Court judges (CGS § 51-275a).

PA 23-27—sSB 1071
Judiciary Committee

AN ACT CONCERNING DECEPTIVE OR COERCIVE INTERROGATION TACTICS

SUMMARY: This act creates a rebuttable presumption that a person's written or oral admission, confession, or statement is involuntary and inadmissible in any proceeding if it was made during a custodial interrogation in which a law enforcement agency official or the official's agent used deception or coercive tactics.

Under the act, the presumption may be overcome if the state proves by clear and convincing evidence that the (1) admission, confession, or statement was voluntary and not induced by deception or coercive tactics and (2) alleged use of deception or coercive tactics did not undermine the reliability of the person's admission, confession, or statement and did not create a substantial risk that the person might falsely incriminate himself or herself.

EFFECTIVE DATE: October 1, 2023

DECEPTIVE OR COERCIVE TACTICS

Under the act, "deception or coercive tactics" includes unreasonably depriving the person being interrogated of physical or mental health needs that are known or should be known to exist, including food, sleep, restroom use, or prescribed medications. It also includes using or threatening to do the following actions:

1. to use physical force on the person being interrogated or another person to compel an admission, confession, or statement;
2. the unlawful arrest of another person; or
3. to impose unlawful penalties or unlawful administrative or immigration sanctions on the person being interrogated or on another person.

If the person being interrogated is under age 18, "deception or coercive tactics" also includes tactics that communicate the following, which law enforcement officials or their agents know or should know to be false, misrepresentative, or misleading: false facts about evidence; false statements or misrepresentations of the law; or false or misleading promises of leniency or some other benefit or reward.

PA 23-28—sSB 1040
Judiciary Committee

AN ACT CONCERNING REMOTE NOTARIAL ACTS

SUMMARY: Under specified conditions, this act allows a notary public to notarize a document for a person who is not in the notary's physical presence at the time ("remote notarization"). Generally speaking, remote notarization involves a notary confirming an individual's identity via real-time communication technology, receiving the document by mail or other delivery method, attaching the notary seal or stamp, and mailing the document back to the individual.

The act also allows a notary to refuse to perform remote notarization and excludes certain records from eligibility for remote notarization. Under the act, a notary who uses remote notarization to acknowledge an ineligible document has violated the prohibition on the unauthorized practice of law, which is generally a class D felony (see Table on Penalties).

In addition, the act (1) allows out-of-state and international remote notarization using a Connecticut notary for certain records and (2) authorizes the secretary of the state (SOTS) to adopt regulations for the remote notarization process.

EFFECTIVE DATE: October 1, 2023

REMOTE NOTARIZATION

Conditions

The act allows a person's document to be notarized using remote notarization when communication and identification conditions are met, with some exceptions.

Communication. The person and the notary must be able to communicate in real time, simultaneously, by sight and sound using communication technology. Under the act, "communication technology" is an electronic device or process that (1) allows a notary and a person who is not in the notary's physical presence to communicate with each other simultaneously

by sight and sound and (2) facilitates, when necessary and consistent with other applicable law, communication with a remotely located person who has a vision, hearing, or speech impairment.

Identification. The notary must be able to reasonably identify the person at the time of notarization. Under the act, the notary may use any one or more of the following methods to establish reasonable identification:

1. personal knowledge of the person's identity;
2. the person's presentation of a government-issued, unexpired identification document or record that has the person's photo, name, and signature (e.g., a driver's license, government-issued identification, or passport);
3. at least two different types of identity proofing processes or services where a third person verifies the person's identity by reviewing public or private data sources; or
4. oath or affirmation by a credible witness who is (a) in either the notary's or the person's physical presence or (b) able to communicate with the notary and the person during the notarization in real time, by sight and sound through an electronic device or process, if the witness has personal knowledge of the person's identity and has been reasonably identified by the notary.

Certification and Execution

After the document is notarized remotely and signed, the act requires the person to send the signed, original copy of the record to the notary for certification and execution with the notary's commission signature and official stamp or seal.

Under the act, the date and time when the notary witnessed the signature being performed via communication technology must serve as the date and time when the notarization occurred remotely.

Notary's Refusal Authority

The act recognizes the notary's authority to refuse to perform a notarial act and refuse to perform a remote notarization. It recognizes this authority when (1) an electronic record is the subject or (2) the notary did not select the technology being used.

Ineligible Records

The act designates as ineligible specific types of remote notarization acknowledgments and makes ineffective any of the below acknowledgements performed using remote notarization. Specifically, it prohibits using remote notarization to acknowledge records that do the following:

1. make and execute a will, codicil, trust, or trust instrument;
2. execute health care instructions, including instructions for appointing a health care representative, designating a conservator of the person for future incapacity, and documenting an anatomical gift;
3. execute the designation of a standby guardian for a minor in the event of a parent's or guardian's mental incapacity, physical debilitation, death, or the occurrence of other specified contingencies;
4. execute a living will;
5. execute a power of attorney;
6. execute a mutual distribution agreement for an intestate estate; or
7. execute a disclaimer for (a) suspension of fiduciary duties for a non-testamentary trust during armed forces service or (b) property passing under a non-testamentary instrument.

The act also prohibits using remote notarization to designate an adult to make decisions on behalf of another adult or give the designee certain rights and obligations, such as the power to make organ donation decisions after the maker's death or in certain court or administrative proceedings, among other circumstances. Additionally, it prohibits remote notarization to execute a self-proving affidavit for the appointment of a health care representative or for a living will, such as in health care settings, when medical personnel (1) plan to withdraw life support or (2) have to document any aspect of the patient's health care in the medical record for someone with a living will or who has a health care representative.

Lastly, the act prohibits using remote notarization in real estate closings, including the acknowledgment of any instrument pertaining to (1) Connecticut real property or a power of attorney made outside the state before an attorney licensed to practice in Connecticut and (2) the execution of any Connecticut real estate conveyance, mortgage, release of mortgage, or lien.

The act also prohibits using remote notarization in a real estate closing to acknowledge any instrument located outside of Connecticut in any other state, the District of Columbia, or United States territory or insular possession.

OUT-OF-STATE AND INTERNATIONAL REMOTE NOTARIZATION

Under the act, a person located outside of Connecticut or the United States (i.e., outside the 50 states, Puerto Rico, the U.S. Virgin Islands, and any U.S. territory, insular possession, or other location under U.S. jurisdiction) may use remote notarization with a Connecticut notary. However, the record being notarized must meet one of the following threshold conditions:

1. be intended for filing or presentation in court or with a governmental entity, public official, or other entity subject to Connecticut jurisdiction;
2. involve either (a) property located within Connecticut's territorial jurisdiction or (b) a transaction substantially connected to Connecticut; or
3. be otherwise not prohibited under Connecticut law from being notarized outside the state.

STATE REGULATIONS

The act allows SOTS to adopt regulations about remote notarization. The regulations may create the following:

1. ways to perform a notarial act for a remotely located person using communication technology;
2. standards for communication technology and "identity proofing" (i.e., verifying the identity of a remotely located individual by reviewing personal information provided by a third party from public or private data sources); or
3. requirements or procedures for approving communication technology providers and the identity proofing process.

Before adopting or amending these regulations, the act requires SOTS to consider the following:

1. the most recent remote notarization standards promulgated by national standard-setting organizations;
2. recommendations of the National Association of Secretaries of State;
3. standards, practices, and customs of other jurisdictions with substantially similar laws; and
4. views of governmental officials and entities and other interested parties.

PA 23-32—sHB 6797
Judiciary Committee

AN ACT CONCERNING PLANS FOR THE TREATMENT OF WORKPLACE INJURIES AND ILLNESSES AND ESTABLISHING WORKING GROUPS TO REVIEW ACCESS TO MEDICAL RECORDS AND PARTIAL DISABILITY PAYMENTS UNDER THE WORKERS' COMPENSATION ACT

SUMMARY: This act makes various changes affecting workers' compensation and related matters.

It requires the Workers' Compensation Commission (WCC) chairperson, in setting standards for approving employer or insurer medical plans, to include whether the plan has an administrative process allowing employees to seek certain information about the medical and health care services recommended by the plan's providers (e.g., their appropriateness and payment).

The act also requires the Judiciary Committee chairpersons or their designees, by August 15, 2023, to convene two working groups. One group must review medical records-related statutes and develop legislative recommendations on (1) streamlining third-party record requests to health care providers in order to timely get record copies and (2) setting reasonable fees for expenses when responding to these requests, including requests for electronic records.

The second group must review the level of partial permanent disability payments available to injured employees under the workers' compensation laws. This review must assess whether (1) existing laws adequately protect all injured employees in the state and (2) the laws on benefit levels should change.

EFFECTIVE DATE: October 1, 2023, except the working group provisions are effective upon passage.

§ 1 — WORKERS' COMPENSATION MEDICAL PLANS

Existing law allows employers or insurers acting for them to set up medical plans to provide treatment for job-related injuries and illnesses for employees receiving workers' compensation. The plans must be approved by the WCC chairperson, based on standards the chairperson sets in consultation with a medical advisory panel.

The act requires these standards to include whether the plan has an administrative process allowing employees, without limit, to seek a determination on the (1) need for, or appropriateness of, the medical and health care services recommended by the plan's providers and (2) payment for these services.

Existing law also requires the standards to include, among other things, the plan's (1) ability to provide required services in a way that is timely, effective, and convenient for employees and (2) inclusion of all service categories and enough providers for each type in accessible locations to ensure employees have adequate choice.

§§ 2 & 3 — WORKING GROUPS

Under the act, the Judiciary Committee chairpersons, or their designees, serve as both working groups' chairpersons. Each group must meet at least monthly, and at other times as necessary upon the call of the group's chairpersons.

For both groups, member appointments (see below) must be made by July 12, 2023.

Medical Records Working Group Membership

Under the act, the medical records working group includes the chairpersons and ranking members of the Judiciary and Public Health committees and the WCC's legal director, or their designees. The working group also includes the following eight members, jointly appointed by the Judiciary Committee chairpersons or their designees:

1. a representative of a national third-party medical records provider;
2. a representative of a national association representing third-party medical records providers;
3. an attorney specializing in personal injury law;
4. an attorney specializing in workers' compensation law;
5. a representative of a statewide bar association, representing attorneys; and
6. one representative each from three statewide medical-related associations, representing hospitals, physicians, and medical specialty providers.

Partial Permanent Disability Benefits Working Group Membership

Under the act, this working group includes the chairpersons and ranking members of the Judiciary and Labor and Public Employees committees and the WCC's legal director, or their designees. The group also includes the following five members, jointly appointed by the Judiciary Committee chairpersons or their designees:

1. two attorneys who specialize in representing clients appearing before the WCC, one for claimants and one for respondents;
2. two representatives of attorney groups, one for a statewide bar association and one for a statewide trial lawyers association; and
3. a representative of a statewide association representing in-state workers' compensation insurers.

Reporting Requirement

By February 1, 2024, each working group must report on its findings and recommendations. The medical records group must report to the Judiciary and Public Health committees, and the other group must report to the Judiciary and Labor and Public Employees committees. Each group terminates when it submits its report or on February 1, 2024, whichever is later.

PA 23-36—sSB 927
Judiciary Committee

AN ACT CONCERNING THE STATE'S CRIMINAL JUSTICE INFORMATION SYSTEM

SUMMARY: By law, the Criminal Justice Information System (CJIS) Governing Board oversees the Connecticut Information Sharing System (CISS), a comprehensive, statewide criminal justice informational database and records system accessible by the police and criminal justice agencies.

This act requires any third-party vendor or contractor ("contractor") to get the CJIS Governing Board's written approval before accessing criminal history record information in the system if the contractor is assisting in the system's design and implementation and needs this access. The board sets how to request approval.

Under the act, any contract or subcontract (or amendment to them) between the board and a contractor concerning criminal justice-related record management systems must include board-established specifications. These specifications must ensure that all contractor policies, procedures, processes, and control systems are compatible with, and support, the state's system. This includes the contractor's hardware, software, and protocols.

Additionally, the act decreases the required frequency, from twice to once annually, for the CJIS Governing Board to report on the CISS status to the Judiciary and Appropriations committees. It continues to require reports by January 1 and eliminates the requirement for a report by July 1. Under existing law, in conjunction with the January report, the board must make a presentation during the ensuing legislative session on the system's status and a specific itemization of any additional resources needed.

The act also makes technical changes, including removing obsolete language.

EFFECTIVE DATE: October 1, 2023

PA 23-38—sSB 1193
Judiciary Committee

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES

SUMMARY: This act makes technical changes in statutes related to, among other things, the Department of Correction, certain pretrial programs, and the CT Baby Bonds program.

EFFECTIVE DATE: October 1, 2023

PA 23-44—HB 6569
Judiciary Committee

AN ACT CONCERNING THE MINIMUM AGE TO BE ELIGIBLE TO MARRY

SUMMARY: This act prohibits anyone under age 18 from being issued a marriage license under any circumstances. It does so by removing an exception in prior law that generally allowed a 16- or 17-year-old to get a marriage license if the probate court approved a petition filed by the minor's parent or guardian.

Under the act, emancipated minors are also no longer eligible to marry. Under prior law, emancipated minors were treated as adults for marriage purposes and were eligible to marry at age 16 or 17. (By law, a minor must be at least age 16 to be emancipated.)

The act also makes a conforming change.

EFFECTIVE DATE: July 1, 2023

EXCEPTION FOR 16- AND 17-YEAR-OLDS ELIMINATED

Under prior law, a 16- or 17-year-old could only get a marriage license if the probate court where the minor resides approved a petition filed on the minor's behalf by his or her parent or guardian. To do so, the court had to schedule a hearing on the petition and notify the minor, his or her parents or guardians, and the other party to the intended marriage. The minor and the petitioning parent or guardian were required to attend the hearing, and the court had the discretion to require the other party to the marriage to attend the hearing. After the hearing, the court could approve the license if it found that the following conditions were met:

1. the petitioning parent or guardian consented to the marriage,
2. the minor (a) consented to the marriage based on an understanding of the nature and consequences of marriage and (b) was sufficiently capable of making that decision,
3. the minor's decision to marry was voluntary and made without coercion, and
4. the marriage would not be detrimental to the minor.

The act eliminates this exception, prohibiting anyone under age 18 from marrying under any circumstances.

PA 23-46—sHB 6874
Judiciary Committee

AN ACT CONCERNING JUDICIAL BRANCH OPERATIONS, THE SHARING OF JUDICIAL BRANCH RECORDS AND THE AWARD OF DAMAGES IN CERTAIN CIVIL MATTERS

TABLE OF CONTENTS:

SUMMARY: This act makes various unrelated changes in laws related to court procedures and operations.
EFFECTIVE DATE: Upon passage, unless stated otherwise below.

§§ 2-4 & 20 — DISSOLUTIONS AND LEGAL SEPARATIONS

Generally eliminates the 90-day waiting period for non-contested divorce or legal separation proceedings and makes conforming changes

Under prior law, the court could generally proceed on a complaint for dissolution of marriage or legal separation 90 days after the return date of the complaint. Prior law allowed parties to a dissolution of marriage or civil union ("dissolution") or legal separation action to file a motion to waive waiting periods for these actions if they had an agreement, made certain attestations, and requested this waiver. (Unchanged by the act, there is no 90-day waiting period for nonadversarial divorces and annulments.)

The act eliminates this generally applicable 90-day waiting period and instead generally allows the court to proceed following the second day after the complaint return date. However, the act sets other waiting periods in certain circumstances and specifies when a conciliation request can be made, as described below.

It also makes related conforming changes.

Default Judgments (§§ 4 & 20)

Under prior law, if a defendant in a dissolution or legal separation case did not appear, the plaintiff could file a motion no sooner than 30 days after the return date of the complaint, seeking a waiver of the waiting periods. The act instead allows the plaintiff, no sooner than 30 days after the return date, to file a motion for a default judgement for failure to appear.

The act sets the following timeframes within which a default judgment for failure to appear may not be entered, depending on how process was served:

1. no sooner than 30 days after the return date if the defendant was served by personal or abode service of process and
2. no sooner than after a hearing that must be held at least 60 days after the return date if the defendant was served in any other way.

The act also makes a minor change to clarify the conditions under which a default judgment can be set aside and the case reinstated (§ 20).

Trials in Contested Cases (§ 4)

The act maintains the 90-day waiting period for a contested dissolution or legal separation that will go to trial by prohibiting trials from beginning until at least 90 days after the return date.

Conciliation (§ 3)

Under existing law, on or after the return date of a complaint seeking a dissolution or a legal separation and before the 90-day waiting period expires, either spouse or the counsel for any minor children of the marriage may submit a request for conciliation (i.e., reconciliation) to the clerk of the court. The act makes a conforming change and allows a request for conciliation to be made on or up to 90 days after the return date, but before a judgement is entered.

Under existing law, unchanged by the act, if a divorce or legal separation proceeding is stayed for conciliation, the action cannot proceed before six months after the date the request for conciliation was granted.

EFFECTIVE DATE: October 1, 2023

§§ 5-7, 22 & 23 — JUVENILE MATTERS

Expands access to juvenile and youthful offender proceedings to include the victim's next of kin; makes risk and behavioral health screening information and results confidential; grants access to certain juvenile delinquency and youthful offender records to DCF's education unit

Juvenile and Youthful Offender Proceedings — Victim's Next of Kin Allowed (§§ 5 & 6)

The act expands access to juvenile and youthful offender proceedings to include the victim's next of kin.

Existing law prohibits a judge from excluding a victim from a delinquency or youthful offender proceeding unless, after hearing from the parties and the victim and for good cause shown, which must be clearly and specifically stated on the record, the judge orders otherwise. The act extends this exception to the victim's next of kin.

Victim's Next of Kin Defined (§§ 5 & 6)

By law, a "victim" is a person who is the victim of a delinquent act, the person's parent, guardian, or legal representative, or a victim advocate provided for the person by the Judicial Branch's Office of Victim Services (OVS).

Under the act, for purpose of a victim's next of kin having access to juvenile or youthful offender proceedings, "next of kin" means a spouse, an adult child, a parent, an adult sibling, an aunt, an uncle, or a grandparent.

Confidential Juvenile Risk and Behavioral Health Screenings (§ 7)

The act expands confidential records on juvenile matters to include risk and behavioral health screening information and results. Under the act, any information about a child obtained during these screenings must be used solely for determining the child's eligibility for community diversion and nonjudicial handling.

Specifically, the information and results from the risk and behavioral health screening must be used to identify appropriate treatment and interventions and must otherwise be confidential and kept in the files of the person doing the screening.

Under the act, upon motion and order of the court, the risk and health screening information and results must be disclosed to any attorney of record. Additionally, any information and results disclosed upon the motion and order must (1) be available to any attorney of record for the case and (2) not be subject to subpoena or other court process for use in any other proceeding or for any other purpose.

Juvenile Proceedings — Records Disclosure to DCF (§ 22)

By law, records of juvenile cases involving delinquency proceedings are available only to certain people and in specified circumstances, such as employees and authorized agents of state agencies involved in the (1) delinquency proceedings, (2) provision of services directly to the child, or (3) delivery of court diversionary programs.

Under existing law, these employees and authorized agents to whom juvenile records may be disclosed include the Department of Children and Families (DCF) if the child is committed to DCF as neglected, uncared for, or abused. However, this disclosure must be limited to (1) information that identifies the child as the subject of the delinquency petition or (2) the records of the delinquency proceedings, when the juvenile court orders the department to provide services to the child.

The act expands this by allowing juvenile offender records to also be disclosed to DCF if the child is under the oversight of the department's administrative unit established to oversee the education of any child who resides in any juvenile justice facility and any incarcerated child (i.e., its "education unit"). Under the act, this disclosure must be limited to information that identifies the child as residing in a juvenile justice facility or being incarcerated.

Youthful Offender Docket — Records Disclosure to DCF (§ 23)

By law, a juvenile transferred to Superior Court who meets certain criteria is presumed eligible for youthful offender status, which makes his or her records and information from the youthful offender docket confidential (CGS § 54-76c).

Under existing law, the records may be disclosed in certain circumstances, such as to law enforcement officials and prosecutors doing a legitimate criminal investigation. The act allows a youthful offender's record to also be disclosed to DCF if the child is under the oversight of the DCF education unit. As is the case for juvenile records above, the act limits disclosure of youthful offender records under this provision to information that identifies the child as residing in a justice facility or incarcerated.

EFFECTIVE DATE: July 1, 2023

§ 8 — VICTIM NOTIFICATION — TERMINATING SPECIAL PAROLE

Requires VSU, instead of OVS, to notify victims when the Board of Pardons and Paroles intends to terminate an offender's special parole period and the victim is registered with VSU for notification

Under prior law, before the Board of Pardons and Paroles terminated a person's period of special parole (see *Background* below), OVS was required to notify the victim of the board's intent to consider doing so. Prior law required OVS to do so regardless of whether the victim registered for notification with OVS or the Department of Correction's Victim Services Unit (VSU). Under the act, if the victim is registered with VSU, that unit, rather than OVS, is required to notify these victims of the above information.

Under existing law, unchanged by the act, any victim may submit a statement to the board on whether the person's

period of special parole should be terminated.

A "victim" is a person who is a victim of a crime, that person's legal representative, a deceased victim's immediate family member, or a person designated by a deceased victim (CGS § 54-126a).

EFFECTIVE DATE: October 1, 2023

Background

"Special parole" is part of the sentence that a judge can impose when someone is convicted of a crime. The judge can require a period of special parole under parole supervision after an offender completes his or her maximum prison sentence. Generally, the special parole must be between one and 10 years (CGS § 54-125e).

§ 9 — POST-CONVICTION ASSAULT OF JUDICIAL BRANCH EMPLOYEES

Provides enhanced penalties for post-conviction assault of judicial branch employees who provide certain services to juveniles accused of delinquent acts

Under existing law, the assault penalty is enhanced to a class C felony (see Table on Penalties) if it is an assault against a judicial branch employee assigned to provide pretrial secure detention and programming services to juveniles accused of committing a delinquent act. The act extends this enhanced penalty to assaults of a judicial branch employee occurring during a post-conviction assignment.

Under existing law, unchanged by the act, a defendant may claim as a defense that he or she has a mental, physical, or intellectual disability, and the conduct was a clear and direct manifestation of it (CGS § 53a-167c(c)).

EFFECTIVE DATE: July 1, 2023

§ 21 — JUDICIAL REVIEW COUNCIL REPORT

Requires the Judicial Review Council to notify the chief court administrator when an admonishment has been issued to a judge and provide her the substance and the complaint

By law, the Judicial Review Council investigates and resolves complaints or internal referrals about state judges, family support magistrates, and administrative law judges regarding misconduct, disability, or substance abuse.

Under existing law, the council must dismiss a complaint when it does not find probable cause to believe that judicial misconduct occurred. It may issue an admonishment if there is no misconduct, but the judicial official acted in a way that (1) created the appearance of impropriety or (2) constitutes an unfavorable judicial practice.

Under existing law, if the council issues an admonishment, it must notify the Judiciary Committee and provide the committee with the substance of the admonishment, including copies of the complaint file. The act additionally requires the council to notify the chief court administrator and provide her the same materials.

Existing law, unchanged by the act, requires the council to inform the complainant if the admonishment is the result of alleged misconduct.

EFFECTIVE DATE: October 1, 2023

§ 24 — DAMAGES FOR DISCIPLINING OR DISCHARGING EMPLOYEES FOR EXERCISING THEIR FIRST AMENDMENT RIGHTS

Allows a broader range of damages to be awarded when an employer illegally disciplines or discharges employees for exercising their First Amendment rights, reverting these damages to how they were prior to the enactment of PA 22-24

The law generally prohibits employers from disciplining or discharging employees, or threatening to do so, for exercising their First Amendment rights under the U.S. Constitution, or similar rights under the Connecticut Constitution, as long as it does not substantially or materially interfere with their bona fide job performance or working relationship with their employer. Under prior law, employers who violated this prohibition were liable to the employee for the full amount of gross lost wages or compensation, plus costs and attorney's fees.

The act instead makes these employers liable for damages caused by the discipline or discharge, including punitive damages, plus attorney's fees as part of the costs for the action. This change reverts the damages in these cases back to how they were prior to the enactment of PA 22-24.

EFFECTIVE DATE: October 1, 2023

§§ 26-37 — JUDICIAL DISTRICT OF BRIDGEPORT

Renames the judicial district of Fairfield the judicial district of Bridgeport and makes conforming changes

By law, for the purpose of establishing venue for a court case, the Superior Court consists of 13 judicial districts, each serving designated towns.

Under prior law they were named the judicial districts of Ansonia-Milford, Danbury, Fairfield, Hartford, Litchfield, Middlesex, New Britain, New Haven, New London, Stamford-Norwalk, Tolland, Waterbury, and Windham. The act changes the judicial district of Fairfield to the judicial district of Bridgeport and maintains the same six towns that are assigned to that judicial district, namely: Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull.

The act makes conforming changes by replacing references to "judicial district of Fairfield" with "judicial district of Bridgeport" throughout statutes related to things like where civil process should be made returnable; where related motions, pleadings or appearances must be filed; and housing proceedings.

EFFECTIVE DATE: January 1, 2024

§ 38 — STATE OFFICERS' AND EMPLOYEES' INDEMNIFICATION

Extends state officers' and employees' hold harmless and indemnification protections to certain members of their immediate family named in the claim, demand, suit, or judgment

Hold Harmless and Indemnification Protections

By law, the state must hold harmless and indemnify any state officer or employee (see below) for financial loss and expense from a claim, demand, suit, or judgment based on alleged negligence, deprivation of civil rights, or other acts or omissions causing damage or injury, if the officer or employee was acting in the discharge of his or her duties or scope of employment. Indemnification does not apply if the officer or employee acted wantonly, recklessly, or maliciously.

The act extends this protection to any member of the employee's or officer's immediate family who is named or included in the claim, demand, suit, or judgment solely because the family member is the officer's or employee's relative. Under the act, "immediate family" means any spouse, children, or dependent relatives who reside in the individual's household.

State Officers and Employees Defined

By law, "state officers and employees" include:

1. every person elected or appointed to, or employed in, any office, position, or post in the state government, regardless of title, classification, or function and whether the person serves with or without remuneration or compensation;
2. attorneys appointed as victim compensation commissioners, public defenders, assistant public defenders, or deputy assistant public defenders;
3. assigned counsel, guardians ad litem, or assigned attorneys for a party in certain proceedings, such as child neglect;
4. the attorney general, deputy attorney general, any associate attorney general or assistant attorney general, or any other attorneys employed by any state agency;
5. any Superior Court commissioner hearing small claims matters or acting as a factfinder, arbitrator, or magistrate or acting in any other quasi-judicial position;
6. any person appointed to a committee established by law for the purpose of rendering services to the Judicial Department;
7. any member of a multidisciplinary team established for certain purposes by the DCF commissioner, Municipal Electric Consumer Advocate, or Independent Consumer Advocate; and
8. any physicians or psychologists employed by any state agency.

It does not include certain UConn medical or dental interns, residents, or fellows under certain circumstances (CGS § 4-141).

§ 39 — TAX RETURN INFORMATION DISCLOSURE

Allows the DRS commissioner to share taxpayer return information with the clerk of the United States District Court for the District of Connecticut

Under existing law, the Department of Revenue Services (DRS) commissioner can disclose return information to the jury administrator when the information disclosed is limited to the names, addresses, federal Social Security numbers, and dates of birth, if available, of Connecticut residents (as determined for purposes of the state income tax). The act broadens this exception and allows the commissioner to also disclose this specific information to the clerk of the United States District Court for the District of Connecticut.

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-reporting, or tax payments; and
3. any other data received, recorded, prepared, or collected by or furnished to the DRS commissioner about (a) a return or (b) any determination of liability for a tax, penalty, interest, fine, forfeiture, or other imposition or offense (CGS § 12-15(h)(1) & (2)).

§§ 1, 10-19, 25 & 40-45 — TECHNICAL AND CONFORMING CHANGES AND REPEALERS

Makes technical and conforming changes in statutes related to juvenile residential centers, FWSNs, capital projects the judicial branch oversees, and court messengers and repeals related obsolete provisions

Juvenile Residential Centers — Grants in Lieu of Taxes (§ 1)

The act makes a conforming change in the law that provides state grants in lieu of taxes to certain properties to reflect the transfer of juvenile residential centers from DCF to the judicial branch. It also replaces references to the term "juvenile detention centers" with the term "juvenile residential centers." This renaming was made throughout the statutes on juvenile matters under PA 21-104.

Family With Service Needs (§§ 10-19 & 45)

The act removes reference to the term "family with service needs" (FWSN), which was made obsolete by PA 19-187, §§ 8-10, that after June 30, 2020, eliminated provisions allowing parties (e.g., a parent or police officer) to file a FWSN petition with the juvenile court. This petition was allowed when a child (1) committed certain status offenses (e.g., running away from home) or (2) was out of the control of his or her parent or guardian.

Judicial Branch's Authority Over Building Projects (§ 25)

The act makes a conforming change to reflect PA 22-26, § 1, which expanded the judicial branch's authority over building projects by increasing the maximum value of projects it has charge and control of from $1.25 million to $2 million.

Court Messengers (§§ 40-44)

The act removes provisions related to court messengers. (In practice, the judicial branch no longer has court messengers.)

The act correspondingly repeals laws addressing court messengers' duties, vacancies, and continuation of service after retirement.

EFFECTIVE DATE: Upon passage, except the building project, juvenile residential center, and FWSN provisions are effective July 1, 2023.

PA 23-47—sHB 6917
Judiciary Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE CRIMINAL LAW AND CRIMINAL JUSTICE STATUTES

TABLE OF CONTENTS:

Prohibits a defendant from filing a motion for a (1) sentence reduction or discharge from incarceration within five years after the most recent decision granting him or her relief in full or (2) sentence reduction within three years after the most recent decision granting relief in part

§ 2 — PSYCHIATRIC EXAMINATION OF CONVICTED DEFENDANTS

Allows a court to order the DMHAS commissioner to examine any defendant convicted of a crime with a possible penalty of incarceration at any correctional institution, rather than only the Osborn Correctional Institution, who may be a danger to self or others

§ 3 — HOME CONFINEMENT FOR CERTAIN VEHICULAR OFFENDERS

Allows the DOC commissioner to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device

§ 4 — IMMUNITY FROM ILLEGAL CANNABIS POSSESSION PENALTIES

Grants immunity from illegal cannabis possession penalties to people seeking medical assistance in good faith for themselves or others during an overdose, with some exceptions

§§ 5 & 6 — PENALTIES FOR RECURRING MOTOR VEHICLE LICENSE VIOLATIONS

Allows the court to impose a 90-day minimum prison sentence for certain recurring vehicular violations only in the absence of any court-determined mitigating circumstances

§ 7 — VIOLATIONS OF RENT REDUCTION OR SUSPENSION ORDERS

Removes these violations from the list of those handled by the Superior Court's Centralized Infractions Bureau

§ 8 — PUBLIC DISCLOSURE OF OFFICER BODY AND DASHBOARD CAMERA FOOTAGE

Allows up to 144 hours in delayed public disclosure of recorded footage if an affected officer is not reasonably able to review the recording due to a medical, physical, or acute psychological stress response to the incident

§§ 9 & 10 — 4TH DEGREE SEXUAL ASSAULT

Defines "sexual contact" for the crime of 4th degree sexual assault of a dead body, and specifies that the crime pertains to a human dead body

§ 11 — COMMUTATION OF PUNISHMENT, RELEASE, OR PARDON

Requires the Board of Pardons and Paroles to give copies of a convicted person's application for commutation, pardon, or release, and related materials, to the state's attorney before holding a session to consider the application; requires the board to allow the state's attorney to make a statement at the session

SUMMARY: This act makes various unrelated changes in the criminal law and criminal justice statutes. It also makes technical and conforming changes.

A section-by-section analysis follows.

EFFECTIVE DATE: October 1, 2023

§ 1 — SENTENCE MODIFICATIONS

Prohibits a defendant from filing a motion for a (1) sentence reduction or discharge from incarceration within five years after the most recent decision granting him or her relief in full or (2) sentence reduction within three years after the most recent decision granting relief in part

Existing law allows a sentencing court or judge, at any time during a defendant's incarceration period and after a hearing and for good cause shown, to reduce the defendant's sentence; order the defendant's discharge; or order the defendant's discharge on probation or conditional discharge. As of October 1, 2021, this authority also applies to defendants sentenced to incarceration for more than seven years under a plea agreement if the defendant and state's attorney agree to

seek sentencing review.

Prior law prohibited a 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 through a sentence reduction or discharge. The act extends this prohibition to the most recent decision granting him or her relief in full by a sentence reduction or discharge. It also creates a new prohibition, barring a defendant from filing a subsequent motion for relief until three years after the date of the most recent decision granting him or her relief in part by a sentence reduction. These provisions do not apply to mandatory minimum sentences, which the court cannot suspend or reduce.

The act also requires a defendant to give the state a copy of his or her motion to reduce or suspend a sentence, along with any supporting materials.

§ 2 — PSYCHIATRIC EXAMINATION OF CONVICTED DEFENDANTS

Allows a court to order the DMHAS commissioner to examine any defendant convicted of a crime with a possible penalty of incarceration at any correctional institution, rather than only the Osborn Correctional Institution, who may be a danger to self or others

By law, if a court believes that a convicted defendant has a psychiatric disability and is a danger to self or others, it may order the Department of Mental Health and Addiction Services (DMHAS) commissioner, before sentencing, to examine a convicted defendant using qualified hospital personnel. This provision previously applied to any defendant convicted of (1) specified sex offenses or (2) an offense that may carry the penalty of imprisonment at the Connecticut Correctional Institution at Somers (known as the Osborn Correctional Institution since 1994). The act broadens the court's authority to order a defendant's examination for an offense that may result in imprisonment at any Connecticut correctional institution, not just Osborn.

By law and unchanged by the act, after the examination the commissioner must report to the court on whether the defendant should be committed to the hospital's diagnostic unit for more exams or be sentenced as convicted.

§ 3 — HOME CONFINEMENT FOR CERTAIN VEHICULAR OFFENDERS

Allows the DOC commissioner to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device

By law, the Department of Correction (DOC) commissioner may release a person to home confinement (i.e., cannot leave home without authorization) after undergoing admission and a risk and needs assessment in the commissioner's custody, if the person is sentenced to prison for various vehicular crimes, including driving under the influence and operating without a valid license or registration.

The act extends the commissioner's authority to release a person to home confinement after conviction for avoiding, tampering with, or failing to install an ignition interlock device. (An ignition interlock is a breath-testing device connected to a motor vehicle's ignition system. The device prevents the driver from operating the vehicle if it detects a pre-determined level of alcohol in the driver's breath.)

§ 4 — IMMUNITY FROM ILLEGAL CANNABIS POSSESSION PENALTIES

Grants immunity from illegal cannabis possession penalties to people seeking medical assistance in good faith for themselves or others during an overdose, with some exceptions

Existing law allows people aged 21 or older to possess, use, or otherwise consume cannabis, up to a specified possession limit. Violators are subject to a range of penalties, depending on their age and the amount of cannabis or cannabis product in their possession.

The act grants immunity from illegal cannabis possession penalties to the following people found to be in possession of cannabis plant material or product:

1. anyone who seeks medical assistance in good faith for another person based upon a reasonable belief that the person is overdosing on intoxicating liquor or any drug or substance,
2. anyone for whom another person seeks medical assistance in good faith based upon a reasonable belief that the person is overdosing in this way, or
3. anyone who reasonably believes that he or she is overdosing in this way and seeks medical assistance in good faith for himself or herself.

The act excludes from "good faith" the act of seeking medical assistance while an arrest warrant, search warrant, or lawful search is being executed.

§§ 5 & 6 — PENALTIES FOR RECURRING MOTOR VEHICLE LICENSE VIOLATIONS

Allows the court to impose a 90-day minimum prison sentence for certain recurring vehicular violations only in the absence of any court-determined mitigating circumstances

Motor Vehicle Operator Licensure Violations (§ 5)

Existing law imposes fines, incarceration, or both as penalties for a person who violates any provision in the driver's license law (e.g., requirements for permits and licenses depending on a driver's age) (CGS § 14-36). A first offense is considered an infraction and carries a $75-$90 fine. Any subsequent offense carries a penalty of either a $250-$350 fine, imprisonment for up to 30 days, or both.

In addition to the above penalties, prior law imposed a mandatory one-year prison sentence with a 90-day minimum if, before a person's present violation, he or she committed any of the following violations two or more times: (1) operation of a motor vehicle without a license; (2) operation of a motor vehicle with a refused, suspended, or revoked license or registration; or (3) any combination of these. The act adds a condition to the 90-day minimum sentence, permitting it only in the absence of any court-determined mitigating circumstances.

Operating a Motor Vehicle Without a Valid License or Registration (§ 6)

Similarly, the law imposes fines, incarceration, or both as penalties for a person who operates a motor vehicle with a refused, suspended, or revoked license or registration. A first offense carries a penalty of either a $150-$200 fine, imprisonment for up to three months, or both. Any subsequent offense carries a penalty of either a $200-$600 fine, imprisonment for up to one year, or both.

In addition to the above penalties, prior law imposed a mandatory one-year prison sentence with a 90-day minimum if, before a person's present violation, he or she committed any of the following violations two or more times: (1) operation of a motor vehicle with a refused, suspended, or revoked license or registration; (2) operation of a motor vehicle without a license; or (3) any combination of these. The act adds a condition to the 90-day minimum sentence, permitting it only in the absence of any court-determined mitigating circumstances.

§ 7 — VIOLATIONS OF RENT REDUCTION OR SUSPENSION ORDERS

Removes these violations from the list of those handled by the Superior Court's Centralized Infractions Bureau

The act removes a violation from the list of violations handled by the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for infractions or violations. Generally, anyone who is alleged to have committed an infraction or certain violations may either plead not guilty or pay by mail the set fine and any other fee or cost the law prescribes.

Specifically, the act removes a violation related to an order of rent reduction or suspension, which is subject to a fine. Under prior law, the violator could mail the file to the Centralized Infractions Bureau without making a court appearance. But under the act, fines can no longer be mailed in, so a court appearance is required. By law, the following actions are considered violations, subject to a fine of $25-$100 per offense:

1. demanding, accepting, or receiving an excess amount of rent while the order is in affect and no appeal is pending;
2. refusing to obey a rent commission's subpoena, order, or decision; or
3. violating any other provision of the laws on fair rent and retaliatory actions by landlords.

§ 8 — PUBLIC DISCLOSURE OF OFFICER BODY AND DASHBOARD CAMERA FOOTAGE

Allows up to 144 hours in delayed public disclosure of recorded footage if an affected officer is not reasonably able to review the recording due to a medical, physical, or acute psychological stress response to the incident

By law, an officer has the right to review recordings from officer-worn body cameras or dashboard cameras if the officer (1) has been asked to give a formal statement about the alleged use of force, (2) is the subject of a disciplinary investigation, or (3) has his or her image or voice captured on a recording that is the subject of a public disclosure request.

This recorded footage must be disclosed to the public upon request within either of the following timeframes, whichever is earlier: (1) 48 hours after the officer reviews it or (2) if the officer does not review the recording, either 96 hours after the disciplinary investigation begins or, for officers not subject to investigation, within 96 hours after the request for public disclosure.

The act allows delayed public disclosure for up to 144 hours after the recorded event if the officer is not reasonably able to review the recording due to a medical or physical response or an acute psychological stress response to the incident.

§§ 9 & 10 — 4TH DEGREE SEXUAL ASSAULT

Defines "sexual contact" for the crime of 4th degree sexual assault of a dead body, and specifies that the crime pertains to a human dead body

The act specifies that the crime of 4th degree sexual assault for sexual contact with a dead body pertains to a human body. For this purpose, under the act, "sexual contact" means any contact with the intimate parts of a dead human body, or any contact of the actor's intimate parts with a dead human body, for the actor's sexual gratification.

By law and unchanged by the act, 4th degree sexual assault is a class A misdemeanor; however, if the victim is under age 16, it is a class D felony (see Table on Penalties).

§ 11 — COMMUTATION OF PUNISHMENT, RELEASE, OR PARDON

Requires the Board of Pardons and Paroles to give copies of a convicted person's application for commutation, pardon, or release, and related materials, to the state's attorney before holding a session to consider the application; requires the board to allow the state's attorney to make a statement at the session

The Board of Pardons and Paroles ("the board") has the authority under state law to grant commutations of punishment, release, pardons, and certificates of rehabilitation to any person convicted of any offense against the state. The act requires the board, before holding a session to consider granting commutation of a punishment, release, or pardon, to give the state's attorney for the district in which the conviction was obtained the following items upon written request:

1. a copy of the convicted person's application and any supporting materials and documents filed, except for confidential, privileged, and non-disclosable information under state or federal law that they may contain and
2. any information obtained by the board about the convicted person's previous history or character from each prosecuting officer, judge, police officer, or other person who may have information about the person's habits, disposition, career, and associates.

The act also requires the board to allow the state's attorney or his or her designee to appear at the session to make a statement for the record about whether the convicted person should be granted any commutation of punishment, release, or pardon.

PA 23-53—sHB 6667
Judiciary Committee
Appropriations Committee

AN ACT ADDRESSING GUN VIOLENCE

TABLE OF CONTENTS:

§ 3 — GHOST GUN AND OTHER FIREARM MANUFACTURE AND TRANSFER RESTRICTIONS

Expands the prohibitions on manufacturing and transferring ghost guns to include those manufactured between December 16, 1968, and October 1, 2019; prohibits anyone from possessing ghost guns, with certain exceptions; sets a process for declaring ghost gun possession to DESPP or obtaining a unique serial number or other identification mark; establishes a reduced penalty based on a person's eligibility to possess firearms, making violations a class C felony for those who are ineligible and a class C misdemeanor for those who are eligible

§§ 4-11, 13-14, 16 & 33 — LOCAL DEALER PERMIT FOR FIREARM SALES

Requires sellers of 10 or more firearms per year to obtain a local dealer's permit, rather than just those who sell the requisite number of handguns; places additional prohibitions and requirements on permitted firearm dealers, including annually conducting a physical inventory reconciliation

§§ 9, 17-19 & 21-22 — HANDGUN SALE LIMITATION

Generally limits a person to only three handgun retail purchases in a 30-day period, but, among other exceptions, allows certified firearms instructors to purchase up to six handguns in a 30-day period; makes violations of the sale limits a class C felony

§ 11 — SEMI-AUTOMATIC CENTERFIRE RIFLE SALES

Generally prohibits all sales, deliveries, and transfers of semi-automatic centerfire rifles that have or accept a magazine with a capacity of more than five rounds to anyone under age 21

§§ 12 & 20 — FIREARM STORAGE

Extends the firearm safe storage law to anyone with a firearm who controls a premise, rather than only certain individuals; expands the scope of the crime of negligently storing a firearm to apply when anyone obtains an unlawfully stored firearm and injures or kills himself or herself or someone else

§ 14 — EXEMPTION FROM AMMUNITION SALES MINIMUM AGE REQUIREMENT

Exempts specified state agencies and other entities and individuals from the minimum age requirement for ammunition sales

§§ 15, 23-26 & 49 — 2023 ASSAULT WEAPONS BAN

Expands the assault weapons ban to include more firearms and creates a process for those who lawfully own these weapons to get a certificate of possession or transfer or sell them

§ 27 — LARGE CAPACITY MAGAZINES (LCM)

Bifurcates the penalties for LCM possession violations based on a person's eligibility to possess firearms, making it a class D felony for those who are ineligible to possess firearms and a class A misdemeanor for those who are eligible to do so; allows defendants to enter diversionary programs

§§ 28-32 — DISQUALIFYING OFFENSES

Expands the list of disqualifying offenses for possessing or carrying a firearm to include (1) misdemeanor convictions for offenses designated as family violence crimes and (2) those prohibited under federal law due to misdemeanor domestic violence convictions or being a fugitive of justice; makes these offenses reasons for which someone may be guilty of certain criminal firearm possession laws; increases, by one day, the two-year mandatory minimum prison sentence for criminal possession of a firearm, ammunition, or electronic weapon and makes those convicted of this crime eligible for special parole

§§ 28-30 — ADDITIONAL EDUCATIONAL REQUIREMENTS

Specifies that firearm safety training requirements for long gun and handgun eligibility certificates and handgun permits must be completed within two years before applying; requires training courses to include instruction on state law requirements on safe firearm storage and lawfully using firearms and carrying firearms in public

§ 33 — TRIGGER LOCKS

Expands existing law's requirement that gun dealers, at the time of sale, give trigger locks and a related written warning to handgun buyers by requiring gun dealers to do so for all firearm buyers, not just handgun buyers; subjects violators to a fine of up to $500

§ 34 — PROHIBITION ON CARRYING LOADED LONG GUNS IN MOTOR VEHICLES

Expands the prohibition on carrying or possessing loaded shotguns, rifles, or muzzleloaders in motor vehicles to include all long guns

§ 35 — BODY ARMOR

Requires those buying or receiving body armor to have certain gun-related credentials; expands purchase exemptions to include judicial marshals, probation officers, federal firearms licensees, and emergency medical service organization employees

§§ 36-39 & 43-44 — SERIOUS FIREARM OFFENDER

Sets more stringent release conditions for serious firearm offenders; allows or requires prosecutors to petition the court for bond amounts of up to 30% depending on prior convictions; lowers the evidentiary threshold for courts to revoke a defendant's release under certain circumstances involving serious firearm offenses and requires revocation under these circumstances; requires certain bail to be forfeited when the defendant commits a serious firearm offense while on release; requires probation officers to seek arrests for certain serious firearm offenders or offenses

§ 40 — RETURN TO CUSTODY

Requires the DOC commissioner to request that a parolee be returned to custody without a written warrant if he or she is (1) a serious firearm offender arrested while on parole for a felony offense or (2) arrested for a serious firearm offense

§ 41 — FIREARMS-RELATED CRIME DOCKET

Requires the chief court administrator to establish firearm-related crime dockets in certain courts

§ 42 — EMERGENCY PETITION

Authorizes a police officer or prosecutor, when aware that someone released on parole or probation is a threat to public safety, to file an emergency petition to take specified steps

§ 45 — PENALTY FOR FAILING TO REPORT LOST OR STOLEN FIREARM OR ASSAULT WEAPON

Increases the penalty for a first offense of failing to report the loss or theft of a firearm or assault weapon from an infraction to a class A misdemeanor

§ 46 — HANDGUN CARRY PERMIT

Requires the DESPP commissioner to decide on a handgun permit application when the applicant presents an affidavit that the local authority failed to expressly deny or approve a temporary state permit application within a specified period; requires the local authority or DESPP to give a detailed, written reason for denying an application

§ 47 — MASS SHOOTING EVENT RESPONSE

Requires DESPP's civil preparedness plan to include a response plan for a mass shooting event; requires the DESPP commissioner to coordinate with the (1) DPH commissioner to deploy grief counselors and mental health professionals to help family members or other people closely connected to mass shooting victims and (2) chief state's attorney to report on mass shooting investigations

§ 48 — POLICE NOTICE OF FIREARM RIGHTS AND RISK PROTECTION ORDER APPLICATION PROCESS

Requires law enforcement units to post public notices informing people about (1) various firearm-related rights, including specified information about the permit process and the right to own, possess, and carry firearms and (2) the risk protection order application process

SUMMARY: This act makes various changes to the state's firearm (gun) laws, including various minor, conforming, and technical modifications.
EFFECTIVE DATE: October 1, 2023, unless otherwise specified below.

§ 1 — HANDGUN PERMIT EXEMPTIONS

Expands where and when a handgun may be carried without a handgun permit to include on land a person owns or leases, during training at a fish and game club or sporting club, and during an inspection as merchandise

Under existing law, anyone carrying a pistol or revolver (i.e., handgun) in the state must generally have a Connecticut-issued handgun permit. However, by law, this permit is not required to possess a handgun in one's home or place of business. The act expands this exemption to include handgun possession on land a person leases or owns.

Other Exemptions

Existing law also allows anyone to carry a handgun without the permit during repairs and certain training. Prior law defined this training as "formal pistol or revolver training," which meant handgun training at a locally approved or permitted firing range or training facility. The act renames this term "firearm training" and expands its scope by (1) adding training at a fish and game club or sporting club and (2) eliminating the express limitation that the firing range be locally approved or permitted.

The act also exempts a person inspecting a firearm as merchandise from the permitting requirement. Existing law already exempts the following individuals:

1. Connecticut parole and peace officers;
2. other states' parole and peace officers on official business;
3. legally appointed and certified Department of Motor Vehicles (DMV) inspectors;
4. federal marshals and law enforcement officers;
5. state and U.S. Armed Forces members on, or going to or coming from, duty; and
6. members of a military organization on parade or going to or coming from a place of assembly.

Existing law also exempts anyone transporting a handgun:

1. as merchandise;
2. in its original package from the point of purchase to his or her home or business;
3. for repair or when moving household goods;
4. to or from a testing range at a permit-issuing authority's request; or
5. that is an antique handgun (e.g., those manufactured before 1899).

The act broadens the circumstances under which certain nonresidents may transport handguns without a Connecticut permit. Under existing law, bona fide U.S. residents allowed to possess and carry a handgun in the state they reside in may transport a handgun in or through Connecticut to (1) participate in competitions, (2) take the handgun for repair, or (3) attend meetings or exhibitions of organized gun collectors. Prior law also allowed these individuals to do so for "formal pistol or revolver training." As described above, the act renames this training "firearm training," and adds more locations.

By law and under the act, if a handgun is being transported under any of the above exemptions, it must be unloaded, and, if it is being transported in a motor vehicle, the handgun must (1) not be readily or directly accessible from the vehicle's passenger compartment or (2) if the vehicle does not have such a compartment, be in a locked container other than the glove compartment or console.

§§ 1 & 2 — PROHIBITION ON CARRYING A FIREARM WITH INTENT TO DISPLAY IT

With exceptions, prohibits anyone from knowingly carrying a firearm with intent to display it; makes violations a class B misdemeanor for a first offense and a class A misdemeanor for any subsequent offense; requires law enforcement units to annually report on any stops conducted on suspicion of a violation

The act generally prohibits anyone from knowingly carrying a firearm with intent to display it. Under the act, if a person has taken reasonable measures to conceal that he or she is carrying a firearm, then he or she is not deemed to have intended to display the firearm. Additionally, neither a fleeting glimpse of a firearm nor an imprint of a firearm through someone's clothing is a violation. It is also not a violation if a person displays a firearm temporarily while engaged in self-defense or other lawful conduct.

The act's prohibition also does not apply to a person (1) in his or her home, (2) on land he or she leases or owns, (3) in his or her place of business, or (4) when engaged in a bona fide hunting activity or "firearm training" (see § 1 *Other Exemptions* above). The same individuals and circumstances exempt from the handgun permit requirement are also exempt from the act's intent to display prohibition (see § 1 *Other Exemptions* above).

(PA 23-203, § 1, further exempts such firearm display (1) on land that a person possesses by other means than leasing or owning and (2) when a person has been explicitly allowed by another person to do so while in that person's home; on land he or she leases, owns, or otherwise possesses; or in his or her place of business. It also exempts security guards, certain honor guard members, and licensed bail enforcement agents.)

Penalty

Under the act, anyone violating the intent to display prohibition is guilty of a (1) class B misdemeanor for a first offense and (2) class A misdemeanor for any subsequent offense (see Table on Penalties). As under existing law for violating the handgun permitting requirement, any handgun found in the possession of a person violating the intent to display prohibition must be forfeited.

As under existing law for other gun offenses, the act allows the court to suspend prosecution of a violation of this provision, in addition to any available diversionary programs, if it finds the violation is not of a serious nature and the person charged (1) will probably not offend in the future, (2) has not previously been convicted of this provision, and (3) has not previously had a prosecution under this provision suspended. (Presumably, the act's previous convictions and suspensions requirements only refer to the intent to display provision.)

The act prohibits the court from ordering a suspended prosecution unless the accused person has acknowledged that he or she understands the consequences of the suspension. Anyone who has his or her prosecution suspended must agree to the tolling of any statute of limitations on the violation and to waive his or her right to a speedy trial. The person must appear in court and be released to the Court Support Services Division's (CSSD) supervision for up to two years under court-ordered conditions. If the person refuses to accept or violates the conditions after accepting them, the court must terminate the suspension and the case must be brought to trial.

Under the act, if the person satisfactorily completes probation, he or she may apply for the court to dismiss the charges, and the court must dismiss them if it finds that probation has been completed. If the person does not apply for dismissal after satisfactorily completing probation, the court, upon receiving a CSSD report confirming completion, may on its own motion make a finding of completion and dismiss the charges. Upon dismissal, all records of the charges must be erased according to the erasure of criminal records law (CGS § 54-142a).

A court order denying a motion to dismiss the charges against a person who has completed his or her probation is a final judgment for appeal purposes. The same judgment applies to a court order terminating a person's participation in a probation program.

Report

Starting by February 1, 2025, the act requires each law enforcement unit to annually prepare and submit to the Institute for Municipal and Regional Policy at UConn a report on any stops done on suspicion of a violation of the act's intent to display prohibition during the preceding calendar year. The initial report must be based on the 15 months before January 1, 2025.

Law enforcement units must submit the reports electronically using a standardized method and form sent out jointly by the institute and the Police Officer Standards and Training Council (POST). The method and form must allow for compiling statistics on each incident, including the race and gender of the person stopped, based on the police officer's observation and perception. The institute and POST may revise the method and form and send the revisions to law enforcement units. Before submitting the report, each law enforcement unit must redact any information that may identify a minor, witness, or victim.

Within available appropriations, the institute must review the incidents reported and, beginning by December 1, 2025, annually report the review's results and its recommendations to the governor and the Judiciary, Planning and Development, and Public Safety and Security committees.

A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

§ 3 — GHOST GUN AND OTHER FIREARM MANUFACTURE AND TRANSFER RESTRICTIONS

Expands the prohibitions on manufacturing and transferring ghost guns to include those manufactured between December 16, 1968, and October 1, 2019; prohibits anyone from possessing ghost guns, with certain exceptions; sets a process for declaring ghost gun possession to DESPP or obtaining a unique serial number or other identification mark; establishes a reduced penalty based on a person's eligibility to possess firearms, making violations a class C felony for those who are ineligible and a class C misdemeanor for those who are eligible

The act makes various changes to the state's laws on the manufacture and transfer of certain firearms, including those without a serial number or other identification mark (i.e., ghost guns).
EFFECTIVE DATE: Upon passage

Expansion of Ghost Gun Manufacture and Transfer Prohibitions

Existing law generally prohibits anyone from creating a ghost gun. It does so by prohibiting them from completing the manufacture of a firearm without (1) obtaining a unique serial number or other identification mark from the Department of Emergency Services and Public Protection (DESPP) and (2) engraving or permanently affixing it to the firearm. It also generally prohibits, among other things, transferring a ghost gun manufactured in violation of this law.

Prior law allowed exceptions to these prohibitions for certain firearms, including those manufactured before the prior law's effective date (i.e., October 1, 2019) if they were otherwise lawfully possessed. Beginning June 6, 2023, the act narrows this exception to firearms manufactured before December 16, 1968, thus expanding these prohibitions to include those manufactured between December 16, 1968, and October 1, 2019. (December 16, 1968, is the effective date for most provisions of the federal Gun Control Act of 1968 (P.L. 90-618).)

Prohibitions on Ghost Gun Possession and Transfer

Beginning January 1, 2024, the act generally prohibits anyone from possessing a ghost gun, with certain exceptions. This includes if the person has (1) declared possession as described below or (2) applied for a unique serial number or other identification mark from DESPP but has not yet received it.

With limited exceptions, the act prohibits anyone in Connecticut from distributing, importing into the state, keeping or offering for sale, or purchasing a ghost gun. This prohibition does not apply to ghost gun transfers (1) declared to DESPP; (2) by bequest or intestate succession; (3) upon a testator's or settlor's death, to a trust or from a trust to a beneficiary; or (4) to a police department or DESPP.

As under existing law, the act's possession and transfer prohibitions do not apply to the following:

1. any firearm manufactured with a frame or lower receiver that has a serial number or mark engraved or permanently affixed in a way that conforms to the requirements that federal law and associated regulations impose on licensed firearm importers and manufacturers;
2. the manufacture of firearms by federally licensed manufacturers;
3. any "antique firearm" (e.g., one manufactured before 1899);
4. any firearm manufactured before December 16, 1968, if the firearm is otherwise lawfully possessed; or
5. delivery or transfers to a "law enforcement agency" (i.e., the State Police and any municipal police department).

Declaration of Possession. Under the act, anyone who, before January 1, 2024, "lawfully possesses" a ghost gun manufactured before October 1, 2019, must apply to DESPP to declare possession by January 1, 2024. However, if the person is a state or U.S. Armed Forces member (i.e., servicemember) and cannot apply by January 1, 2024, because he or she is on official duty outside of Connecticut, then the member must instead apply within 90 days after returning to the state. The application must be made as the DESPP commissioner prescribes.

For these purposes, a person "lawfully possesses" a ghost gun if he or she has (1) actual and lawful possession of it; (2) constructive possession of it through a lawful purchase before June 6, 2023, regardless of whether the ghost gun was delivered to him or her before that date; or (3) actual or constructive possession, as shown by a written statement made under penalty of false statement on a DESPP-prescribed form. For constructive possession, the act requires the lawful purchase to be shown in writing sufficient to indicate that before the act's prohibition took effect a contract for sale was made between the parties to buy the ghost gun or the purchaser made a full or partial payment for it to the seller.

Moving into the State. The act allows anyone who moves into the state in lawful possession of a ghost gun to, within 90 days, either (1) get a unique serial number or other identification mark from DESPP and engrave or permanently affix it to the gun, (2) render the ghost gun permanently inoperable, (3) sell the ghost gun to a federally licensed gun dealer, or (4) remove the ghost gun from the state. However, if the person is a servicemember who transferred into the state after January

1, 2024, he or she may instead apply to DESPP within 90 days of arriving in Connecticut to declare possession of the ghost gun.

Regulations. The act allows DESPP to adopt regulations establishing procedures to declare possession or get a unique serial number or mark. Regardless of the Freedom of Information Act's provisions on access to public records and their disclosure, the name and address of a person who has declared possession of a ghost gun must be confidential and not disclosable. However, the records may be disclosed to (1) "law enforcement agencies" (see above), U.S. Probation Office employees, and Department of Correction (DOC) parole officers doing their duties and (2) the Department of Mental Health and Addiction Services (DMHAS) commissioner checking the status of firearm applications from anyone who has been involuntarily committed or voluntarily admitted.

Illegal Assistance in Manufacturing a Firearm

Prior law prohibited anyone from facilitating, aiding, or abetting the manufacture of a firearm (1) by or for someone otherwise prohibited by law from owning or possessing a firearm or (2) that a person is otherwise prohibited by law from purchasing or possessing. The act specifies that this prohibition applies if the person takes any of these actions knowingly, recklessly, or with criminal negligence.

Penalties

The act establishes a reduced penalty for violations of the above laws based on a person's eligibility to possess firearms. Prior law required violators to forfeit any firearms in their possession and made violations a class C felony with a two-year mandatory minimum prison term and a $5,000 minimum fine unless the court stated on the record its reasons for remitting or reducing the fine. Under the act, these penalties may be imposed only on violators who are ineligible to possess a firearm under state or federal law. For anyone who is eligible to possess a firearm, the act makes any violation a class C misdemeanor (see Table on Penalties).

By law and under the act, the court may suspend the prosecution of a person who violates any of the above laws and dismiss the charges under certain conditions. Specifically, the court may do so if, among other things, it finds the violation is not serious in nature, the alleged violator will probably not reoffend, and he or she has not previously been convicted under these laws or had a prosecution under these laws suspended.

§§ 4-11, 13-14, 16 & 33 — LOCAL DEALER PERMIT FOR FIREARM SALES

Requires sellers of 10 or more firearms per year to obtain a local dealer's permit, rather than just those who sell the requisite number of handguns; places additional prohibitions and requirements on permitted firearm dealers, including annually conducting a physical inventory reconciliation

Federal law requires anyone in the business of selling firearms to be licensed as federal firearms licensees (FFL) (18 U.S.C. § 923). Existing state law further requires FFLs and those who sell 10 or more handguns in a calendar year to also have a local dealer permit to sell handguns. (A local dealer permit is a permit issued by the municipality's police chief or another authorized official.) The act expands this permitting requirement so that it applies to those who sell 10 or more of any type of firearm, rather than just handguns. It makes several minor and related conforming changes, such as limiting all firearm sales by permittees to the room, store, or place described in their permits, instead of only for handgun sales as under prior law.

Under the act, anyone holding a local dealer permit for retail handgun sales issued on or before September 30, 2023, is deemed to be a holder of a local dealer permit for retail firearm sales until the permit expires or is revoked, suspended, confiscated, or surrendered. The permittee may then renew the permit as a permit for retail firearm sales. By law, the fee to obtain a local dealer permit (an original or renewal) is $200.

Dealer Permittee Prohibitions (§ 8)

The act places additional prohibitions on dealer permittees. It prohibits them from:

1. furnishing false or fraudulent information in any DESPP application or failing to comply with representations made in any application;
2. failing to maintain a (a) handgun permit or handgun eligibility certificate and (b) local dealer permit;
3. failing to maintain effective controls against firearm theft, including installing or maintaining a burglar alarm system as required under existing state law;

4. failing to acquire an authorization number for a firearm transfer;
5. transferring a firearm to a person ineligible to receive it, unless the permittee relied in good faith on information DESPP provided in verifying the person's eligibility;
6. selling, delivering, or otherwise illegally transferring an assault weapon or large capacity magazine or failing to maintain accurate records of their sale, delivery, or transfer;
7. failing to maintain current and proper acquisition and disposition records the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) requires;
8. failing to post placards or furnish written warnings with specific text about the penalties for the unlawful storage of loaded firearms;
9. failing to provide a trigger lock, gun lock, or gun locking device with each purchase;
10. failing to verify employees' age and criminal background;
11. failing to report any firearm stolen as required by state and federal law; and
12. failing to do the annual physical inventory reconciliation the act requires.

Physical Inventory Reconciliation. Under the act and within the first five business days in October, dealer permittees must annually do a physical inventory reconciliation that includes comparing their physical inventory of firearms with the acquisition and disposition records that state and federal law require them to maintain. Within five business days after performing the reconciliation, the permittee must attest to the DESPP commissioner, in a form and manner he prescribes, that it was performed and that he or she reported any firearms that were determined to be missing to the attorney general and appropriate local authorities as required by state and federal law. (State law requires all lawful firearm owners to report a lost or stolen firearm within 72 hours after they discover or should have discovered the loss or theft; federal law requires FFLs to report within 48 hours to the relevant authorities (CGS § 53-202g & 18 U.S.C. § 923(g)(6)).)

Violations. Under the act, if there is probable cause to believe that a dealer permittee has failed to comply with the above prohibitions or their other duties under state law, the DESPP commissioner or relevant law enforcement authority in the municipality where the permittee resides (i.e., the police chief or, where there is no chief, the municipality's chief executive officer (CEO) or the resident state trooper or relevant state police officer designated by the municipality's CEO) may issue a violation notice. The notice must detail the reasons for issuing it and state the date by which the permittee must cure the violation, which must be at least 30 days after the notice's service date.

If the cure period has expired and the commissioner or relevant law enforcement authority determines the violation continues, he or she may temporarily prohibit further firearm sales at the permitted premises by issuing a stop sales order. The order will be effective when served on the permittee or posted at the permitted premises. The commissioner or relevant law enforcement authority may assess a civil penalty of up to $100 for each day the violation continues. Any permittee who violates a stop sales order is guilty of a class C felony with a two-year mandatory minimum prison sentence and a $5,000 minimum fine, which may not be remitted or reduced unless the court states on the record its reasons for doing so.

Anyone issued a stop sales order may request a hearing before the DESPP commissioner to contest the grounds for the order and any associated civil penalties. The hearing must be held within seven days after the request's receipt in accordance with the Uniform Administrative Procedure Act.

Under the act, stop sales orders are effective against any successor entity that (1) has at least one of the same principals or officers as the corporation, partnership, or sole proprietorship against which the stop order was issued and (2) is engaged in the same or equivalent trade or activity.

The act requires the DESPP commissioner to adopt regulations to specify any hearing provisions needed to carry out these provisions.

Vendor Records (§ 7)

Prior law required vendors of any dealer to keep a record of each handgun sold in a book, in a manner consistent with federal regulations. The vendor had to make the record available for inspection at the request of any sworn member of a local police department or the State Police or any investigator assigned to the statewide firearms trafficking task force. The act (1) extends these recordkeeping requirements to cover all firearms, (2) requires vendors to also make the records available for inspection by any federal law enforcement agency investigator, and (3) specifies that inspection by authorized members and investigators must be for official purposes related to the member's or investigator's employment.

§§ 9, 17-19 & 21-22 — HANDGUN SALE LIMITATION

Generally limits a person to only three handgun retail purchases in a 30-day period, but, among other exceptions, allows certified firearms instructors to purchase up to six handguns in a 30-day period; makes violations of the sale limits a class C felony

Under state law, DESPP (1) maintains a state database on the validity of the handgun permits, local dealer permits, and long gun eligibility certificates issued under state law and (2) serves as the point of contact for initiating a background check in the National Instant Criminal Background Check System (NICS). With limited exceptions, when anyone sells, delivers, or transfers a firearm, he or she must first contact DESPP, which checks these systems, and receive an authorization number to complete the sale, delivery, or transfer (CGS § 29-36*l*). (NICS is the federal database used to determine if prospective gun buyers are disqualified from acquiring or possessing firearms under state or federal law.)

With certain exceptions, the act limits a person to only three handgun retail purchases in a 30-day period. It does so by prohibiting the DESPP commissioner from issuing more than three authorization numbers for the retail sale of a handgun for any transferee within a 30-day period, except he may issue up to six for a firearms instructor certified by Connecticut or the National Rifle Association (NRA).

These sale limitations do not apply to:

1. a firearm (a) transferred to a federal, state, or municipal law enforcement agency or (b) legally transferred by a person ineligible to possess it;
2. the exchange of a handgun purchased by an individual from an FFL for another handgun from the same FFL within 30 days after the original transaction, so long as the FFL reports the transaction to the DESPP commissioner;
3. certain antique handguns (e.g., those manufactured before 1899 that are exempt from certain state laws regulating handgun transfers); or
4. a transfer to a museum at a fixed location that is open to the public and displays firearms as part of an educational mission.

By law, the act's sale limitations, as well as certain state laws regulating handgun transfers, also do not apply to handgun sales, deliveries, and other transfers between an FFL and (1) federally licensed firearm manufacturers, (2) federally licensed firearm importers, or (3) another FFL. The act extends these exemptions to handgun sales, deliveries, and transfers between federally licensed firearm manufacturers.

As under existing law for illegal handgun sales, deliveries, and transfers, a violation of the act's sale limitations is a class C felony with a two-year mandatory minimum prison sentence and a $5,000 minimum fine, which may not be remitted or reduced unless the court states on the record its reasons for doing so. Additionally, the court may suspend the prosecution of a person who violates the act's sales limitations and dismiss the charges under certain conditions.

§ 11 — SEMI-AUTOMATIC CENTERFIRE RIFLE SALES

Generally prohibits all sales, deliveries, and transfers of semi-automatic centerfire rifles that have or accept a magazine with a capacity of more than five rounds to anyone under age 21

Prior law generally prohibited selling, delivering, or transferring, at retail, any semi-automatic centerfire rifle that has or accepts a magazine with a capacity of more than five rounds to anyone under age 21. The act expands this prohibition by applying it to all sales, deliveries, or transfers of these rifles, not just those at retail. By law, this prohibition does not apply to the sale, delivery, or transfer of this rifle to the following for use in the discharge of their duties: (1) employees or members of local police departments, DESPP, or DOC or (2) state or U.S. Armed Forces members.

§§ 12 & 20 — FIREARM STORAGE

Extends the firearm safe storage law to anyone with a firearm who controls a premise, rather than only certain individuals; expands the scope of the crime of negligently storing a firearm to apply when anyone obtains an unlawfully stored firearm and injures or kills himself or herself or someone else

Storage Requirements

The act extends the firearm safe storage law to cover anyone with a firearm who controls the premises, rather than only certain individuals. Under prior law, the safe storage requirements only applied if such a person knew or reasonably should have known that a (1) minor was likely to gain access to the firearm without a parent's or guardian's permission or (2) resident was ineligible to possess firearms, was subject to a risk protection order, or posed a risk of imminent personal harm or harm to others. The act eliminates these conditions.

By law, a person's firearm may only be stored or kept on his or her premises if it is:

1. kept in a securely locked box or other container or in a way that a reasonable person would believe to be secure or
2. carried 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.

Criminally Negligent Storage of a Firearm

Under prior law, a person was guilty of criminally negligent storage of a firearm if a minor, resident who was ineligible to possess firearms, or resident who posed a risk of imminent personal harm or harm to others obtained the person's unlawfully stored firearm and used it to injure or kill himself or herself or someone else, unless the minor obtained the firearm through unlawful entry. The act expands the scope of this crime so that it generally applies when any person obtains an unlawfully stored firearm. It relatedly removes the age restriction on prior law's mitigating circumstances for unlawful entry and adds a reporting requirement. Thus, under the act, the firearm storer is not guilty of this crime if the other person obtained the firearm through unlawful entry and, if the firearm was stolen, the firearm is reported as stolen as existing law requires. By law, violators are guilty of a class D felony (see Table on Penalties).

As under existing law, unchanged by the act, a person who fails to securely store a firearm is strictly liable for damages, regardless of intent, when a minor, or a resident who is ineligible to possess firearms or poses a risk of imminent personal harm or harm to others, gets a firearm and causes self-harm or harm to others (CGS § 52-571g).

§ 14 — EXEMPTION FROM AMMUNITION SALES MINIMUM AGE REQUIREMENT

Exempts specified state agencies and other entities and individuals from the minimum age requirement for ammunition sales

Under existing law, if someone wants to purchase ammunition or an ammunition magazine, he or she must generally (1) present a valid gun credential or ammunition certificate and (2) be at least age 18. Certain specified state agencies, entities, and individuals however are exempt from the gun credential or ammunition certificate requirement. The act additionally exempts them from the minimum age requirement, thus allowing sales of ammunition to them regardless of the purchaser's age.

By law, the exempt agencies, entities, and individuals are generally the following:

1. DESPP, DOC, DMV, the Department of Energy and Environmental Protection (DEEP), the Division of Criminal Justice (DCJ), police departments, and the state and U.S. Armed Forces;
2. sworn and duly certified members of organized police departments, the State Police, and DOC;
3. DCJ inspectors, DMV commissioner-designated inspectors, DEEP commissioner-appointed conservation officers, and locally appointed constables certified by POST who perform criminal law enforcement duties;
4. state and U.S. Armed Forces members;
5. nuclear facilities licensed by the U.S. Nuclear Regulatory Commission and their contractors and subcontractors; and
6. federally licensed firearms manufacturers, importers, dealers, and collectors.

§§ 15, 23-26 & 49 — 2023 ASSAULT WEAPONS BAN

Expands the assault weapons ban to include more firearms and creates a process for those who lawfully own these weapons to get a certificate of possession or transfer or sell them

State law generally bans anyone from possessing or selling an "assault weapon" (see *Background — Assault Weapons*). Beginning June 6, 2023, the act expands the types of assault weapons banned to include additional firearms, which the act designates as "2023 assault weapons." Under existing law and the act, with minor exceptions, no one in Connecticut may:

1. give, distribute, transport, import, expose, keep, or sell an assault weapon (CGS § 53-202b) or
2. possess an assault weapon, unless he or she lawfully possessed it before the applicable ban took effect and got a certificate of possession from DESPP for it (i.e., registered it).

EFFECTIVE DATE: Upon passage

2023 Assault Weapons Ban (§§ 23 & 49)

Under the act, a "2023 assault weapon" generally includes any semiautomatic firearm regardless of (1) whether the firearm is specifically banned by existing law and (2) the date the firearm was produced if it meets the criteria described below. More specifically, it is any semiautomatic firearm, other than a pistol, revolver, rifle, or shotgun, that has at least one of the following:

1. a grip or stock that allows someone to hold it with more than just the trigger finger directly below the firing action;
2. an ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol grip;

3. a fixed magazine that can accept more than 10 rounds;
4. a flash suppressor or silencer, or a threaded barrel capable of accepting a flash suppressor or silencer;
5. a shroud that is attached to, or partially or completely encircles, the barrel and that allows the shooter to fire the firearm without being burned, except a slide that encloses the barrel;
6. a second hand grip; or
7. an arm brace or other stabilizing brace that allows the firearm to be fired from the shoulder, with or without an arm strap.

Additionally, a "2023 assault weapon" includes a combination of parts designed or intended to convert a firearm into an assault weapon, as expanded under the act, or any combination of parts from which an assault weapon may be assembled if the same person possessed and controlled those parts.

Lastly, it includes certain semiautomatic firearms that were legally manufactured before September 13, 1994, that were not listed by name under the 1994 assault weapons ban but were instead defined by their features. (The act relatedly repeals the exemption for these pre-1994 firearms (§ 49).) Specifically, these are the following:

1. semiautomatic rifles that can accept a detachable magazine if the rifle has any two of the following features: a (a) folding or telescoping stock, (b) pistol grip that protrudes conspicuously beneath the action of the weapon, (c) bayonet mount, (d) flash suppressor or threaded barrel designed to accommodate a flash suppressor, or (e) grenade launcher;
2. semiautomatic pistols that can accept a detachable magazine if the pistol has any two of the following features: (a) an ammunition magazine that attaches to the pistol outside of the pistol grip; (b) a threaded barrel that can accept a barrel extender, flash suppressor, forward handgrip, or silencer; (c) a shroud attached to, or partially or completely encircling, the barrel that allows the shooter to hold the firearm with the non-trigger hand without being burned; (d) a manufactured weight of 50 ounces or more when unloaded; or (e) a semiautomatic version of an automatic firearm;
3. semiautomatic shotguns with any two of the following features: (a) a folding or telescoping stock, (b) a pistol grip conspicuously protruding beneath the action of the weapon, (c) a fixed magazine capacity of more than five rounds, or (d) the ability to accept a detachable magazine; and
4. a part or combination of parts designed or intended to convert a firearm into one of these assault weapons or from which such a weapon may be assembled rapidly if they are in someone's possession and control.

Lawful Possession of a 2023 Assault Weapon (§ 23)

Under the act, to "lawfully possess" a 2023 assault weapon is to have:

1. actual possession that is lawful under the state laws on assault weapons;
2. constructive possession by a lawful purchase transacted before June 6, 2023, regardless of whether the assault weapon was delivered before that date, with written evidence sufficient to indicate that (a) a sales contract for purchasing the weapon was made between the parties before that date or (b) the purchaser made full or partial payment for the weapon before then; or
3. actual or constructive possession as described above as shown by a written statement made under penalty of false statement on a DESPP form.

By law, making a false statement is a class A misdemeanor (CGS § 53a-157b, see Table on Penalties).

Certificate of Possession (§ 25)

Under the act, anyone who, before June 6, 2023, lawfully possesses a 2023 assault weapon may apply to DESPP by May 1, 2024, for a certificate of possession for the weapon. This includes anyone who regains possession of one from a licensed gun dealer, consignment shop operator, or licensed pawnbroker placed with them before June 6, 2023, as described below. Servicemembers unable to apply for a certificate by May 1, 2024, because they were out of state on official duty have 90 days after returning to Connecticut to apply for the certificate. The certificate allows a person to keep the firearm if he or she is eligible and otherwise complies with the law (see *Background — Locations Where Registered Weapon May Be Kept*). DESPP (1) must accept applications in both paper and electronic form, to the extent possible, and (2) cannot require applications to be notarized.

As under existing law, the certificate must contain a description of the firearm that identifies it uniquely, including all identification marks; the owner's full name, address, date of birth, and thumbprint; and any other information DESPP deems appropriate. The name and address are confidential and may be disclosed only to (1) law enforcement agencies, DOC parole officers, and U.S. Probation Office employees carrying out their duties and (2) the DMHAS commissioner to carry out certain firearm-related duties.

Under the act, anyone who got a certificate of possession for an assault weapon before June 6, 2023, that is also a 2023 assault weapon does not have to get a subsequent certificate. He or she is deemed to have gotten a certificate for the weapon under the assault weapons laws.

Federal Reclassification (§§ 24 & 25)

The act establishes conditions under which certain individuals may lawfully possess a 2023 assault weapon if the assault weapon was reclassified for federal purposes as a rifle under the recent amendments to federal regulations on commerce in firearms and ammunition (i.e., 27 C.F.R. Parts 478 & 479 (published at 88 Fed. Reg. 6478 (January 31, 2023))). Under the act, the person must:

1. have applied to register the assault weapon under the federal National Firearms Act (P.L. No. 73-474) using the form known as Form 1 that ATF publishes, submitted a copy of the form to DESPP by August 1, 2023, and ATF must have approved the application, denied the application within the past 30 days, or not yet processed the application;
2. have lawfully possessed the assault weapon before June 6, 2023; and
3. have otherwise complied with the assault weapons laws.

For these individuals whose applications have not yet been processed by ATF, the act allows them to apply to DESPP, by May 1, 2024, for a temporary certification of possession. This certificate expires on the earlier of January 1, 2027, or seven days after a Form 1 application denial.

If the Form 1 application is approved, the person may then apply to DESPP to convert the temporary certificate into an assault weapon certificate of possession. A full and complete Form 1 application submitted to DESPP in a form and manner determined by the department constitutes a complete application for a temporary certificate, and a copy of the notice of a Form 1 application approval constitutes a complete application to convert. If a complete application to convert is received, DESPP must approve the application.

DESPP (1) must accept applications in both paper and electronic form, to the extent possible, and (2) cannot require applications to be notarized.

Certificate of Possession Exemptions (§§ 24 & 25)

Under the act, as under existing law, specified state agencies, entities, and individuals who lawfully possess an assault weapon to use for official duties do not need a certificate of possession for the weapon. The exempt agencies, entities, and individuals are generally the following:

1. DESPP, DOC, DCJ, DMV, DEEP, police departments, and the state and U.S. Armed Forces;
2. sworn and duly certified members of organized police departments, the State Police, and DOC;
3. DCJ inspectors, DMV commissioner-designated inspectors, DEEP commissioner-appointed conservation officers, and locally appointed constables certified by POST who perform criminal law enforcement duties; and
4. nuclear facilities licensed by the U.S. Nuclear Regulatory Commission or their contractors and subcontractors.

However, under the act, if one of the above sworn members, inspectors, officers, or constables buys a 2023 assault weapon for his or her official duties and then subsequently retires or is separated from service, he or she must apply to DESPP for a certificate of possession for the weapon within 90 days of retiring or being separated.

Gun Manufacturer and Dealer Exemptions

Existing law allows, among other things, federally licensed firearm manufacturers to manufacture and transport assault weapons for sale (1) to exempt parties in Connecticut and (2) out of state (CGS § 53-202i). It also allows FFLs with a state permit who lawfully possess assault weapons to (1) transport the weapons between dealers or out of state, (2) display them at gun shows licensed by a state or local government entity, or (3) sell them to residents out of state. These gun dealers and manufacturers may also take possession of registered weapons and the dealers may transfer them for servicing or repair to a licensed gunsmith (1) in their employ or (2) under contract to provide gunsmithing services to the dealers (CGS § 53-202f).

Since 2023 assault weapons are included in the statutory definition of "assault weapon" (see *Background — Assault Weapon*), these exemptions also apply to those weapons under the act.

Temporary Transfer and Possession of Assault Weapons

As under existing law, the act also allows the temporary possession and transfer of a registered assault weapon,

including a 2023 assault weapon, for certain out-of-state events, such as shooting competitions, exhibitions, displays, or educational projects about firearms sponsored by, done under the auspices of, or approved by, a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in firearms use or promotes firearms education (CGS § 53-202h).

Sales, Bequests, or Intestate Succession (§ 25)

The act prohibits a 2023 assault weapon lawfully possessed with a certificate of possession from being sold or transferred on or after June 6, 2023, to anyone in Connecticut except (1) a licensed gun dealer; (2) DESPP or local police departments; or (3) by bequest or intestate succession, or upon death, to a trust or from a trust to a beneficiary who is eligible to possess the weapon.

Transfer for Sale Out-of-State (§ 15)

Until April 30, 2024, the act allows anyone who lawfully possessed a 2023 assault weapon on June 5, 2023, to transfer possession of it to a licensed gun dealer in or outside of Connecticut for an out-of-state sale. He or she may transport the weapon to the dealer for this purpose without obtaining a certificate of possession.

Dealer, Pawnbroker, and Consignment Shops (§ 15)

The act allows licensed gun dealers, licensed pawnbrokers, and consignment shop operators to transfer possession of a 2023 assault weapon to a person who:

1. legally possessed it before June 6, 2023;
2. placed the weapon in the possession of the dealer, pawnbroker, or operator under an agreement to sell the weapon to a third person; and
3. is eligible to possess it when it is transferred back to the person.

Relinquishment of Assault Weapon to Law Enforcement Agency

As under existing law, the act also allows an individual to arrange in advance to relinquish an assault weapon, including a 2023 assault weapon, to a police department or DESPP (CGS § 53-202e).

Penalties (§ 24)

As under existing law, the act applies the same penalties to 2023 assault weapons as other assault weapons.

By law, it is a class D felony with a mandatory minimum one-year prison term to possess a banned assault weapon, except that a first violation is a class A misdemeanor if the person proves that he or she lawfully possessed the weapon before October 1, 1993, or on April 4, 2013, (depending on the specific weapon) and is otherwise in compliance with the law. The act adds another exception for a first-time violator who can prove he or she lawfully possessed a 2023 assault weapon on June 5, 2023, and is otherwise in compliance.

Additionally, by law and under the act, it is a class C felony with a mandatory minimum two-year prison term to give, transfer, keep, sell, or distribute banned assault weapons, including 2023 assault weapons. For transfers, sales, or gifts to people under age 18, the court must impose an additional six-year mandatory minimum, in addition and consecutive to the term for the underlying offense (CGS § 53-202b(a)).

Background — Assault Weapons

Under existing law and the act, an "assault weapon" is a "2023 assault weapon" (see above) and any selective-fire firearm capable of fully automatic, semiautomatic, or burst fire, or any parts designed or intended to convert a firearm into an assault weapon or from which an assault weapon may be rapidly assembled if possessed or under the control of the same person. It includes (1) specified semiautomatic firearms banned by name and (2) others classified based on their features (e.g., semiautomatic centerfire rifles that can accept a detachable magazine and have at least one other specified feature and semiautomatic pistols and centerfire rifles with fixed magazines that can hold more than 10 rounds).

An assault weapon does not include (1) any parts or combination of parts of a lawfully possessed assault weapon that are not assembled as an assault weapon, when possessed for servicing or repair by a licensed gun dealer or gunsmith in the dealer's employ and (2) any firearm rendered permanently inoperable.

Background — Locations Where Registered Weapon May Be Kept

Under existing law and the act, any resident with a certificate of possession for an assault weapon may possess it only:

1. at his or her home, business place, other property he or she owns, or on someone else's property with the owner's permission;
2. at a target range (a) of a public or private club or organization organized for target shooting or (b) that holds a regulatory or business license for target shooting;
3. at a licensed shooting club;
4. while attending a firearms exhibition, display, or educational project sponsored by, conducted under the auspices of, or approved by a law enforcement agency or nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or
5. while transporting the weapon, in compliance with pertinent law, between any of the above places, or to a licensed gun dealer for servicing or repair (CGS § 53-202d(f)).

§ 27 — LARGE CAPACITY MAGAZINES (LCM)

Bifurcates the penalties for LCM possession violations based on a person's eligibility to possess firearms, making it a class D felony for those who are ineligible to possess firearms and a class A misdemeanor for those who are eligible to do so; allows defendants to enter diversionary programs

The act bifurcates the penalties for large capacity magazine (LCM) possession violations based on a person's eligibility to possess firearms. It does so by making it a class D felony for violators who are ineligible to possess firearms and a class A misdemeanor for those who are eligible (see Table on Penalties). Under prior law, regardless of a person's eligibility to possess firearms, it was a class D felony to possess an undeclared LCM, except it was an infraction with a $90 fine for a first offense if the LCM was obtained before April 5, 2013.

Under existing law, the court may suspend prosecution for violations of this law under specified circumstances. The act also authorizes the court to order any diversionary programs available to the defendant. (PA 23-203, § 3, has a substantially similar provision but includes an inadvertent cross reference for suspended prosecution procedures.)

Existing law, unchanged by the act, allows (1) certain individuals, including law enforcement, to possess, purchase, or import LCMs and (2) other individuals, such as those who have declared possession, to possess LCMs.

By law, an LCM is any firearm magazine, belt, drum, feed strip, or similar device that can hold, or can be readily restored or converted to accept, more than 10 rounds of ammunition. It excludes the following:

1. feeding devices permanently altered so that they cannot hold more than 10 rounds,
2. .22 caliber tube ammunition feeding devices,
3. tubular magazines contained in a lever-action firearm, and
4. permanently inoperable magazines.

§§ 28-32 — DISQUALIFYING OFFENSES

Expands the list of disqualifying offenses for possessing or carrying a firearm to include (1) misdemeanor convictions for offenses designated as family violence crimes and (2) those prohibited under federal law due to misdemeanor domestic violence convictions or being a fugitive of justice; makes these offenses reasons for which someone may be guilty of certain criminal firearm possession laws; increases, by one day, the two-year mandatory minimum prison sentence for criminal possession of a firearm, ammunition, or electronic weapon and makes those convicted of this crime eligible for special parole

Existing law prohibits certain individuals with disqualifying offenses from receiving credentials to possess or carry firearms. For long gun and handgun eligibility certificates and handgun permits, the act prohibits the DESPP commissioner from issuing these credentials if the person (1) has been convicted of a misdemeanor of any law designated a family violence crime or (2) is prohibited under federal law from shipping, transporting, possessing, or receiving a firearm because he or she is a fugitive from justice or has been convicted of a misdemeanor crime of domestic violence (see *Background*).

It also expands the crimes of criminal possession of a firearm, ammunition, or an electronic defense weapon and criminal possession of a handgun to include possession by such a person. The act includes family violence crimes committed on or after October 1, 2023. Under prior law, criminal possession was a class C felony with a two-year mandatory minimum prison sentence and a $5,000 minimum fine, which could not be remitted or reduced unless the court states on the record its reasons for doing so. The act increases, by one day, the two-year mandatory minimum prison sentence for criminal

possession of a firearm, ammunition, or electronic weapon. In doing so, it makes those convicted of this crime eligible for special parole, which is a closer and more rigorous form of supervision (CGS § 54-125e).

Background

Family Violence Crime. 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 (CGS § 46b-38a(3)).

Fugitive From Justice. Under federal law, a "fugitive from justice" is anyone who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding (18 U.S.C. § 921(a)(15)).

Misdemeanor Crime of Domestic Violence. Under federal law, a "misdemeanor crime of domestic violence" is an offense that (1) is a misdemeanor under federal, state, or tribal law; (2) has, as an element, the use or attempted use of physical force or the threatened use of a deadly weapon; and (3) was committed by someone with a domestic relationship with the victim (e.g., former or current spouse), with certain exceptions (18 U.S.C. § 921(a)(33)).

§§ 28-30 — ADDITIONAL EDUCATIONAL REQUIREMENTS

Specifies that firearm safety training requirements for long gun and handgun eligibility certificates and handgun permits must be completed within two years before applying; requires training courses to include instruction on state law requirements on safe firearm storage and lawfully using firearms and carrying firearms in public

Under prior law, applicants for long gun and handgun eligibility certificates and handgun permits must have successfully completed a DESPP-approved firearm safety and use course. This could include a (1) publicly available course offered by a local law enforcement agency, private or public educational institution, or firearms training school, using instructors certified by the NRA or DEEP or (2) course conducted by an NRA or state-certified instructor.

For applications for these credentials filed on or after July 1, 2024, the act instead requires applicants to complete, within two years before submitting their applications, a DESPP-approved course on firearm safety and use, which may include certified NRA courses or those offered by other organizations that are conducted by a certified NRA instructor or the state. The course must include instruction on state law's requirements for safe storage of firearms at home and in vehicles and lawful use of firearms and carrying them in public. The act specifies that anyone holding a valid handgun permit before July 1, 2024, does not have to do any additional training.

The act allows anyone who wants to provide the course for handgun permits to apply to the commissioner as he prescribes. He must approve or deny the application for the course by July 1, 2024, if the application was submitted by October 1, 2023.

§ 33 — TRIGGER LOCKS

Expands existing law's requirement that gun dealers, at the time of sale, give trigger locks and a related written warning to handgun buyers by requiring gun dealers to do so for all firearm buyers, not just handgun buyers; subjects violators to a fine of up to $500

By law, any gun dealer selling a handgun must give the purchaser a reusable trigger lock, gun lock, or appropriate gun locking device at the time of sale. The act expands this requirement to apply to all firearm sales, rather than just handguns.

As under existing law for handgun sales, under the act the gun dealer must equip all firearms with the trigger lock at the time of sale. The device must (1) be made of material strong enough to prevent it from being easily disabled and (2) have a locking mechanism accessible by a key or other electronic or mechanical accessory specific to the lock to prevent unauthorized removal. Dealers must also give the buyers a specified written warning.

Under existing law and the act, violations are punishable by up to a $500 fine.

§ 34 — PROHIBITION ON CARRYING LOADED LONG GUNS IN MOTOR VEHICLES

Expands the prohibition on carrying or possessing loaded shotguns, rifles, or muzzleloaders in motor vehicles to include all long guns

Prior law prohibited anyone from carrying or possessing a loaded shotgun, rifle, or muzzleloader in any vehicle or snowmobile. The act explicitly applies this prohibition to all long guns (i.e., firearms other than handguns).

As under existing law, this prohibition does not apply to servicemembers while on duty or travelling to or from assignments, enforcement officers, security guards, or other people employed to protect property while performing their duties. A violation is a class D misdemeanor (see Table on Penalties).
EFFECTIVE DATE: July 1, 2023

§ 35 — BODY ARMOR

Requires those buying or receiving body armor to have certain gun-related credentials; expands purchase exemptions to include judicial marshals, probation officers, federal firearms licensees, and emergency medical service organization employees

Under prior law, "body armor" was any material designed to be worn on the body and to provide bullet penetration resistance. The act instead defines it as any item designed to provide bullet penetration resistance and to be worn on or under clothing like a vest or other article of clothing.

Existing law generally requires the sale or delivery of body armor to be in person. The act also requires a person who buys or receives body armor to have a local gun dealer permit, handgun permit, eligibility certificate for handgun or long gun, or ammunition certificate. The act extends the existing penalty for criminal possession of body armor to the gun-related credential requirement, making it a class B misdemeanor if a purchaser violates either requirement (see Table on Penalties).

Existing law exempts from the in-person requirement certain law enforcement officials, among others. The act also exempts these individuals from the act's gun-related credential requirement and expands the list to include judicial marshals, probation officers, federal firearm licensees, and emergency medical service organization employees (i.e., ambulance drivers, emergency medical technicians, and paramedics).

As under existing law, it is a class A misdemeanor for anyone convicted of specific felonies or a serious juvenile offense to possess body armor (see Table on Penalties).

§§ 36-39 & 43-44 — SERIOUS FIREARM OFFENDER

Sets more stringent release conditions for serious firearm offenders; allows or requires prosecutors to petition the court for bond amounts of up to 30% depending on prior convictions; lowers the evidentiary threshold for courts to revoke a defendant's release under certain circumstances involving serious firearm offenses and requires revocation under these circumstances; requires certain bail to be forfeited when the defendant commits a serious firearm offense while on release; requires probation officers to seek arrests for certain serious firearm offenders or offenses

The act imposes different conditions for release for serious firearm arrests depending on whether the arrested person has prior convictions for certain crimes. For offenders without these prior convictions, the act generally follows the same release procedures as existing law for other offenses, while limiting those with these prior convictions to be released only by posting bond.

Serious Firearm Offenses and Offenders

Under the act, a "serious firearm offense" is any of the following:

1. illegally possessing an LCM (CGS § 53-202w, as amended by the act);
2. possessing a stolen firearm or a firearm that is altered in a way that makes it unlawful;
3. altering, removing, or defacing a firearm's identification mark, serial number, or name (CGS § 29-36);
4. manufacturing, possessing, or transferring a firearm without the unique serial number or other identification mark (CGS § 29-36a, as amended by the act);
5. knowingly, recklessly, or with criminal negligence facilitating, aiding, or abetting the manufacture of a firearm (a) by someone prohibited from purchasing or possessing a firearm or (b) that a person is otherwise prohibited from purchasing or possessing (CGS § 29-36a, as amended by the act); or
6. any crime in which an essential element is that the person discharged, used, or was armed with and threatened the use of a firearm.

A "serious firearm offender" is a person who has been convicted of a serious firearm offense twice or was convicted of serious firearm offense and was previously convicted of any of the following:

1. altering, removing, or defacing a firearm's identification mark, serial number, or name;
2. manufacturing, possessing, or transferring a firearm without an identification serial number or mark;
3. knowingly, recklessly, or with criminal negligence facilitating, aiding, or abetting the manufacture of a firearm as

described above;
4. criminally possessing a firearm, ammunition, or electronic defense weapon or handgun due to specified disqualifying offenses; or
5. committing two or more additional felony offenses.

Notification to Police

Existing law allows probation officers to notify the police if they have probable cause to believe that a person on probation has violated his or her probation conditions. The act requires the officers to notify the police if the person is a serious firearm offender or is on probation for a felony conviction and has been arrested for committing a serious firearm offense. As under existing law, this notice suffices for the police to arrest the person and return him or her into the court's custody.

Arrest Warrant

The act also requires a probation officer who has probable cause to believe that a serious firearm offender on probation has violated a probation condition to apply to any judge for a warrant to arrest the person for the probation condition or conditional discharge violation. The officer must also apply for an arrest warrant if he or she knows that a person on probation for a felony conviction has been arrested for committing a serious firearm offense. As under existing law, the warrant authorizes the officer to return the defendant into the court's custody or to any suitable detention facility.

Hearing Deadline

Under existing law, when someone is arrested for violating the conditions of probation or conditional discharge, the court generally must dispose of the charge or schedule a hearing within 120 days after arraignment unless good cause is shown. The act shortens this period to 60 days after arraignment if the defendant is a serious firearm offender or has been arrested for a serious firearm offense while on probation for a felony conviction.

Revocation of Probation or Conditional Discharge

The act requires the court to revoke the probation or conditional discharge if the violation consists of committing a serious firearm offense or the defendant is a serious firearm offender. In cases involving non-serious firearm offenses, existing law gives the court discretion to revoke, continue, modify, or extend a sentence of probation or conditional discharge if any of the conditions have been violated.

Bail

Under the act, bail release provisions must apply to any serious firearm offender arrested and charged with a crime or any felony offender arrested for a serious firearm offense. However, in applying the bail release laws, the act creates a rebuttable presumption that a serious firearm offender poses a danger to the safety of others.

Release Conditions for Persons Arrested for a Serious Firearm Offense Without Certain Prior Convictions

The act imposes different conditions for release of arrested persons charged with a serious firearm offense, depending on whether he or she has prior convictions for certain crimes. For those without these prior convictions, the act generally follows existing law's release procedures except prosecutors may petition the court to deem the person a serious risk to the safety of others. If the court grants the petition, the person may be released only upon executing a bond of at least 30%.

Conditions of Release. Under the act, when an arrested person charged with committing a serious firearm offense (other than a person with certain prior convictions (see below)) is presented before the Superior Court in bailable offenses, the court must promptly order the person's release with one of four specified conditions (i.e., written promise to appear without special conditions or with non-financial conditions or bond with or without surety in no greater amount than necessary). (This is also the case under existing law for other arrests.) For an arrestee charged with a non-serious firearm offense, existing law requires the court to consider which of the conditions of release are sufficient to reasonably assure the arrested person's appearance in court. For an arrestee charged with a serious firearm offense, the act requires the court to also consider which conditions will ensure that the person will not endanger the safety of others.

Petition. The act allows the prosecutor to (1) petition the court to deem the arrested person a serious risk to the safety

of others and (2) present any information developed by federal, state, and local law enforcement agencies during a criminal investigation or enforcement action, including social media posts, pictures, or videos threatening violence, claiming responsibility for violence, or suggesting firearm possession.

Bond Amount. If the court finds that the arrested person is a serious risk to the safety of others, the arrestee may only be released upon the execution of a bond with at least 30% of any bond amount deposited directly with the court.

Drug Testing and Treatment. As under existing law, when the court has reason to believe that the arrested person is drug-dependent, and where necessary, reasonable, and appropriate, it may order the person to submit to a urinalysis drug test and to participate in a periodic drug testing and treatment program. The result of the drug test is inadmissible in any criminal proceeding concerning the person.

Release Condition Factors. Under the act, in determining what release conditions will reasonably ensure the arrested person's appearance in court and others' safety, the court may generally consider the same factors as existing law allows for certain felony arrests. This includes the (1) number and seriousness of pending charges, (2) weight of the evidence, (3) person's history of violence, (4) person's previous convictions for similar offenses while released on bond, and (5) likelihood based on the person's expressed intentions that he or she will commit another crime while on release.

As under existing law for releases for certain felony arrests, the act requires the court, when imposing conditions of release, to state for the record any of the factors that it considered and the findings it made as to the danger, if any, that the arrested person might pose to the safety of others upon release.

Nonfinancial Condition of Release. The act allows the court to impose nonfinancial conditions of release for serious firearm offenders without certain prior convictions under the same conditions as existing law allows for other offenders. Specifically, the court must order the least restrictive condition or conditions needed to reasonably ensure the person's appearance in court and others' safety. The conditions may include supervision by a designated person or organization, travel or living accommodation restrictions, and electronic monitoring, among others.

As under existing law for release conditions for persons arrested for non-serious firearm offenses, the court (1) must state on the record its reasons for imposing any nonfinancial condition and (2) may require a person who is subject to electronic monitoring as a release condition to pay the cost of the monitoring.

Release Conditions for Persons Arrested for a Serious Firearm Offense With Certain Prior Convictions

The act sets more stringent release conditions for persons arrested for a serious firearm offense who have certain prior convictions. Defendants may only be released on bond in an amount needed to reasonably assure the person's appearance in court and others' safety.

The act also (1) requires a prosecutor to petition for the arrested person to deposit at least 30% of the bond amount directly with the court and (2) establishes a rebuttable presumption that others' safety will be endangered unless the petition is granted. As under the act's provisions for serious firearm offenders without prior convictions, the court may order the person to submit to a urinalysis drug test and participate in a drug testing and treatment program under the same circumstances and procedures described above.

These release conditions apply to those arrested for a serious firearm offense who (1) are serious firearm offenders or (2) have two or more convictions during the five-year period immediately before the current arrest for (a) illegally manufacturing, distributing, selling, prescribing, or dispensing certain illegal substances (CGS §§ 21a-277 & -278) or (b) 1st or 2nd degree larceny (CGS §§ 53a-122 & -123).

These release conditions also apply to those with (1) two prior convictions for the violations shown in the table below or (2) a prior conviction of a violation listed below and a previous conviction of carrying a handgun without a permit, carrying a firearm with intent to display, or failing to present a permit to a law enforcement officer who has reasonable suspicion of a crime (CGS § 29-35, as amended by the act).

Prior Convictions Resulting in More Stringent Release Conditions

Statute	*Offense*
CGS § 29-36	Altering, removing, or defacing firearm serial number
CGS § 29-36a, as amended by the act	Manufacturing or transferring a "ghost gun" or possessing one without declaring it or applying for serial number
CGS § 53-202	Possessing or using a machine gun or transferring one to someone under age 16
CGS § 53-202a, as	Assault weapons (definitions only)

Statute	*Offense*
amended by the act	
CGS § 53-202b	Selling or transferring an assault weapon
CGS § 53-202c	Possessing an assault weapon
CGS § 53-202w, as amended by the act	Possessing, purchasing, selling, or importing large capacity magazines
CGS § 53-202aa	Trafficking firearms
CGS § 53-206i	Manufacturing a firearm from certain plastic
CGS § 53a-54a	Murder
CGS § 53a-54b	Murder with special circumstances
CGS § 53a-54c	Felony murder
CGS § 53a-54d	Arson murder
CGS §§ 53a-55 & -56	1st and 2nd degree manslaughter
CGS §§ 53a-55a & -56a	1st and 2nd degree manslaughter with a firearm
CGS §§ 53a-59 & -60	1st and 2nd degree assault
CGS § 53a-60a	2nd degree assault with a firearm
CGS § 53a-134	1st degree robbery
CGS § 53a-212	Stealing a firearm
CGS § 53a-216	Criminal use of a firearm or electronic defense weapon
CGS § 53a-217, as amended by the act	Criminal possession of a firearm, ammunition, or electronic defense weapon
CGS § 53a-217b	Possessing a weapon on school grounds
CGS § 53a-217c, as amended by the act	Criminal possession of a handgun

Not Released. As under existing law, if an arrested person is not released, the court must order the person committed to DOC custody until he or she is released or discharged under the law.

Revocation of Release

The act (1) lowers the evidentiary threshold for courts to revoke a defendant's release if he or she is a serious firearm offender or released under the offenses listed in the table above and (2) makes the revocation mandatory upon certain findings after an evidentiary hearing.

By law with certain exceptions, the court may impose new or additional conditions on a defendant's release if it finds by clear and convincing evidence that he or she violated the release conditions. For offenses where a prison term of 10 or more years may be imposed, existing law allows the court to revoke the defendant's release if (1) it finds by clear and convincing evidence that others' safety is endangered by his or her release and (2) there is probable cause to believe he or she committed a federal, state, or local crime while on release. There is a rebuttable presumption that these defendants' release should be revoked. The act extends these provisions to defendants who are serious firearm offenders or on release for a serious firearm offense charge except as described below.

If the defendant is (1) a serious firearm offender and is on release for any offense or (2) on release for one of the offenses listed in the table above, the court must revoke the release if it finds by the preponderance of the evidence that

there is probable cause to believe that the defendant committed a serious firearm offense while on release. As under existing release revocation law, the court must first hold an evidentiary hearing where hearsay or secondary evidence is admissible.

As under existing law, the revocation of a defendant's release causes any bond posted in a criminal proceeding to be automatically terminated and the surety to be released.

Bond Forfeiture

Under the act, the bond posted in the criminal proceeding for any offense for which the defendant was on pretrial release is forfeited if the defendant (1) commits a serious firearm offense while on release and (2) is subsequently convicted of any offense for which he or she was released and for the serious firearm offense committed while on release.

§ 40 — RETURN TO CUSTODY

Requires the DOC commissioner to request that a parolee be returned to custody without a written warrant if he or she is (1) a serious firearm offender arrested while on parole for a felony offense or (2) arrested for a serious firearm offense

Under existing law, the DOC commissioner or an officer he designates, or the Board of Pardons and Paroles or its chairperson, may authorize and require a DOC officer or other officer authorized to serve process to arrest, hold, and return a parolee into custody without a written warrant. The act requires the commissioner to do this if the parolee is (1) a serious firearm offender arrested while on parole for a felony offense or (2) arrested for a serious firearm offense.

§ 41 — FIREARMS-RELATED CRIME DOCKET

Requires the chief court administrator to establish firearm-related crime dockets in certain courts

The act requires the chief court administrator, by December 31, 2023, to establish a firearm-related crime docket to serve the geographical area courts in Fairfield, Hartford, New Haven, and Waterbury. She must establish policies and procedures to implement this docket.

EFFECTIVE DATE: Upon passage

§ 42 — EMERGENCY PETITION

Authorizes a police officer or prosecutor, when aware that someone released on parole or probation is a threat to public safety, to file an emergency petition to take specified steps

The act allows any sworn peace officer of a law enforcement agency or any prosecutorial official who is aware of a parolee or person on probation who poses a serious threat to public safety to file an emergency petition with the probation or parole office's supervisory staff, as applicable, and a copy with the Chief State's Attorney's office. The emergency petition must include the risk factors pointing to the person as a serious public safety threat and may present any information developed by federal, state, and local law enforcement agencies in a criminal investigation or enforcement action. This information may include social media posts, pictures, or videos threatening violence, claiming responsibility for violence, or suggesting firearm possession.

Within 48 hours after receiving the petition, the applicable supervisory staff must seek a warrant for the probation violator or provide the reason for not doing so.

§ 45 — PENALTY FOR FAILING TO REPORT LOST OR STOLEN FIREARM OR ASSAULT WEAPON

Increases the penalty for a first offense of failing to report the loss or theft of a firearm or assault weapon from an infraction to a class A misdemeanor

Under existing law, a person who lawfully possesses an assault weapon or firearm that has been lost or stolen must report it to the relevant law enforcement agency within 72 hours after he or she discovered or should have discovered the loss or theft. The act increases the penalty for a first-time, unintentional failure to do so from an infraction with a fine of up to $90 to a class A misdemeanor (see Table on Penalties).

Under existing law, unchanged by the act, a subsequent unintentional failure is a class C felony; an intentional failure to report is a class B felony. By law, a first-time violator does not lose the right to possess a gun permit.

§ 46 — HANDGUN CARRY PERMIT

Requires the DESPP commissioner to decide on a handgun permit application when the applicant presents an affidavit that the local authority failed to expressly deny or approve a temporary state permit application within a specified period; requires the local authority or DESPP to give a detailed, written reason for denying an application

Handgun Permit Application Process

By law, handgun permits are issued under a two-part process, requiring approval from both the local authority (e.g., the police chief) and DESPP. The local official investigates applicants using a background check, among other things, and issues a temporary state permit; the State Police conducts state and national criminal history record checks on the applicants and issues a five-year state permit. Existing law requires the local authority to make its decision within eight weeks. The act requires the local authority, if denying the application, to give the applicant a detailed, written reason for doing so.

Affidavit. The act allows an applicant to submit an affidavit to the DESPP commissioner attesting that a local authority failed to expressly deny his or her application or issue a temporary state permit within eight weeks after its submission. The applicant may submit the affidavit to DESPP instead of a temporary state permit following a specified waiting period after applying to the local authority. The applicant must wait at least (1) 32 weeks for applications filed by March 30, 2024, and (2) 16 weeks for applications filed on or after April 1, 2024. The commissioner must accept the affidavit and notify the local authority immediately after receiving it.

As under existing law for applications approved by local authorities, DESPP must make its decision on the affidavit (or inform the applicant that the department is still waiting for the national criminal background check results) within eight weeks after receiving the affidavit.

Additionally, the act specifies that a local authority's failure to complete its review of the temporary permit application is not grounds for the commissioner to deny the state permit. It also requires DESPP to include details in its written state permit approval or denial.

Exception for Major Disasters and Declared Emergencies

The act creates an exception to its gun permit issuance provisions during a major disaster, presidential emergency declaration, or gubernatorial emergency declaration due to any disease epidemic, public health emergency, or natural disaster impacting a local authority. Under these circumstances, the DESPP commissioner must not accept any affidavit until 32 weeks after the application date.

§ 47 — MASS SHOOTING EVENT RESPONSE

Requires DESPP's civil preparedness plan to include a response plan for a mass shooting event; requires the DESPP commissioner to coordinate with the (1) DPH commissioner to deploy grief counselors and mental health professionals to help family members or other people closely connected to mass shooting victims and (2) chief state's attorney to report on mass shooting investigations

The act requires DESPP's civil preparedness plan to include a response plan for a mass shooting event (i.e., a shooting of four or more people within a three-mile radius within 24 hours). The response plan must include coordination between certain parties to determine, among other things, what led to the shooting. This group must report to the DESPP commissioner, who must then report to the governor and certain legislators.

The act also requires, as part of the response to a mass shooting, the DESPP commissioner to coordinate with the (1) public health commissioner to deploy grief counselors and mental health professionals to help family members or other people closely connected to the victims and (2) chief state's attorney to coordinate and report on an investigation of each mass shooting event.

EFFECTIVE DATE: Upon passage

Response Plan

By law, the DESPP commissioner must oversee the development of the state's civil preparedness plan and program (i.e., the State Response Framework), which is subject to the governor's approval. The act requires the plan and program to include a mass shooting event response plan.

The act requires the commissioner, as part of any response plan for a mass shooting, to include provisions for coordinating a meeting with DESPP; local police; community leaders, including religious leaders; and representatives from the Project Longevity Initiative (a comprehensive, community-based initiative to reduce gun violence that operates in Bridgeport, Hartford, New Haven, and Waterbury).

The meeting's purpose is to determine (1) why the mass shooting occurred and what circumstances led to it, (2) whether there were warning signs that it would occur, (3) steps the community can take to prevent further mass shootings, and (4) whether there are available resources to help the community respond to it.

The act also requires the meeting participants to report their findings to the DESPP commissioner. The commissioner must review and report the findings, and any other information he deems pertinent, to the governor, House and Senate majority and minority leaders, and Public Safety and Security Committee. The report must include any recommendations for legislative action to reduce mass shooting events.

Grief Counselors and Mental Health Professionals

The act requires the DESPP commissioner to coordinate with the public health commissioner to deploy grief counselors and mental health professionals to provide mental health services after mass shooting events for the victims' family members or other people closely associated with the victims. These counselors and professionals must be deployed to (1) local community outreach groups in and around the impacted area and (2) any school or higher education institution where any of the shooting's victims or perpetrators were enrolled.

Shooting Investigation

The act requires the DESPP commissioner to coordinate with the chief state's attorney's office to investigate each mass shooting event. The investigation must consider the following:

1. how the perpetrator acquired any firearm used in the shooting;
2. whether those firearms were acquired legally;
3. whether a large capacity magazine was used (state law generally bans the possession or sale of these magazines, which hold more than 10 rounds of ammunition); and
4. the perpetrator's and victims' backgrounds.

For each investigation, the commissioner and chief state's attorney must report (1) its summary and findings, including any determination of what caused the mass shooting, and (2) any recommendations to prevent future mass shootings. They must report to the governor, the House and Senate majority and minority leaders, the Public Safety and Security Committee, and the chief elected official and legislative body of the municipality where the shooting occurred.

§ 48 — POLICE NOTICE OF FIREARM RIGHTS AND RISK PROTECTION ORDER APPLICATION PROCESS

Requires law enforcement units to post public notices informing people about (1) various firearm-related rights, including specified information about the permit process and the right to own, possess, and carry firearms and (2) the risk protection order application process

The act requires the administrative head of each law enforcement unit to ensure that all police stations, headquarters, or barracks under its jurisdiction post certain information about firearm-related rights in a conspicuous place that is readily available for public view. Specifically, he or she must post a statement informing people about the following rights:

1. to request and get an application for a handgun carry permit;
2. to submit the application no later than one week after their request to do so;
3. to be informed in writing, within eight weeks after applying, of the decision on the application;
4. to file an appeal if the application is denied; and
5. their state and federal constitutional right to own, possess, and carry a firearm to protect their home or family as they so lawfully choose.

In the same way, he or she must post a statement informing people about the application process for a risk protection order, including the process for a family member or medical professional to apply.

Under the act, as under existing law, an "administrative head of each law enforcement unit" includes the DESPP commissioner, board of police commissioners, police chief or superintendent, or other authority in charge of a law enforcement unit (CGS § 7-291e).

PA 23-55—SB 1134
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING THE RECRUITMENT OF LAW SCHOOL STUDENTS FOR APPRENTICE PROSECUTOR POSITIONS

SUMMARY: This act authorizes the Criminal Justice Commission, within available appropriations, to interview and appoint as an "apprentice prosecutor" any student from an accredited law school who is within five months of graduation and is a certified legal intern.

Under the act, a student who the commission appoints as an apprentice prosecutor advances to the position of deputy assistant state's attorney upon admission to the Connecticut bar, which must occur within one year after graduating law school. This creates an exception to existing law by guaranteeing appointment upon bar passage (CGS § 51-278a(a)).
EFFECTIVE DATE: Upon passage

BACKGROUND

Criminal Justice Commission

The state constitution established the Criminal Justice Commission and charges it with appointing a state's attorney for each judicial district and other attorneys as prescribed by law (Ct. Const., art. IV, § 27). It consists of seven members: the chief state's attorney and six members appointed by the governor and confirmed by the General Assembly. Two appointed members must be Superior Court judges (CGS § 51-275a).

PA 23-56—sSB 3
Judiciary Committee

AN ACT CONCERNING ONLINE PRIVACY, DATA AND SAFETY PROTECTIONS

SUMMARY: This act makes various changes to laws on data privacy and related issues, including provisions on consumer health data, minors' social media accounts and online services, online dating operators, and a task force on Internet crimes against children.

The act sets standards on accessing and sharing consumer health data (§§ 1 & 2). For example, the act generally prohibits individuals or business entities from (1) selling this data without the consumer's consent or (2) using a "geofence" to create a virtual boundary near mental health or reproductive or sexual health facilities to collect consumer health data.

It also places various specific limitations on "consumer health data controllers" (i.e., people or entities that determine the purposes and means of processing consumer health data). It incorporates various provisions on consumer health data controllers into the existing law on consumer data privacy and online monitoring and makes other changes to the existing data privacy law (§§ 1 & 3-6).

The act's provisions on consumer health data and consumer health data controllers generally apply to individuals or entities that conduct business in Connecticut or produce products or services targeted to Connecticut residents. By contrast, the existing data privacy law exempts individuals or entities whose actions do not meet a specified threshold number of consumers or percentage of gross revenue from selling personal data.

The act requires social media platforms to unpublish a minor's social media account within 15 business days, and generally delete the account within 45 business days, after receiving an authenticated request (§ 7).

It also establishes a framework and sets requirements for how individuals or entities offering certain online services, products, and features manage and process personal data for minors (i.e., those under age 18) (§§ 8-13). It specifically requires them to use reasonable care to avoid having their services, products, and features cause any heightened risk of harm to a minor. It also prohibits them from (1) processing the minor's personal data without receiving the minor's or his or her parent's or guardian's consent; (2) using any system design feature to significantly increase, sustain, or extend a minor's use of the online service, product, or feature; and (3) collecting a minor's precise geolocation data.

Under the act, any violation of its consumer health data, social media, or online services provisions is a Connecticut Unfair Trade Practices Act (CUTPA) violation, enforced solely by the attorney general (§§ 6, 7 & 13). The act further specifies that none of its provisions may be construed to create a private right of action or grounds for a class action under

CUTPA. (PA 23-204, §§ 208 & 450, repeals and replaces the provisions on enforcement of the consumer health data provisions to align with that act's delayed effective date for these provisions.)

The act also:

1. requires online dating operators to adopt a policy for handling harassment reports by or between users and to maintain an online safety center to provide users with resources on safe dating (§§ 14-16) and
2. statutorily establishes the Connecticut Internet Crimes Against Children (CT ICAC) task force and requires it to use appropriated state and federal funding in a way that is consistent with its duties under federal law (§ 17).

EFFECTIVE DATE: July 1, 2023, except the online dating provisions are effective January 1, 2024, the social media provisions are effective July 1, 2024, and the minors and online services provisions are effective October 1, 2024 (PA 23-204, § 207, delays the effective date until October 1, 2023, for the provisions on consumer health data and changes to the existing data privacy and online monitoring law).

§ 1 — CONSUMER HEALTH DATA DEFINITIONS

Consumer Health Data Generally

For purposes of the act, "consumer health data" is any personal data that a controller uses to identify a consumer's physical or mental health condition or diagnosis, including gender-affirming and reproductive or sexual health data (see below).

As under the state's existing consumer data privacy and online monitoring law (see BACKGROUND), a "consumer" for these purposes is a state resident, excluding anyone acting (1) in a commercial or employment context or (2) as an employee, owner, director, officer, or contractor of a company, partnership, sole proprietorship, nonprofit, or government agency whose communications or transactions with the controller occur solely within the context of that person's role with the entity.

As under existing law, a "controller" is an individual or legal entity (e.g., associations and corporations) who, alone or jointly with others, determines the purpose and means of processing "personal data" (i.e., any information that is linked, or reasonably linkable, to an identified or identifiable individual, excluding de-identified data or publicly available information). Under the act, a "consumer health data controller" is a controller that, alone or jointly with others, determines the purpose and means of processing consumer health data.

Gender-Affirming Health Data

Under the act, "gender-affirming health data" is any personal data about a consumer's efforts to seek, or receiving of, gender-affirming health care services. "Gender-affirming health care services" is all medical care related to the treatment of gender dysphoria. (PA 23-204 expands this definition; see BACKGROUND, *Related Acts.*)

Reproductive or Sexual Health Data

Under the act, "reproductive or sexual health data" is any personal data about a consumer's effort to seek, or a consumer's receipt of, reproductive or sexual health care.

"Reproductive or sexual health care" is any health care-related service or product that concerns a consumer's reproductive system or sexual well-being, including any that concern the following:

1. an individual health condition, status, disease, diagnosis, diagnostic test, or treatment;
2. a social, psychological, behavioral, or medical intervention;
3. a surgery or procedure, including an abortion;
4. medication use or purchase, including for an abortion;
5. a bodily function, vital sign, or symptom (or measurement of any of them); or
6. an abortion, including related medical or nonmedical services, products, diagnostics, counseling, or follow-up services.

§§ 2 & 3 — CONSUMER HEALTH DATA MANAGEMENT

Subject to various exemptions (see EXEMPTIONS FROM DATA PRIVACY LAWS below), the act prohibits specific actions relating to consumer health data, as follows.

Consumer Health Data Access and Security (§ 2(a)(1)(A) & (B))

The act generally prohibits anyone from giving any employee or contractor access to consumer health data unless the employee or contractor is subject to a contractual or statutory duty of confidentiality.

It also generally prohibits anyone from giving a processor access to consumer health data unless the person and processor comply with specified existing requirements such as that (1) the processor adheres to the controller's instructions and (2) a contract between the controller and processor governs the processor's data processing procedures performed on the controller's behalf. By law, among various other elements, these contracts must require the processor to (1) ensure that each person processing personal data is subject to a duty of confidentiality regarding it and (2) at the controller's direction, delete or return all personal data to the controller as requested at the end of providing services unless the law requires that it be retained (CGS § 42-521).

As under existing law, "processors" are those who process "personal data" for a "controller" (see above).

Prohibition on Using Geofences (§ 2(a)(1)(C))

The act generally prohibits anyone from using a geofence to set a virtual boundary within 1,750 feet of any mental health facility or reproductive or sexual health facility to identify, track, collect data from, or send notifications to consumers about their consumer health data.

Under the act, a "geofence" is any technology that uses global positioning coordinates (i.e., GPS), cell tower connectivity, cellular data, radio frequency identification, wireless fidelity technology data, or any other form of location detection, or any combination of them, to establish a virtual boundary.

A "mental health facility" is any health care facility in which at least 70% of its health care services are mental health services. A "reproductive or sexual health facility" is any health care facility in which at least 70% of its health care-related services or products are for reproductive or sexual health care.

Prohibition on Selling Consumer Health Data Without Consent (§ 2(a)(1)(D))

The act generally prohibits anyone from selling, or offering to sell, consumer health data without first getting the consumer's consent.

Under existing law, "consent" is a clear affirmative act signifying the consumer's specific informed agreement to allow the processing of his or her personal data, including by written statement, which may be electronic. It does not include (1) accepting a general or broad terms of use or similar document that contains personal data processing descriptions along with other, unrelated information; (2) hovering over, muting, pausing, or closing a given piece of content; or (3) obtaining agreement using dark patterns. A "dark pattern" is a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice, and includes any practice the Federal Trade Commission refers to as a "dark pattern."

§§ 2 & 3 — EXEMPTIONS FROM DATA PRIVACY LAWS

The act's provisions on consumer health data and consumer health data controllers generally apply to all individuals or entities that (1) conduct business in Connecticut or (2) produce products or services that are targeted to Connecticut residents.

But as under the state's existing consumer data privacy and online monitoring law (see § 3), the act's provisions on consumer health data do not apply to certain entities, including the following:

1. state bodies, authorities, boards, bureaus, commissions, districts, or agencies or those of its political subdivisions;
2. higher education institutions;
3. national securities associations registered under federal law;
4. financial institutions or data subject to certain provisions of the federal Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.); and
5. covered entities or business associates, as defined in federal Health Insurance Portability and Accountability Act (HIPAA) regulations, including health plans, health care clearinghouses, and health care providers.

The act also exempts the following individuals and entities from its consumer health data provisions and the existing consumer data privacy and online monitoring law:

1. anyone who has entered into a contract with a state or local body, authority, or similar entity (see the first item in the list above) to process consumer health data on the entity's behalf;
2. tribal nation government organizations; and

3. air carriers as defined and regulated under federal law.

The existing law also exempts federally tax-exempt nonprofit organizations. The act does not extend this exemption to consumer health data.

The state's existing consumer data privacy and online monitoring law also exempts from its requirements specified information and data (e.g., protected health information under HIPAA, identifiable private information for human research, certain credit-related information, and certain information collected under specified federal laws; see CGS § 42-517(b) as amended by this act). The act exempts the same information and data from its consumer health data provisions. It also adds to the list of exemptions from the existing consumer data privacy law (and the act's consumer health data provisions) data that is processed or maintained while an individual is applying to, employed by, or contracting with a consumer health data controller.

Parental Consent Exemption (§ 3(c))

Under the existing consumer data privacy and online monitoring law, controllers and processors that comply with the verifiable parental consent requirements of the federal Children's Online Privacy Protection Act (COPPA) (15 U.S.C. § 6501 et seq.) are deemed compliant with any obligation to obtain parental consent under the law.

The act extends this exemption to consumer health data controllers that comply with COPPA's verifiable parental consent requirements.

§ 5 — PROCESSING PERSONAL DATA FOR SPECIFIED PURPOSES

The act specifically extends several existing provisions of the consumer data privacy and online monitoring law to apply to consumer health data controllers. For example, it specifies the following:

1. Nothing under the act's health data requirements (see § 2 above) or existing law should be construed to restrict a consumer health data controller's ability to comply with certain requirements or take specified other actions, such as cooperating with law enforcement under specified conditions or providing a product or service that a consumer specifically requested (§ 5(a)); see CGS § 42-524, as amended by this act).
2. The obligations that existing law and the act impose on consumer health data controllers do not restrict their ability to collect, use, or retain data for internal use for specified purposes (§ 5(b)).
3. Consumer health data controllers that disclose personal data to a processor or third-party controller under the act's or existing law's requirements are not responsible for violations by them if, at the time of disclosure, the original consumer health data controller did not have actual knowledge that the recipient would violate the act or law (§ 5(d)).
4. If a consumer health data controller processes personal data for a specified purpose through one of the specified exemptions, then that controller bears the burden of showing that the processing qualifies for an exemption and complies with the requirements for processing personal data (§ 5(g)).

§ 6 — ATTORNEY GENERAL'S POWERS

The act extends existing law's enforcement provisions to its new provisions on consumer health data controllers as follows:

1. The attorney general has exclusive authority to enforce violations.
2. There is a grace period through December 31, 2024, during which the attorney general must give violators an opportunity to cure a violation if he determines that a cure is possible.
3. Starting January 1, 2025, the attorney general has discretion over whether to provide an opportunity to correct an alleged violation.
4. The act's provisions should not be construed as providing the basis for, or be subject to, a private right of action for violations under the act or any other law.
5. Any violation of the act's requirements is a CUTPA violation and is enforced solely by the attorney general, but CUTPA's private right of action and class action provisions do not apply to the violation.

(PA 23-204, §§ 208 & 450, repeals and replaces these enforcement provisions to align with that act's delayed effective date for the consumer health data privacy provisions.)

Notice of and Opportunity to Correct Violations

From July 1, 2023, to December 31, 2024, the act, as under existing law, requires the attorney general to issue a

violation notice to a consumer health data controller if he determines a cure is possible before initiating any action for a violation of its provisions. If the controller fails to cure the violation within 60 days after receiving notice, the attorney general may bring an action. (PA 23-204, §§ 208 & 450, delays the start of this period from July 1, 2023, to October 1, 2023, for consumer health data controllers to align with that act's delayed effective date for these provisions.)

Under existing law, by February 1, 2024, the attorney general must report to the General Law Committee on specified related information.

Violations On or After January 1, 2025

As under existing law for controllers or processors, beginning on January 1, 2025, the attorney general may consider the following when determining whether to give a consumer health data controller the opportunity to cure an alleged violation:

1. the number of violations,
2. the controller's size and complexity and the nature and extent of its processing activities,
3. the substantial likelihood of injury to the public,
4. the safety of people or property, and
5. whether the alleged violation was likely caused by human or technical error.

The act additionally allows him to consider the sensitivity of the data for alleged violations by consumer health data controllers and other controllers or processors.

§§ 1 & 4 — OTHER CHANGES TO EXISTING DATA PRIVACY AND ONLINE MONITORING LAW

Specific Restrictions on Sensitive Data (§ 1)

Existing law prohibits controllers from processing sensitive data about a consumer without consent, or if the consumer is a known child (i.e., younger than age 13), if the data is not processed in accordance with COPPA (see § 4(a)(4)). Controllers must also conduct and document a data protection assessment for each of their processing activities that presents a heightened risk of harm to consumers, including the processing of sensitive data (CGS § 42-522(a)).

The act expands the definition of "sensitive data" for these purposes to cover personal data that includes consumer health data or data about someone's status as a crime victim. Under existing law, a crime victim is someone who suffers direct or threatened physical, emotional, or financial harm because of a crime and includes (1) immediate family members of a minor, incompetent individual, or homicide victim and (2) a homicide victim's designated decision maker (CGS §§ 1-1k & 1-56r).

Prohibition on Certain Actions as to Minors (§ 4)

Existing law prohibits controllers from processing a consumer's personal data for targeted advertising, or selling the data without the consumer's consent, for consumers ages 13-15. Under prior law, for the prohibition to apply, the controller had to have actual knowledge that the consumer's age was in this range and willfully disregard it. Under the act, either actual knowledge or willful disregard of the consumer's age makes a controller subject to the prohibition.

§ 7 — UNPUBLISHING MINORS' SOCIAL MEDIA ACCOUNTS

Requests to Unpublish

The act requires a social media platform that receives a request from a minor, or the minor's parent or legal guardian if the minor is under age 16, to unpublish the minor's account (i.e., remove it from public visibility) within 15 business days after receiving the request.

Under the act, a "social media platform" is a public or semi-public Internet-based service or application that:

1. is used by a Connecticut consumer;
2. is primarily intended to connect and allow users to socially interact within the service or application; and
3. enables a user to (a) construct a public or semi-public profile for signing into and using the service or application; (b) populate a public list of other users with whom the user shares a social connection within the service or application; and (c) create or post content that is viewable by other users, including on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users.

A social media platform is not a public or semi-public Internet-based service or application that:

1. exclusively provides e-mail or direct messaging services;
2. primarily consists of news, sports, entertainment, interactive video games, electronic commerce, or content preselected by the provider or for which any chat, comments, or interactive functionality is incidental to, directly related to, or dependent on providing the content; or
3. is used by and under an educational entity's direction, including a learning management system or a student engagement program.

Deletion

The act also requires a social media platform to delete the minor's social media platform account within 45 business days after receiving the request. The platform must delete the account and stop processing the minor's personal data except where preserving the account or data is otherwise permitted or required by law. A platform may extend this period by another 45 business days if the extension is reasonably necessary when considering the complexity and number of consumer requests. The platform must inform the person making the request within the initial 45 business days about the extension and reason for it.

Privacy Notice

The act requires a social media platform to establish and describe in a privacy notice, at least one secure and reliable way to submit a request to unpublish and delete an account. A platform that provides a mechanism to initiate this process is deemed in compliance with the unpublish and deletion requirements.

Inability to Authenticate

Under the act, a platform does not have to comply with a request that it cannot authenticate. But it must notify the consumer who submitted the request that it cannot authenticate the request and will not be able to do so until the consumer provides additional reasonably necessary information. Under the act, to "authenticate" is using reasonable means and making a commercially reasonable effort to determine whether a request to unpublish and delete data was made by or on behalf of the minor with the right to make the request.

Violations

Under the act, a violation of the social media account provisions is a CUTPA violation that can be enforced solely by the attorney general. CUTPA's private right of action and class action provisions do not apply to these violations.

§§ 8-13 — MINORS AND ONLINE SERVICES, PRODUCTS, AND FEATURES

The act also establishes a framework and sets requirements for how controllers who offer online services, products, and features manage, process, and get consent to use the personal data of minors (i.e., consumers under age 18). Under the act, an "online service, product, or feature" is any service, product, or feature provided online, but not any (1) telecommunications service, (2) broadband Internet access service, or (3) delivery or use of a physical product. "Controllers," "process," "consent," "personal data," and "consumers" have the same meanings as in the data privacy and online monitoring law (see above).

Avoiding Heightened Risk of Harm to Minors (§ 9(a))

The act requires a controller with minor customers to use reasonable care to avoid causing any heightened risk of harm to minors. This applies if the controller offers an online service, product, or feature to consumers for whom it has actual knowledge, or willfully disregards knowing, are minors.

Under the act, "heightened risk of harm to minors" is processing minors' personal data, including in a way that presents any reasonably foreseeable risk of any of the following:

1. unfair or deceptive treatment of, or any unlawful disparate impact on, minors;
2. financial, physical, or reputational injury to minors; or
3. physical or other intrusion on a minor's solitude, seclusion, private affairs, or concerns, if a reasonable person would be offended by the intrusion.

Consent for Collecting Minors' Precise Geolocation Data and Processing Minors' Personal Data (§ 9(b))

The act generally prohibits a controller with minor customers (see above) from taking certain actions without first getting the minor's consent or, if the minor is younger than age 13, the minor's parent or legal guardian's consent. These actions include (1) collecting the minor's precise geolocation data or processing their personal data (see below) or (2) using any system design feature to significantly increase, sustain, or extend their use of an online service, product, or feature. A controller can satisfy this requirement by complying with the verifiable parental consent requirements of the federal COPPA.

Geolocation. Specifically, the act prohibits these controllers from collecting a minor's precise geolocation data unless the (1) data is reasonably needed for the controller to provide the online service, product, or feature and, if so, the controller may only collect the data for the time needed to do that, and (2) controller gives the minor a signal indicating that it is collecting the data, with the signal being available to the minor for the entire time.

Personal Data. The act specifically prohibits these controllers from processing any minor's personal data:

1. for (a) targeted advertising, (b) personal data sales, or (c) profiling to further any fully automated decision the controller makes that produces any legal or similarly significant effect in the controller providing or denying any financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunity, health care services, or access to essential goods or services;
2. unless the processing is reasonably necessary to provide the online service, product, or feature;
3. for any processing purpose other than as disclosed at the time the controller collected the personal data or that is reasonably necessary for, and compatible with, these processing purposes; or
4. for longer than is reasonably necessary to provide the online service, product, or feature.

Other than the prohibition on collecting geolocation data, these prohibitions do not apply to any service or application used by and under the direction of an educational entity, including a learning management system or a student engagement program.

Under the act, "targeted advertising" is displaying specific advertisements to a consumer based on personal data obtained or inferred from his or her activities over time and across nonaffiliated websites or online applications to predict preferences or interests. It excludes:

1. advertisements based on activities within a controller's own websites or online applications;
2. advertisements based on the context of a consumer's current search query, website visit, or online application;
3. advertisements directed to a consumer in response to his or her request for information or feedback; or
4. processing personal data solely measuring or reporting advertising frequency, performance, or reach.

"Profiling" is any form of automated processing done on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable individual's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements (CGS § 42-515(30), as amended by this act).

"Sale of personal data" is the exchange of personal data for monetary or other valuable consideration by the controller to a "third party" (an individual or legal entity other than the consumer or controller or processor or their affiliate). It excludes the following:

1. disclosing personal data (a) to a processor that processes it on the controller's behalf, (b) to a third party for providing a product or service the consumer requested, or (c) when the consumer directs the controller to disclose the data or intentionally uses the controller to interact with a third party;
2. disclosing or transferring personal data to (a) the controller's affiliate or (b) a third party as an asset that is part of an actual or proposed merger, acquisition, bankruptcy, or other transaction where the third party assumes control of all or part of the controller's assets; and
3. disclosing personal data that the consumer (a) intentionally made available to the general public through mass media and (b) did not restrict to a specific audience (CGS § 42-515(37), as amended by this act).

Interface Prohibitions (§ 9(c))

The act also prohibits a controller with minor customers from:

1. providing any consent mechanism designed to substantially subvert or impair, or manipulated with the effect of substantially subverting or impairing, user autonomy, decision-making, or choice; or
2. offering any direct messaging apparatus for a minor to use without providing readily accessible and easy-to-use safeguards to limit an adult's ability to send unsolicited communications to minors with whom they are not connected.

These prohibitions on direct messaging apparatuses do not apply to services where the predominant or exclusive function is e-mail or direct messaging consisting of text, photos, or videos that are sent between devices by electronic means

where the messages are (1) shared between the sender and the recipient, (2) only visible to the sender and the recipient, and (3) not posted publicly.

Data Protection Assessment (§ 10)

The act requires each controller with minor customers, on or after October 1, 2024, to do a data protection assessment of its online service, product, or feature. The assessment must be done consistently with the applicable requirements under the state's consumer data privacy and online monitoring law (CGS § 42-522).

The act requires the assessment to also address:

1. the purpose of the online service, product, or feature;
2. the categories of minors' personal data that the online service, product, or feature processes;
3. the purposes for which the controller processes minors' personal data for the online service, product, or feature; and
4. any heightened risk of harm to minors that is a reasonably foreseeable result of offering the online service, product, or feature to minors.

Under the act, each controller that does a data protection assessment must (1) review the assessment as needed to account for any material change to the processing operations of the online service, product, or feature that is the subject of the assessment and (2) maintain documentation on the assessment for the longer of (a) the three-year period beginning when the processing operation ends or (b) as long as the controller offers the online service, product, or feature.

The act allows a single data protection assessment to address a comparable set of processing operations that include similar activities. And if a controller conducts an assessment to comply with another law or regulation, that assessment satisfies the act's assessment requirement if it is reasonably similar in scope and effect.

Additionally, for controllers with assessments that show their online service, product, or feature poses a heightened risk to minors, the act requires them to make and implement a plan to mitigate or eliminate the risk.

Under the act, data protection assessments are confidential and exempt from disclosure under the Freedom of Information Act. If any information in an assessment is disclosed to the attorney general and subject to the attorney-client privilege or work product protection, the disclosure does not constitute a waiver of the privilege or protection.

Processors' Duties and Contracts With Controllers (§ 11)

The act requires processors to adhere to the controller's instructions and help them meet their obligations under the act's online services provisions, considering (1) the nature of the processing, (2) the information available to the processor by appropriate technical and organizational measures, and (3) whether the assistance is reasonably practicable and needed to help the controller meet its obligations. Processors must also provide the needed information for controllers to do data protection assessments.

Contract. The act applies the same contract requirements that apply under the consumer data privacy and online monitoring law to processors and controllers subject to the act's provisions on minors and online services. Thus, the act requires contracts to govern the processor's data processing procedures for processing done on the controller's behalf. The contract must be binding and have clear instructions for processing data, the processing's nature, purpose, and duration, and both parties' rights and obligations.

The contract must also require the processor to do the following:

1. ensure that each person processing personal data is subject to a duty of confidentiality regarding the data;
2. at the controller's direction, delete or return all personal data to the controller as requested at the end of providing services unless the law requires that it be kept;
3. upon the controller's reasonable request, make available to the controller all information in its possession needed to show the processor's compliance with the obligations under the data privacy and online monitoring law;
4. after giving the controller an opportunity to object, engage any subcontractor under a written contract that requires the subcontractor to meet the processor's obligations on personal data; and
5. either (a) allow, and cooperate with, the controller or the controller's designated assessor to make reasonable assessments or (b) arrange for a qualified and independent assessor to do so, as described below.

As under the data privacy and online monitoring law, the act requires an independent assessor to evaluate the processor's policies and technical and organizational measures regarding the act's requirements, using an appropriate and accepted control standard or framework and assessment procedure for these assessments. The processor must give a report of the assessment to the controller on request. These requirements must not be construed as relieving a controller or a processor from liability based on its role in the processing relationship.

Fact-Based Determination for Controller or Processor. Under the act, determining whether a person is acting as a controller or processor for a specific data process is a fact-based determination that depends on the context in which the data is processed. A person that is not limited in processing personal data under a controller's instructions, or that fails to adhere to these instructions, is a controller and not a processor for that specific data processing. A processor that continues to adhere to a controller's instructions for a specific data processing remains a processor. If a processor begins, alone or with others, determining the purposes and means of the personal data processing, the processor is a controller for that processing and may be subject to the act's enforcement actions.

Exemptions and Construction of Controllers' and Processors' Duties (§ 12)

Exemptions. Substantially similar to the state's existing consumer data privacy and online monitoring law, the act exempts from the above requirements certain entities, information, and data (see CGS § 42-517, as amended by the act, and see § 3 above, except the act's provisions on minors and online services do not exempt those who contract with state and local governmental entities or certain consumer health-related data).

Ability to Comply With Certain Requirements or Take Specified Other Actions. Substantially similar to the consumer data privacy and online monitoring law, the act's online services provisions should not be construed to restrict a controller's ability to take certain actions (see CGS § 42-524, as amended by the act, and § 5(a) above, except for certain provisions related to consumer-selected services or consumer contracts; see § 5(a)(5)-(7)).

As under the consumer data privacy and online monitoring law, as amended by the act, the act also specifies that the obligations it imposes on controllers and processors do not:

1. restrict their ability to collect, use, or retain data for internal use (see § 5(b)) and
2. apply if doing so would make them violate state evidentiary privilege (see § 5(c)).

The act also specifies that the obligations it imposes on controllers do not adversely affect the rights and freedoms of any person, including his or her rights to free speech or freedom of the press guaranteed under the First Amendment of the U.S. Constitution or the state law protecting disclosure of information by news media (see § 5(e)).

Finally, as under the consumer data privacy and online monitoring law, the act limits controllers' processing of personal data (e.g., it must be limited to what is needed for the specific listed purpose) and places the burden on the controller to show that the processing qualifies for an exemption and is compliant (see § 5(f) & (g)).

Violations (§§ 9 & 13)

From October 1, 2024, to December 31, 2025, the act allows the attorney general, before initiating an enforcement action for a violation of the act's online services provisions, to issue, on a form he prescribes, a written notice of violation giving the controller or processor an opportunity to cure the violation.

Within 30 days after getting this notice, the controller or processor may send notice to the attorney general, on a form he prescribes, stating that it has (1) determined that the controller or processor did not commit the alleged violation or (2) cured the violation and taken sufficient measures to prevent further violations. If the attorney general receives a responding notice and determines that the controller or processor did not commit the alleged violation or has cured it and taken measures to prevent further violations, then the controller or processor will not be liable for any CUTPA civil penalties.

Under the act, by February 1, 2026, the attorney general must submit a report to the General Law Committee disclosing (1) the number of notices of violations he issued, (2) the number of violations cured within the 30-day period, and (3) any other matters he deems relevant.

Beginning on January 1, 2026, in determining whether to give a controller or processor the opportunity to cure an alleged violation, the attorney general may consider:

1. the number of violations,
2. the controller's or processor's size and complexity and the nature and extent of their processing activities,
3. the substantial likelihood of injury to the public,
4. the safety of individuals or property,
5. whether the alleged violation was likely caused by human or technical error, and
6. the data's sensitivity.

For any enforcement action the attorney general brings, the act creates a rebuttable presumption that a controller used reasonable care if it complied with the act's provisions on data protection assessments.

§§ 14-16 — ONLINE DATING OPERATORS

Required Policies and Online Safety Center

The act requires each online dating operator that offers services to Connecticut users to (1) adopt a policy for the platform's handling of harassment reports by or between users and (2) maintain an online safety center that is reasonably designed to provide users with resources on safe dating. Each online safety center must provide:

1. an explanation of the online dating operator's reporting mechanism for harmful or unwanted behavior,
2. safety advice for communicating online and meeting in person,
3. a link to a website or telephone number where a user may access resources on domestic violence and sexual harassment, and
4. educational information on romance scams.

Under the act, an "online dating operator" is anyone who operates a software application designed to facilitate online dating. An "online dating platform" is a digital service designed to allow users to interact through the Internet to initiate relationships with other individuals for romance, sex, or marriage (i.e., "online dating").

Investigations and Penalties for Violations

The act extends existing penalties and investigatory authority for online dating service notification violations to the act's online dating provisions.

In doing so, the act allows the Department of Consumer Protection to issue fines of up to $25,000 per violation, accept an offer in compromise, or take other actions allowed under law or regulations.

It also allows the commissioner or his designee to (1) conduct investigations and hold hearings on any issue related to these provisions and (2) issue subpoenas, administer oaths, compel testimony, and order the production of books, records, and documents.

Under the act, if anyone refuses to appear, testify, or produce any book, record, or document when ordered to, then the commissioner or his designee may apply to Superior Court for an appropriate enforcement order. Additionally, the act authorizes the attorney general, at the commissioner's or his designee's request, to apply to Superior Court in the name of the state for an order to restrain and enjoin anyone from violating these provisions.

§ 17 — CT ICAC TASK FORCE

The act statutorily establishes the Connecticut Internet Crimes Against Children (CT ICAC) task force within the Department of Emergency Services and Public Protection's (DESPP) Division of Scientific Services and requires it to use appropriated money in a way consistent with specific duties in federal law (i.e., 34 U.S.C. § 21114).

The federal law requires each state or local task force that is part of the national program to:

1. consist of state and local investigators, prosecutors, forensic specialists, and education specialists dedicated to addressing the task force goals;
2. work consistently toward achieving ICAC purposes;
3. engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;
4. provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;
5. develop multijurisdictional, multiagency responses and partnerships to investigate and prosecute Internet crimes against children offenses through ongoing informational, administrative, and technological support to other state and local law enforcement agencies, for these agencies to acquire the necessary knowledge, personnel, and specialized equipment;
6. participate in nationally coordinated investigations in any case in which the U.S. attorney general determines participation to be needed, as allowed by the task force's available resources;
7. set or adopt investigative and prosecution standards, consistent with established norms, to which the task force must comply;
8. investigate and seek prosecution on tips related to Internet crimes against children, including tips from Operation Fairplay; the National Internet Crimes Against Children Data System; the National Center for Missing and Exploited Children's CyberTipline; ICAC task forces; and other federal, state, and local agencies; with priority given to investigative leads that indicate the possibility of identifying or rescuing child victims, including those that indicate a likelihood of seriousness of offense or danger to the community;

9. develop procedures for handling seized evidence;
10. maintain (a) the required reports and records under the federal law and (b) other reports and records as the U.S. attorney general determines; and
11. seek to comply with national standards on the investigation and prosecution of Internet crimes against children that the U.S. attorney general sets, to the extent they are consistent with Connecticut law.

(Among other things, PA 23-204, §§ 326 & 327, for FYs 25 and 26, requires DESPP to establish an investigative unit within the CT ICAC task force to conduct sting operations relating to the online sexual abuse of minors.)

BACKGROUND

Consumer Data Privacy and Online Monitoring Law

Beginning July 1, 2023, the consumer data privacy and online monitoring law sets a framework for controlling and processing personal data. The framework requires a controller to limit personal data collection and establish security practices, among other things. It also gives consumers the right to access, correct, delete, and get a copy of their personal data and to opt out of certain types of personal data processing (e.g., targeted advertising) (CGS § 42-515 et seq.).

Related Acts

PA 23-98, § 6, contains an identical provision prohibiting a controller that has actual knowledge or willfully disregards the consumer's age from processing the consumer's data for targeted advertising without the consumer's consent.

PA 23-204, § 307, (1) expands the definition of "gender-affirming health care services" used in this act to include gender incongruence and (2) specifies that, for purposes of this definition, gender dysphoria is based on the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders."

PA 23-83—HB 6570
Judiciary Committee

AN ACT CONCERNING DAMAGES TO PERSON OR PROPERTY CAUSED BY THE NEGLIGENT OPERATION OF A MOTOR VEHICLE OWNED BY A POLITICAL SUBDIVISION OF THE STATE

SUMMARY: Under existing law, political subdivisions of the state (e.g., municipalities) are generally liable for damages to a person or property caused by, among other things, their negligence or the negligence of their employees, officers, or agents acting within the scope of their employment or official duties. However, they are not liable for damages caused by negligent acts or omissions requiring the exercise of judgment or discretion as an official function of authority granted by law (i.e., discretionary actions). So, political subdivisions are immune from civil liability for damages caused by discretionary actions.

Regardless of this exception for discretionary actions, this act eliminates the governmental immunity defense in a civil action for damages to a person or property caused by any negligent operation of a motor vehicle owned by a political subdivision. (Presumably, this change applies only to motor vehicles operated by an employee, officer, or agent of the political subdivision that owns it.) The act also specifies that eliminating this governmental immunity must not be construed as limiting or expanding the rights, duties, and exemptions given to an emergency vehicle operator under existing law. By law, among other things, emergency vehicle operators may park or stand the vehicle, proceed through red lights, and exceed speed limits under certain conditions (CGS § 14-283).

EFFECTIVE DATE: Upon passage

PA 23-87—HB 6873
Judiciary Committee

AN ACT REQUIRING THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL TO DEVELOP AND PROMULGATE A MODEL POLICY REQUIRING THE USE OF A SEAT SAFETY BELT FOR ANY PERSON WHO IS BEING TRANSPORTED IN A MUNICIPAL POLICE VEHICLE

SUMMARY: This act requires the Police Officer Standards and Training Council (POST), by December 31, 2023, to develop and promulgate (1) a model policy with guidelines on required seat belt use in municipal police vehicles and (2) standardized procedures for municipal police officers to use to ensure that anyone being transported in their vehicles is secured by a seat belt. By April 1, 2024, each municipal law enforcement unit must adopt and maintain a written policy that meets or exceeds these model policy standards.

Under the act, starting on April 1, 2024, if a municipal law enforcement unit's chief law enforcement officer finds, through existing POST-developed procedures, that an officer's actions violate the adopted seat belt policy and the violation undermines public confidence in the law enforcement unit, then the chief law enforcement officer must report the violation to POST, which must then conduct a de novo review (a new, independent review) of the matter.

Whenever POST believes there is a reasonable basis for suspending, canceling, or revoking an officer's certification because of the reported violation, the act requires it to give the officer notice and an adequate opportunity for a hearing before he or she is disciplined. The hearing must be done following the Uniform Administrative Procedure Act. If POST finds by clear and convincing evidence that a violation of the act has occurred, it may suspend, revoke, or cancel the officer's certificate.

EFFECTIVE DATE: July 1, 2023

PA 23-88—sHB 6875
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING THE ISSUANCE OF AN IDENTITY CARD OR MOTOR VEHICLE OPERATOR'S LICENSE TO A PERSON BEING DISCHARGED FROM A CORRECTIONAL FACILITY

SUMMARY: This act generally requires the Department of Correction (DOC) and Department of Motor Vehicles (DMV) commissioners to ensure that eligible incarcerated individuals with sentences of at least one year have a state identity card or driver's license when they are released from a correctional facility.

Under prior law, the commissioners had to ensure an incarcerated individual had a card or license if he or she requested and qualified for one and paid any associated fee. The act instead requires the commissioners to do so unless the person (1) indicates in writing, on a DOC commissioner-prescribed form, that he or she does not want a card or license or (2) is otherwise ineligible for one, including due to suspension, revocation, or cancellation of motor vehicle operating privileges in Connecticut or another state. It also (1) eliminates the requirement that the commissioners meet these requirements only within available appropriations and (2) imposes deadlines by which the commissioners must start helping incarcerated individuals get necessary documentation.

The act's card and license requirements apply to those who are released or discharged from a correctional facility after serving any part of a prison term for a criminal conviction, rather than just those released, as under prior law.

The act requires the DMV commissioner to conduct a feasibility examination on expanding the allowable forms of identification an incarcerated individual may use to obtain an identification card and driver's license. It also requires the DOC commissioner to annually report to the Judiciary Committee on certain statistics, issues, and recommendations on giving these cards and licenses to incarcerated individuals.

EFFECTIVE DATE: April 1, 2024

STATE IDENTITY CARD AND DRIVER'S LICENSE

When a person is taken into DOC custody, the act requires the DOC commissioner, in consultation and collaboration with the DMV commissioner, to determine whether the person has a current state identity card or driver's license and, if so, the date it expires.

For any individual sentenced to a term of imprisonment who wants an initial state identity card, to renew a driver's license or card, or obtain a duplicate of a lost card or license, the DOC commissioner, in consultation and collaboration

with the DMV commissioner, must:

1. at least 24 months before the person's discharge date, determine the documentation needed for the card or license and help the person to quickly get this documentation by providing access to any forms, fees and fee waivers (within available appropriations), notary services, and mailing-related needs and
2. at least 13 months before the person's discharge date, similarly enable him or her to quickly get any more required documentation or photographs by providing the same access as listed above and a way to get required photographs.

The DOC commissioner must also begin the process within the same timeframes above based on a person's earliest parole eligibility date. For those whose sentences are reduced to a discharge date within these timeframes (24 months and 13 months) or who are otherwise scheduled to be released within those timeframes, the commissioner must immediately begin the process.

Under the act, when a person who requested assistance getting a card or license is released from a correctional facility, DOC must give the person his or her card or license unless he or she was ineligible to receive one.

FEASIBILITY EXAMINATION

The act requires the DMV commissioner, by January 1, 2025, to examine whether any feasible modifications can be made to expand the allowable forms of identification that incarcerated individuals may use to obtain a driver's license or identity card. The commissioner must implement any modifications he determines are feasible.

ANNUAL REPORT

By January 1, 2025, the DOC commissioner, in collaboration with the DMV commissioner, must begin annually reporting to the Judiciary Committee on:

1. the total number of formerly incarcerated individuals who were issued original, renewal, or duplicate state identity cards and renewal or duplicate driver's licenses, separated by card and license type;
2. the total number of cards and licenses issued to individuals in each individual correctional facility;
3. the total number of incarcerated individuals who were unable to be issued an identity card or driver's license, disaggregated to the extent possible by reason for non-issuance; and
4. any issues the commissioners encountered in implementing the act and feasibility examination, any recommendations for resolving them, and any legislative recommendations for improvement.

PA 23-89—sHB 6877
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING RISK PROTECTION ORDERS OR WARRANTS AND DISQUALIFIERS FOR FIREARM PERMITS AND ELIGIBILITY CERTIFICATES BASED ON TEMPORARY COMMITMENT UNDER A PHYSICIAN'S EMERGENCY CERTIFICATION

SUMMARY: Existing law allows the police or a state's attorney or assistant state's attorney, under limited circumstances, to apply to court for a risk protection order (RPO) prohibiting someone at imminent risk of injuring themselves or someone else from obtaining or possessing firearms, other deadly weapons, or ammunition. As part of this process, the court may also issue a risk warrant for the police to seize these items if the person possesses them (see BACKGROUND).

This act makes various changes to this process, such as the following:

1. allowing a single police officer to apply for an RPO that does not include a risk warrant, instead of requiring two officers to apply as under prior law;
2. requiring the order and warrant, if applicable, to be served at least three days before the required hearing (prior law did not set a specific deadline); and
3. limiting the existing process to adults and creating a new, separate risk warrant process for children (under age 18) who possess firearms or other deadly weapons and pose an imminent risk of injuring other people that, like the existing process, starts with an investigation on the police or prosecutor's initiative or a court-ordered investigation requested by family or household members or medical professionals.

Additionally, the act bars people from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if, on or after October 1, 2023, they were committed to a psychiatric hospital under a physician's emergency certificate (PEC, see BACKGROUND) within the prior six months for psychiatric treatment and not just for

alcohol or drug abuse. 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 were committed to a hospital within the prior six months under a PEC as specified above.

The act makes conforming changes related to psychiatric commitments under PECs and the responsibilities of psychiatric hospitals, the Department of Emergency Services and Public Protection (DESPP), and the Department of Mental Health and Addiction Services (DMHAS).

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except that conforming changes to certain responsibilities for the chief court administrator's office related to the new risk warrant process for minors (§ 3) are effective June 1, 2023, and provisions on PECs (§§ 4-11) are effective October 1, 2023.

§ 1 — RPO AND RISK WARRANT PROCESS FOR ADULTS

The act limits the existing RPO and risk warrant process to adults and creates a separate risk warrant process for minors (see § 2 below).

It allows a single police officer to apply for an RPO that does not include a risk warrant, rather than requiring two as under prior law. It continues to require multiple police officers if the application is for a risk warrant. As under existing law, a state's attorney or assistant state's attorney may also apply for an RPO and risk warrant.

The act specifies that a police officer, state's attorney, or assistant state's attorney is not required to pursue an RPO, but may do so, if he or she has a good faith belief that the person posing the risk is already (1) prohibited from acquiring or possessing firearms or (2) the subject of an existing or pending RPO. The act removes a provision that previously required the judge, if the law's standards were met, to issue an RPO regardless of whether the person was already ineligible to possess firearms.

Prior law required that the applicant for an RPO, and risk warrant if applicable, complete an affidavit sworn to before the judge. The act continues to require a sworn affidavit, but only requires the applicant to physically appear before the judge for a risk warrant.

Under the act, a copy of the RPO and warrant, if applicable, and related information (about the hearing and right to an attorney) must be served upon the person no later than three days before the required hearing. Prior law required these documents to be provided within a reasonable time but did not set a specific deadline.

The act also changes the deadline for the mandatory hearing. It requires the hearing to be held within 14 days after the court issued the RPO and warrant, if applicable. Prior law required the hearing within 14 days after the person was served or warrant was executed.

§§ 2 & 3 — RISK WARRANT PROCESS FOR CHILDREN

The act creates a separate risk warrant process for children (i.e., anyone under age 18) who (1) pose an imminent risk of injuring other people and (2) possess firearms or other deadly weapons.

In several respects, the act's new process is similar to the existing process. For example, both provide two avenues to begin the process: (1) the police or a prosecutor applies to court after their investigation or (2) a family or household member or qualifying medical professional applies to court to begin a police investigation. Generally, both processes set similar standards and factors in the judge's determination on whether to grant the warrant or investigation order.

There are also several differences. For example, the new process covers risk warrants to seize firearms, other deadly weapons, or ammunition, but it does not include risk protection orders to prevent children from acquiring or possessing these items (other laws restrict firearm sales to minors). For another example, unlike the existing process, the new process only applies if the child poses a risk to other people.

The act's new process is summarized below.

Process for Police or Prosecutor to Seek Risk Warrant (§ 2(a))

Under the act, any two police officers or an assistant state's attorney, upon complaint under oath, may seek a warrant from a Superior Court judge if they have probable cause to believe that a child (1) poses a risk of imminent injury to other people and (2) possesses at least one firearm or other deadly weapon located in or on any place, thing, or person. Before seeking the warrant, the applicants must have conducted an independent investigation and determined that there is probable cause and no reasonable alternative to prevent the child from causing imminent personal injury to other people with the firearm or deadly weapon.

Process for Family or Household Members or Medical Professionals to Seek Investigation Order (§ 2(b)(1))

The act also allows certain family or household members or medical professionals to apply to juvenile court for a warrant if they have a good faith belief that a child (1) poses a risk of imminent injury to another person and (2) possesses at least one firearm or other deadly weapon located in or on any place, thing, or person. These provisions apply to the same family or household members and medical professionals as under existing law for RPO investigations (see BACKGROUND).

The application and accompanying affidavit must be made under oath and indicate the (1) factual basis for the applicant's belief that the child poses this imminent risk and possesses a firearm or deadly weapon and (2) location of the firearms, weapons, or ammunition, if known.

Court Order and Notice to Police (§ 2(b)(2)). Under the act, after receiving the application and affidavit, if the court finds there is a good faith belief that the child poses this imminent risk and possesses at least one firearm or deadly weapon, it must order a risk warrant investigation to determine if the child poses that risk and has these weapons.

Upon issuing the order, the court must immediately notify the law enforcement agency for the town where the child lives and send the order, application, and affidavit to that agency.

Police Investigation (§ 2(b)(3)). Under the act, after receiving this order, the law enforcement agency must immediately investigate whether the child (1) poses a risk of imminently injuring someone else and (2) possesses a firearm or deadly weapon. If the agency determines that there is probable cause to believe that is the case, it must apply to court for a risk warrant. The agency must do so within 24 hours after receiving the investigation order or, if it needs more time to complete the investigation, as soon as practicable.

If the law enforcement agency determines that there is no probable cause, it must notify the court and the applicant in writing. It must do so within 48 hours after receiving the investigation order, if practicable, or if it needs more time to complete the investigation, as soon as practicable.

Judge's Determination and Issuance of Warrant (§ 2(a) & (c))

The act establishes the same process for the judge to issue the warrant, whether the applicants are (1) police officers or an assistant state's attorney applying after their investigation or (2) police officers applying after a court-ordered investigation following a request by family or household members or medical professionals.

The act allows a judge to issue a risk warrant only upon an affidavit, sworn to by the applicant physically before the judge, establishing the grounds for the warrant. The affidavit is part of the juvenile court file. The act specifies that the file is considered a record of juvenile matters with the same confidentiality protections that apply to juvenile delinquency matters.

Under the act, in determining whether there is probable cause for the warrant, the judge must consider the child's recent (1) threats or violent acts toward other people and (2) acts of animal cruelty. In evaluating whether these threats or acts constitute probable cause to believe the child poses an imminent risk, the judge may consider other things, including whether the child (1) recklessly used, displayed, or brandished a firearm or other deadly weapon; (2) has a history of using, attempting, or threatening to use physical force against other people; (3) was ever involuntarily confined to a psychiatric hospital; or (4) abused alcohol or illegally used controlled substances.

If the judge is satisfied that the standards have been met, the judge must issue a risk warrant, directed to a police officer, (1) naming or describing the child, (2) stating the grounds or probable cause, and (3) describing the place or thing to be searched. The warrant must direct the officer to search for the named child, place, or thing, within a reasonable time, for any firearm, other deadly weapons, or ammunition and take these items into custody.

Under the act, at least three days before the required hearing (see below), a copy of the warrant must be served on the child and the parent or guardian named in the warrant, along with a notice informing them that the child has the right to a hearing and to be represented by counsel at the hearing. Counsel must be appointed on the child's behalf for the juvenile court proceedings if the child and his or her parent or guardian cannot afford counsel and they are found to be indigent and eligible for counsel under the public defender laws.

Police Duties After Warrant is Issued; Nondisclosure by Court Clerk (§ 2(d))

The act requires the warrant to be executed and returned with reasonable promptness consistent with due process and accompanied by a written inventory of all seized firearms, deadly weapons, and ammunition.

The police agency that executed the warrant must file a copy of the application and all supporting affidavits with the appropriate juvenile court clerk and assistant state's attorney office by the next business day after the warrant was executed. The court clerk cannot disclose any information about the application or related affidavits.

Mandatory Hearing (§ 2(e) & (f))

Under the act, within 14 days after the risk warrant's issuance, the juvenile court serving the town where the child lives must hold a hearing to determine if the state should continue to hold the weapons or ammunition or return them to their rightful owner. During the hearing, the judge may exclude from the room anyone whose presence is unnecessary, in the judge's opinion.

At the hearing, the state must prove all material facts by clear and convincing evidence. After the hearing, if the court finds that the child poses an imminent risk of injuring someone else, it may order the state to continue holding the items until a further court order. If the court finds that the state failed to prove this, it must order the items to be returned to their rightful owner as soon as practicable, so long as that person is legally eligible to possess them.

Educational Materials (§ 3)

Existing law requires the chief court administrator's office to develop and make available (1) public educational materials on the RPO and risk warrant processes; (2) forms (in hard copy and online) for family or household members or medical professionals to apply for an RPO investigation; and (3) a one-page, plain language explanation of how to apply. The act makes conforming changes by also requiring these materials and other documents for the act's new risk warrant process for children.

§§ 4-11 — PHYSICIAN EMERGENCY CERTIFICATES

The act prohibits people from obtaining a handgun carry permit, handgun eligibility certificate, or long gun eligibility certificate if, on or after October 1, 2023, they were committed to a psychiatric hospital under a PEC within the prior six months for psychiatric treatment and not just for alcohol or drug abuse.

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, or on after October 1, 2023, they were committed within the prior six months under a PEC as specified above. By law, these crimes are class C felonies (see Table on Penalties) with a mandatory minimum two-year sentence (see BACKGROUND, *Related Act*), 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 gun credentials listed above, and the criminal possession penalties, already apply to, among others, people who were voluntarily admitted to a psychiatric hospital within the prior six months for the reasons noted above (except the criminal penalties do not apply to police officers under certain circumstances). These provisions also already apply to people who were confined in a psychiatric hospital within the last 60 months by a probate court order (or for the criminal penalties, the previous 12 months in some cases).

The act makes conforming changes to the responsibilities of psychiatric hospitals, DESPP, and DMHAS relating to psychiatric commitments under PECs. As is already the case for certain other psychiatric commitments or admissions under existing law:

1. psychiatric hospitals must notify DMHAS about these commitments;
2. DMHAS must maintain information on these commitments and give it to the DESPP commissioner so that he may carry out his obligations on gun credentials (DESPP must otherwise keep the information confidential);
3. the DESPP commissioner must verify from DMHAS that a person applying for or renewing a gun credential was not subject to such a commitment; and
4. if the DESPP commissioner determines that an applicant was subject to such a commitment, he must report the status of the person's application to DMHAS.

BACKGROUND

RPO and Risk Warrant Process

Existing law establishes two ways to begin the RPO and risk warrant process. The first is initiated by the police (or a state's attorney or assistant state's attorney) following their investigation, who then apply to court for the RPO and, when applicable, a risk warrant. The second is initiated by qualifying family or household members or medical professionals applying to court for an RPO investigation. If the order is granted and the police subsequently determine there is probable cause to believe that the person poses an imminent risk, the police apply to court for an RPO and, when applicable, a risk warrant.

In either case, if the judge issues the order and warrant, the police seize the person's firearms, deadly weapons, and

ammunition, and hold the items until the required court hearing. After the hearing, if the court finds that the state failed to prove that the person poses an imminent risk, it terminates the order and warrant and orders the items' return (so long as the person is otherwise legally able to possess them). If the court finds that the person poses this risk, it may order that the RPO stay in effect and that the state continue to hold the items. The person must wait at least 180 days before petitioning the court for another hearing (CGS § 29-38c).

Family or Household Members or Medical Professionals

Under existing law for RPO investigations, 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 living 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.

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 (CGS § 29-38c(j)).

Psychiatric Commitment Under a Physician's Emergency Certificate

By law, a person may be confined for up to 15 days without a court order pursuant to a PEC. The physician must have concluded, based on a personal examination, that the person (1) has psychiatric disabilities and is a danger to himself or herself or others or gravely disabled and (2) needs immediate care and treatment in a hospital for psychiatric disabilities.

If a written application for commitment has been filed in probate court before the end of the 15-day period, the emergency commitment may be continued for an additional 15 days or until the probate proceedings conclude, whichever is sooner.

Anyone held under these provisions has the right to a hearing within 72 hours after requesting one in writing, excluding weekends and holidays (CGS § 17a-502).

Related Act

PA 23-53, § 31, increases by one day, the two-year mandatory minimum prison sentence for criminal possession of a firearm, ammunition, or electronic defense weapon and in doing so, makes individuals convicted of this crime eligible for special parole, which is a closer and more rigorous form of supervision (the act does not make the same change for the separate crime of criminal possession of a handgun).

PA 23-106—sSB 5
Judiciary Committee
Appropriations Committee

AN ACT STRENGTHENING THE PROTECTIONS AGAINST AND RESPONSE TO DOMESTIC VIOLENCE

SUMMARY: This act makes changes in laws on family violence victim protection (see BACKGROUND) and related matters.

The act expands the Judicial Department's electronic monitoring pilot program for family violence offenders by removing its pilot status and requiring the department to establish the program in each judicial district by October 1, 2025. Prior law allowed the department, within available appropriations, to establish the pilot program in three judicial districts. (The pilot program has operated since 2010 in the Bridgeport, Danielson, and Hartford judicial districts.) The act also makes related technical changes.

Regarding alimony awards, the act prohibits courts from ordering an injured spouse to make temporary or permanent alimony payments to a spouse convicted of certain crimes after the marriage date.

Lastly, the act requires the organization administering the legal assistance program for indigent restraining order applicants, by December 1, 2023, to submit a report to the Judiciary Committee on the potential statewide expansion of the program. Existing law limits the program to the Fairfield, Hartford, New Haven, Stamford-Norwalk, and Waterbury judicial

districts.
EFFECTIVE DATE: July 1, 2023, except the provisions related to alimony orders are effective October 1, 2023.

ELECTRONIC MONITORING PROGRAM

Under the program, unchanged by the act, the court can order electronic monitoring for anyone charged with violating a restraining or protective order and who has been determined to be a high-risk offender by the family violence intervention unit if the court finds it necessary to protect the victim.

The monitoring is designed to warn law enforcement agencies, a statewide information collection center, and the victim when the person is within a specified distance of the victim.

The act eliminates the requirement that the person who is subject to the monitoring pay the cost for it.

LEGAL ASSISTANCE GRANT PROGRAM

A law established a grant program in 2021 to give free legal assistance to indigent people applying for temporary restraining orders. The organization that administers the interest on lawyers' trust accounts (IOLTA) program also administers this program.

By December 1, 2023, the act requires IOLTA to submit a report to the Judiciary Committee on the potential statewide expansion of the program. The report must include the following information:

1. whether there are or could be enough grant recipients to administer the program in each applicable courthouse in the state;
2. which, if any, courthouse is not feasible for expansion of the program; and
3. the funding level needed for this expansion.

ALIMONY ORDERS

The act prohibits the court from ordering an injured spouse to make temporary or permanent alimony payments to a spouse convicted of any of the following crimes after the marriage date:

1. criminal attempt or conspiracy to commit murder, murder with special circumstances, felony murder, or arson murder of the other spouse;
2. 1st degree sexual assault and 1st degree aggravated sexual assault of the other spouse;
3. a class A or B felony offense of 2nd degree sexual assault or 3rd degree sexual assault with a firearm of the other spouse;
4. a class A or B felony family violence crime (see BACKGROUND); or
5. any crime in another state with essential elements that are substantially the same as the crimes listed above.

The act prohibits the court from ordering the injured spouse to pay the attorney's fees of the spouse convicted of any of the crimes listed above.

Under the act, an "injured spouse" is the spouse who was the victim of one of the crimes listed above, regardless of whether physical injury occurred in the commission of the crime.

BACKGROUND

Family Violence

By law, "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)).

Family Violence Crime

By law, "family violence crime" means 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. "Family violence crime" does not include acts by parents or guardians disciplining minor children unless these acts constitute abuse (CGS § 46b-38a(3)).

Related Act

PA 23-136, § 4 (effective October 1, 2023), requires the court, upon the motion of an injured spouse, to terminate any orders it entered requiring the injured spouse to make alimony payments if the recipient-spouse is subsequently convicted of any of the crimes listed above against the injured spouse.

PA 23-107—SB 925
Judiciary Committee

AN ACT CONFIRMING AND ADOPTING VOLUMES 1 TO 13, INCLUSIVE, OF THE GENERAL STATUTES REVISED TO JANUARY 1, 2023

SUMMARY: This act formally adopts, ratifies, confirms, and enacts the General Statutes revised to January 1, 2023.
EFFECTIVE DATE: Upon passage

PA 23-123—HB 6737
Judiciary Committee

AN ACT ESTABLISHING THE CRIME OF HARMFUL COMMUNICATION WITH A MINOR

SUMMARY: This act establishes a new crime of harmful communication with a minor as a class A misdemeanor (see Table on Penalties). Anyone who is age 25 or older is guilty of this crime when he or she uses an interactive computer service or text message to knowingly persuade, induce, entice, or coerce a "minor" (i.e., anyone under age 18 or whom the actor reasonably believes to be under age 18) to do the following:

1. share a photographic or recorded image of the minor (a) for sexual gratification of the person who requests the image or (b) which the requestor then disseminates to one or more third persons for their sexual gratification or
2. engage in any communication that is (a) part of a pattern of communication or behavior designed to form or maintain an inappropriate relationship with the minor or (b) harmful to the minor.

Under the act, a violation may be deemed to have been committed either at the place where the communication originated or where it was received.

Under the act, "inappropriate relationship" and "harmful to the minor" mean a relationship with a minor, or communication with a minor, respectively, that is patently offensive to prevailing standards in the adult community on what is suitable between an adult and a minor.

Additionally, an "interactive computer service" is 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 those systems operated or services offered by libraries or educational institutions (CGS § 53a-90a).
EFFECTIVE DATE: October 1, 2023

PA 23-131—sHB 6876
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING THE ADMINISTRATION OF THE OFFICE OF THE CLAIMS COMMISSIONER

SUMMARY: This act makes the following changes in the laws governing the Office of the Claims Commissioner ("the office"), which is within the Department of Administrative Services (DAS):

1. adds, within available appropriations, a deputy claims commissioner position and sets the associated duties and term of office (§§ 1 & 2);
2. specifies that DAS must provide the office's administrative staff and any temporary deputies within available appropriations (§ 1);
3. removes the option for the claims commissioner serving on June 28, 2021, to continue serving until the term's

expiration (§ 2);
4. extends the temporary deputy commissioners' potential appointment and service window through March 1, 2026 (§ 2);
5. removes the option for magistrates to hear and determine claims against the state, and instead allows the claims commissioner to appoint temporary deputy commissioners to do so (§§ 1 & 3);
6. requires that claims be considered, rather than heard as under prior law, as soon as practicable after they are filed (§ 4);
7. extends various duties and powers assigned to the claims commissioner, and previously to magistrates, to the deputy commissioner and temporary deputies (§§ 4-10);
8. removes the $50,000 threshold requirement for a claimant to request legislative review of the office's decision ordering the denial, dismissal, or immediate payment of certain claims (§ 8);
9. expands the number of unresolved claims that may be referred to the office's temporary deputies for review and determination (§ 10);
10. alters content and filing fee requirements for claims notices (§§ 11 & 14);
11. removes certain requirements for duplicate filings of notices and applications (§§ 12 & 13); and
12. modifies a reporting exemption for the claims commissioner on claims that are not timely disposed of (§ 15).

The act also makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

§§ 1 & 2 — DEPUTY COMMISSIONER

The act requires the claims commissioner, within available appropriations, to appoint a deputy claims commissioner who is an attorney with the training and experience suitable for the office's duties. It makes the position exempt from the state employee classified service.

Under the act, the deputy commissioner hears and determines claims against the state, except for the claims specifically exempted by statute.

Additionally, the act requires the deputy commissioner to perform all of the claims commissioner's functions when he or she is absent, disabled, or disqualified and gives the deputy commissioner all of the claims commissioner's powers and duties.

The act specifies that the deputy commissioner's term is not coterminous with that of the claims commissioner. It allows any newly appointed claims commissioner to replace a sitting deputy commissioner upon appointment. The deputy commissioner must serve until the claims commissioner appoints a successor.

§ 2 — CLAIMS COMMISSIONER

Under prior law, the governor appointed, and the General Assembly confirmed, a claims commissioner to serve a four-year term. The act specifies that the governor nominates, rather than appoints, the commissioner with the legislature's confirmation. It also removes the option for the claims commissioner who is serving as of June 28, 2021, to continue to serve until his or her term expires.

§§ 1 & 3 — MAGISTRATES

Prior law allowed the claims commissioner to designate one or more magistrates from a list maintained by the chief court administrator to hear claims against the state and issue a decision about their final disposition. The act eliminates this option and instead allows temporary deputies to fulfill this role (see TEMPORARY DEPUTIES directly below).

§§ 1-3 — TEMPORARY DEPUTIES

Prior law required the governor to appoint six temporary deputies to serve in the office. The act allows for fewer temporary deputies by allowing, rather than requiring, the governor to appoint up to six of them within available appropriations.

By law and unchanged by the act, each temporary deputy serves at the governor's pleasure for a coterminous term up to a set end date. Under prior law, the appointment and service of any temporary deputy was supposed to terminate on October 1, 2023. The act extends the termination date to March 1, 2026.

Existing law requires temporary deputies to hear and determine claims against the state, except for the claims specifically exempted by statute (e.g., claims for certain employment benefits). Correspondingly, the act gives the claims

commissioner the authority to assign a temporary deputy to hear claims, issue decisions on a claim's final disposition, or make recommendations to the claims commissioner or deputy claims commissioner about their final disposition.

§§ 4-10 — DUTIES EXTENDED TO DEPUTY COMMISSIONER AND TEMPORARY DEPUTIES

The act extends to the deputy commissioner and temporary deputies the following duties and powers, which existing law also assigns to the claims commissioner and prior law assigned to magistrates:

1. determining a suitable location for claims hearings that is convenient and just to the claimant and to the attorney general (§ 4);
2. calling, examining, and cross-examining any witnesses; requiring information not offered by the claimant or the attorney general; and stipulating matters to be argued (§ 4);
3. being unbound by any law or rule of evidence, but not the claims commissioner's procedural rules (§ 4);
4. administering oaths; requiring depositions; issuing subpoenas; and ordering inspection and disclosure of books, papers, records, and documents (§ 4);
5. quashing any order or subpoena for good cause shown (§ 4);
6. issuing a capias (i.e., warrant) directed to a state marshal to arrest any person who fails to respond to a subpoena and bring him or her to testify (§ 4);
7. certifying to the attorney general that a person refuses to testify or produce any relevant, unprivileged book, paper, record, or document so that the attorney general may apply to the Superior Court for an order compelling compliance (§ 4);
8. dismissing a claim due to the claimant's failure to testify or produce relevant material (§ 4);
9. waiving the hearing of any claim for $10,000 or less and proceeding upon the claimant's and concerned state agency's filed affidavits (§ 5);
10. excluding any person from further participation in a hearing due to misbehavior that obstructs the proceeding (§ 6);
11. summarily terminating a proceeding and dismissing the claim when the claimant's or claimant's attorney's misbehavior obstructs the proceeding (§ 6);
12. rendering a decision within 90 days after hearing a claim; making a finding of fact for each claim; and filing each finding with the order, recommendation, or authorization disposing of the claim (§ 7);
13. ordering that a claim be denied or dismissed or, if it does not exceed $35,000, be immediately paid (§ 8);
14. recommending to the General Assembly that a claim exceeding $35,000 be paid (§ 8); and
15. authorizing a claimant to sue the state if the claims commissioner deems it just and equitable (§§ 8 & 10).

§§ 8 & 9 — LEGISLATIVE REVIEW OF DECISIONS

Under prior law, a claimant could only request legislative review of a decision by the claims commissioner or a temporary deputy if the claim was for at least $50,000. The act removes the $50,000 threshold and also extends this review request option to decisions made by the deputy commissioner. By law and unchanged by the act, the legislature may review any decision ordering (1) a claim's denial or dismissal, including claims requesting permission to sue the state, or (2) immediate payment of a just claim of up to $35,000.

The act also makes additional conforming changes to extend other provisions on these legislative reviews to cover those by the deputy commissioner and temporary deputies.

§ 10 — UNRESOLVED CLAIM REQUESTS

The act expands the number of unresolved claims that may be referred to the office's temporary deputies for review and determination.

Under prior law, claims filed before June 28, 2018, exclusively requesting to sue the state had to be referred to a temporary deputy for review and determination if the office had not disposed of them. The act extends this requirement to claims filed before July 1, 2020. Existing law, unchanged by the act, allows the claimant to have his or her claim remain before the claims commissioner if the claimant expresses this desire.

Existing law, unchanged by the act, also allows claimants to file a notice with the attorney general, governor, and Judiciary Committee on claims exclusively requesting permission to sue the state that remain pending with the office, beginning 18 months after the claim was filed. The claims commissioner must then issue a decision on the claim within 90 days. If still unresolved after 90 days, the claim must be referred to a temporary deputy for review and determination. The act removes the provision that sunsets (beginning on July 1, 2023) this referral requirement, thereby allowing them to

continue. Under prior law, a claim in which the parties have agreed to an extension of time for the office to dispose of the claim was not eligible for the above process. The act instead applies this exclusion to claims in which the parties have not objected to an extension.

§§ 11 & 14 — FILING NOTICE OF CLAIMS AND FILING FEES

By law, anyone who wants to bring a claim against the state must file with the office a notice of claim, in duplicate. Among other information, the notice must state the amount requested in the claim. The act specifies that this statement must at least indicate whether the amount is less than, equal to, or greater than $35,000.

Additionally, the act eliminates prior law's filing fees of $50 for claims exceeding $5,000 or $25 for claims for $5,000 or less. It also makes conforming changes by removing obsolete provisions authorizing the claims commissioner to waive these fees.

§§ 12 & 13 — FILINGS IN DUPLICATE

State Notice of Opposition (§ 12)

By law, when either the attorney general or a state agency providing representation for the state before the claims commissioner wishes to oppose a claim against the state, that representative must file with the office a notice of opposition containing a concise statement of objections. The act removes prior law's requirement that the state's representative file this notice in duplicate.

Rehearing Application (§ 13)

By law, an aggrieved claimant whose claim was rejected or recommended for rejection, in whole or in part, by the claims commissioner may apply for a rehearing if new evidence is discovered. The act removes prior law's requirement that the claimant file the application in duplicate with the office.

§ 15 — CLAIMS NOT TIMELY DISPOSED OF

Under existing law, the claims commissioner must report to the General Assembly, within five days after the regular legislative session begins, on all claims that have been filed with the office but have not yet been disposed of within (1) two years after the date they were filed or (2) any time extension granted by the General Assembly.

Prior law did not require the commissioner to report on claims for which the parties agreed to an extension of time for the office to dispose of the claim. The act modifies this reporting exemption, instead allowing it for claims for which the office sought an extension to dispose of the claim and the parties have not objected within 30 days.

PA 23-134—sHB 6918
Judiciary Committee

AN ACT CONCERNING ERASURE OF CRIMINAL HISTORY RECORDS

SUMMARY: Existing law has a process to erase records of most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction (see BACKGROUND). (The process is not yet fully operational.)

This act makes various changes to this law, such as:

1. specifying that for purposes of erasure eligibility for a particular offense, its classification or maximum sentence is determined based on the law in effect when the offense was committed (§ 1);
2. specifying that motor vehicle violations are generally covered by the law in the same way as misdemeanors or felonies;
3. prohibiting record erasure under these provisions while someone has any pending criminal charges and, in most cases, while the person is on parole, transitional supervision, or probation; and
4. starting in 2024, allowing people who believe that their records should have been automatically erased by law to seek a determination on the matter from the Department of Emergency Services and Public Protection (DESPP), which the department must make following a hearing.

(PA 23-169, § 2, and PA 23-204, § 119, make certain changes to when driving under the influence (DUI) is eligible for erasure under these provisions.)

The act makes other changes affecting criminal record erasure under these procedures and in some other circumstances (e.g., following a dismissal, not guilty finding, or pardon). For example, it:

1. makes it a violation of the Connecticut Unfair Trade Practices Act (CUTPA, see BACKGROUND) for data reporting companies and others to fail to remove erased records from their disclosures under specified circumstances; and
2. establishes certain liability protections for actions taken based on erased records, if the actions were taken in good faith reliance on the erased information.

EFFECTIVE DATE: July 1, 2023, except as otherwise noted below.

CRIMINAL RECORD ERASURE AFTER SPECIFIED PERIOD POST-CONVICTION

By law, eligible convictions are generally subject to erasure seven years (for misdemeanors) or 10 years (for felonies) after the person's most recent conviction. Subject to various exclusions, the law applies to misdemeanors; class D and E felonies; and unclassified felonies with up to five-year maximum prison terms. Depending on the offense date, once the system is operational, erasure will occur automatically or upon the person's petition.

The act makes various changes to this process, as described below.

Motor Vehicle Violations (§ 1)

The act specifies that motor vehicle violations with maximum prison terms of up to five years are generally covered by the law's erasure provisions, in a comparable way to felonies and misdemeanors. (Some motor vehicle violations include criminal penalties, but these violations are not always classified as felonies or misdemeanors.)

Under the act, motor vehicle violations are subject to erasure after a period based on their maximum prison terms, as follows:

1. violations with up to one-year maximum prison terms are generally eligible for erasure seven years from the date the court entered the person's most recent conviction (i.e., the same as eligible misdemeanors); and
2. violations with over one-year and up to five-year maximum terms are generally eligible for erasure 10 years from the date the court entered the person's most recent conviction (i.e., the same as eligible felonies).

(PA 23-169, § 2, and PA 23-204, § 119, create an exception for DUI, making it ineligible for erasure until 10 years after the person's most recent conviction in all cases; see below for other provisions on DUI.)

By law, unchanged by the act, these record erasure provisions do not require the Department of Motor Vehicles to erase criminal history record information from driving records.

Existing law has a separate process for the erasure of convictions for misdemeanors committed between January 1, 2000, and June 30, 2012, by people under age 18 at the time of the offense (CGS § 54-142a(f)). The law, unchanged by the act, excludes motor vehicle violations (and other Title 14 offenses) from these procedures.

Unclassified Felonies (§ 1)

Under existing law, unclassified felonies with up to five-year prison terms are generally subject to the law's erasure provisions. The act clarifies that the five-year limit is based on the maximum prison term of the crime, rather than the term imposed for a particular person.

Calculation of Eligibility Determination (§ 1)

In addition to the eligibility waiting period, convictions were not eligible for erasure under prior law until the defendant had finished serving the sentence for any convictions (not just those subject to erasure). The act generally retains and expands this requirement, prohibiting record erasure until the defendant meets the following conditions:

1. has completed serving any period of (a) incarceration; (b) standard, special, medical, or compassionate parole; or (c) transitional supervision associated with any sentence for the offense subject to erasure, and for any other in-state convictions since January 1, 2000;
2. has completed serving any period of probation for any in-state convictions since January 1, 2000; and
3. does not have any pending state criminal changes.

Convictions That are Ineligible for Erasure (§ 1)

Classifications of Certain Ineligible Crimes. Prior law had a specific list of 20 class D felonies and three class A misdemeanors that were ineligible for record erasure. The act makes convictions for these 23 crimes ineligible for erasure in all cases, not just when they are classified as class D felonies or class A misdemeanors, respectively.

In most respects, this change is technical, because these crimes are only punishable as class D felonies or class A misdemeanors, or in certain cases are higher-level felonies that are categorically ineligible for erasure. But in a few cases, these crimes were previously classified differently, and in a way that made some older convictions eligible for erasure under prior law. This includes the following crimes, which were ineligible for erasure under prior law only when classified as class D felonies or higher:

1. enticing a minor (before July 1, 2004, a first offense was a class A misdemeanor);
2. obscenity as to minors (before October 1, 1985, this crime was a class A misdemeanor); and
3. voyeurism under certain circumstances (before October 1, 2003, this crime was a class A misdemeanor).

Additions to List of Ineligible Crimes. The act makes five additional crimes ineligible for erasure in all cases. Although these crimes are currently classified as class C or B felonies (and thus ineligible for those convictions), they were previously classified in a way that made some older convictions eligible for erasure under prior law.

Additions to List of Ineligible Crimes

Brief Description (Citation)	*Classification*
Selling or transferring a handgun in violation of required procedures, without a trigger lock (except at wholesale), or to someone prohibited by law from possessing it, or buying or obtaining a handgun without valid credentials (CGS § 29-33)	Existing law: a class C felony (or in some cases, a class B felony), with a mandatory minimum Before October 1, 2013: a class D felony in most cases
Possessing child pornography 1st degree (CGS § 53a-196d)	Existing law: a class B felony, with a mandatory minimum Before October 1, 2004: a class D felony (there were not separate degrees of the crime at that time)
Stealing a firearm (CGS § 53a-212)	Existing law: a class C felony, with a mandatory minimum Before October 1, 2013: a class D felony
Criminally possessing a firearm, ammunition, or an electronic defense weapon (CGS § 53a-217)	Existing law: a class C felony, with a mandatory minimum Before October 1, 2013: a class D felony, with a mandatory minimum
Criminally possessing a handgun (CGS § 53a-217c)	Existing law: a class C felony, with a mandatory minimum Before October 1, 2013: a class D felony

DUI. The act makes DUI convictions ineligible for erasure if the conviction occurred within 10 years before any additional DUI arrest. (PA 23-169, § 2, and PA 23-204, § 119, replace this provision, instead making a DUI conviction ineligible for erasure if the defendant has a second DUI conviction within the following 10 years.)

Family Violence Crimes. Under prior law, all family violence crimes were ineligible for erasure under these provisions. The act limits this ineligibility to convictions on or after January 1, 2000. This makes family violence crimes committed before then eligible for erasure, unless they would otherwise be ineligible (for example, class A, B, or C felonies).

Continued Obligations Despite Erasure (§ 1)

The act specifies that these record erasure provisions do not end a defendant's obligation to register on the:

1. deadly weapon offender registry when applicable; or
2. sex offender registry, under provisions requiring registration for a (a) criminal offense against a victim who is a minor or (b) felony committed for a sexual purpose.

Crimes in the former category of sex offenses would rarely be eligible for erasure. (In certain cases, older convictions would be.) Certain crimes in the latter category may be eligible, depending on the classification. (This category does not list specific crimes, but gives the court discretion to impose registration for any felony the court finds was committed for a sexual purpose meeting certain criteria.)

By law, unchanged by the act, sexually violent offenses and nonviolent sex offenses (both of which also require sex offender registration) are ineligible for erasure.

Additionally, the act specifies that these record erasure provisions do not end a defendant's obligation to (1) comply with a standing criminal protective order or (2) pay any unremitted fine that the court imposed in its sentence.

Records Access for Police, the Court, and Prosecutors (§ 1)

The act gives law enforcement, the court, and the state's attorney access to any record required to substantiate a defendant's conviction for the following purposes:

1. to verify a defendant's obligation to register as a deadly weapon offender or sex offender under specified provisions, or to comply with a standing criminal protective order; and
2. to prosecute someone for failing to register as required or comply with the protective order.

This applies despite provisions in existing law and the act that limit the disclosure of erased records.

Controlling Law (§ 5)

Existing law requires DESPP, in consultation with the judicial branch and the Criminal Justice Information System Governing Board, to develop and implement automated processes for criminal record erasure. The act specifies the controlling law if (1) these automated processes have not marked a police, court, or prosecutor record as erased or (2) the person has not filed a petition seeking the record's erasure. In these situations, as of July 1, 2023, the controlling law is the relevant law as amended by the act, rather than the law in effect on January 1, 2023. This applies to determining (1) whether a record is eligible for erasure and (2) the eligibility of defendants who must file a petition to erase their records.
EFFECTIVE DATE: Upon passage

DESPP Posting of Eligible Offenses (§ 6(b))

Prior law required DESPP, within available appropriations, to post information on its website or otherwise disseminate information about criminal records that are subject to erasure.

The act instead requires the DESPP commissioner, by January 1, 2024, to post information on a DESPP-operated website about criminal records that are subject to erasure, including a list of statutes that are subject to erasure under the provisions described above. The commissioner must annually review the list and update it as necessary.
EFFECTIVE DATE: Upon passage

Disputing Failure to Erase Records (§ 6(e) & (g))

Through December 31, 2023, the act protects the state and state agencies from claims for failure to erase records as required by prior law. Starting on January 1, 2024, the act provides a process for someone to challenge the non-erasure of their records under the law's provisions on automatic erasure following a specified period post-conviction.

Specifically, the act allows someone who believes that their records should have been automatically erased under these provisions to give DESPP a copy of their criminal history record information search, showing that the records were not marked erased. DESPP must set the manner for people to submit this information.

After a contested hearing, DESPP must determine whether the records should be deemed erased. The department's determination is a final decision under the Uniform Administrative Procedure Act (UAPA). By law, anyone aggrieved by an agency's final decision under the UAPA may appeal to Superior Court (CGS § 4-183).
EFFECTIVE DATE: Upon passage

CRIMINAL RECORD ERASURE GENERALLY

Scope of Court Records Subject to Erasure (§§ 2 & 3)

The act specifies that audio or video recordings of court proceedings are not defined as "court records" under the record erasure laws, and so are not subject to erasure.

It also specifies that the law does not require the erasure of the Superior Court's published memoranda of decisions or any Appellate or Supreme Court records related to cases they considered.

Cases Containing Multiple Counts or Defendants (§ 2)

By law, if a case contains multiple charges, certain records for any charges cannot be erased while the case is still pending. Prior law applied these provisions to police, court, and prosecutor records referencing more than one count. The act expands this to cover any criminal history record information referencing more than one count in the case.

By law, "criminal history record information" generally includes court records and information compiled by criminal justice agencies for specified purposes. Each police department, court, and prosecutor's office is a "criminal justice agency," but the term also specifically includes, among others, the Department of Correction, Board of Pardons and Paroles, Office of the Victim Advocate, and other governmental agencies that principally engage in criminal justice administration activities (CGS § 54-142g).

Under existing law, after the case is over, if only some records are entitled to erasure, electronic records released to the public must be erased to the extent they reference those charges. The act excludes from this erasure requirement any portion of a police record that is a narrative description, including this sort of description in an investigative report.

The act also applies these same provisions to police records referencing more than one defendant. So, it prohibits these records from being erased while the case is still pending. For cases that are completed, it prohibits these records from being erased until records for all relevant cases for all defendants are entitled to erasure, except for certain electronic records released to the public as described above.

Data Companies and Mass Freedom of Information Act (FOIA) Requests (§ 4)

By law, the judicial branch and other criminal justice agencies must make information on erased records available to people or companies that buy public criminal records, to allow them to identify and permanently delete these records. These provisions specifically apply to consumer reporting agencies, background screening providers, and similar data-based services or companies (hereinafter, "data company"). The act also requires the judicial branch and other criminal justice agencies to make this information available to anyone who files mass requests under FOIA for information on public criminal records. For this purpose, a "mass request" is one concerning at least 50 criminal matters of public record.

Under existing law, before disclosing the records, the person or data company must (1) purchase from the branch or agency any updated public criminal records or information available to comply with the law and (2) within 30 days after receiving notice that a record was erased, update its records to reflect that. Prior law prohibited further disclosure of the records in all cases. The act allows further disclosure (1) to the subject of the records as required under the federal Fair Credit Reporting Act or (2) as otherwise required by law. The act also extends these requirements to anyone who makes a mass request under FOIA, unless they are only obtaining information that does not personally identify the records' subjects and are not using the information for commercial purposes.

Under the act, if a data company discloses an erased record after 30 days from receiving notice that it was erased as described above, the attorney general may send notice ordering them to remove the record from the disclosure within five business days after receiving the order.

The act makes any violation of these provisions a CUTPA violation.

Liability for Acting Based on Erased Records (§ 6(d) & (f))

Starting on January 1, 2023, existing law prohibits discrimination in various contexts 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 state services and benefits.

The act establishes certain liability protections for the state or any state agency, any municipality, or anyone else who took an action based on criminal history record information required to be erased or deemed erased by operation of law, despite the law's anti-discrimination provisions.

Under the act, there is no liability for taking these actions before January 1, 2024, if:

1. the action is taken in good faith reliance on the criminal history record information and
2. that information has not yet been marked as erased by the required automated system, or in the case of a municipality or other person, the erasure marking has not been communicated to them.

Starting in 2024, this same liability protection for good faith actions on this basis applies only during the immediate 30-day window after the records should have been marked as erased.

EFFECTIVE DATE: Upon passage

BACKGROUND

Automatic or Petition Process for Criminal Record Erasure

PA 21-32, as amended by PA 21-33 and PA 22-26, established the process described above 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.

Generally, the law provides for (1) automatic erasure for eligible offenses that occurred on or after January 1, 2000, or (2) erasure upon the person's filing of a petition for offenses occurring before then.

Connecticut Unfair Trade Practices Act (CUTPA)

CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It 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 23-136—sSB 1118
Judiciary Committee

AN ACT CONCERNING THE ESTABLISHMENT AND DUTIES OF THE DOMESTIC VIOLENCE CRIMINAL JUSTICE RESPONSE AND ENHANCEMENT ADVISORY COUNCIL

SUMMARY: This act (1) changes the name of the "Family Violence Model Policy Governing Council" to the "Family Domestic Violence Criminal Justice Response and Enhancement Advisory Council"; (2) increases its membership from 19 to 26 members; and (3) expands the scope of its purpose and responsibilities, including by incorporating those of the Domestic Violence Offender Program Standards Advisory Council, which the act repeals.

Separately, the act requires the court, upon the motion of an injured spouse, to terminate any orders it entered requiring the injured spouse to make alimony payments if the recipient-spouse is subsequently convicted of certain crimes against the injured spouse. (It does this by amending PA 23-106, § 2.)

The act also deletes obsolete provisions and makes technical and conforming changes (§§ 2 & 3).

EFFECTIVE DATE: July 1, 2023, except the provision on alimony awards is effective October 1, 2023.

§ 1 — FAMILY DOMESTIC VIOLENCE CRIMINAL JUSTICE RESPONSE AND ENHANCEMENT ADVISORY COUNCIL

The act renames the "Family Violence Model Policy Governing Council" as the "Family Domestic Violence Criminal Justice Response and Enhancement Advisory Council" (the "council"), increases its membership, and broadens the scope of its purpose and responsibilities.

Purpose and Responsibilities

Existing law charges the council with the following duties:

1. evaluating policies and procedures law enforcement agencies use when responding to family violence incidents,
2. reviewing and updating the statewide model law enforcement policy on family violence, and
3. evaluating the accuracy of data collected by the Department of Emergency Services and Public Protection (DESPP) and the judicial branch's Court Support Services Division (CSSD).

The act broadens the council's purpose and responsibilities by, among other things, requiring it to collect and analyze any additional data related to domestic violence and the criminal justice response available from the judicial branch court operations, state's attorneys, public defenders, domestic violence advocates, or domestic violence offender programs.

Additionally, the act requires the council to evaluate and advise on the following:

1. the existing domestic violence offender program standards, including reviewing and updating them as needed;
2. the pretrial family violence education program, including the program's eligibility criteria;
3. dedicated domestic violence dockets, including statewide expansion of them;
4. the use of electronic monitoring;
5. risk assessments used in a family violence case from arrest through adjudication;
6. arrest, prosecution, penalties, and monitoring for violations of family violence restraining orders or criminal protective orders issued in family violence cases;
7. processing and execution of arrest warrants for family violence incidents;
8. monitoring compliance, enforcement, and victim notification of firearm seizure and surrender in family violence cases;
9. programming offered to individuals convicted of a family violence crime and currently incarcerated with the Department of Correction (DOC); and
10. training and education for criminal justice stakeholders, including law enforcement, judges, and judicial branch staff.

Membership and Appointments

The act increases the council's membership from 19 to 26. Under prior law, the council's 19 members were appointed as follows:

1. one each by the governor, Senate president pro tempore, House speaker, and Senate and House minority leaders;
2. a domestic violence victim, appointed by the Senate majority leader;
3. a municipal police officer with experience in domestic violence training, appointed by the House majority leader;
4. a Police Officer Standards and Training Council (POST) representative with experience in domestic violence training, appointed by the council's chairperson;
5. a representative of the Office of the (a) Chief State's Attorney, (b) Chief Public Defender, and (c) Victim Advocate;
6. a Division of State Police representative with experience in domestic violence training and a commanding officer in the Division of State Police, each appointed by the DESPP commissioner;
7. a Superior Court judge assigned to hear criminal matters, appointed by the chief court administrator;
8. a domestic violence victim, a victim advocate with courtroom experience in domestic violence matters, and a representative of the Connecticut Coalition Against Domestic Violence, Inc. (CCADV), each appointed by the CCADV executive director;
9. a representative of legal aid programs in Connecticut, appointed by the executive director of the Legal Assistance Resource Center of Connecticut; and
10. a representative of the Connecticut Police Chiefs Association, appointed by the association's president.

In addition to increasing the council's membership, the act makes the following changes to its composition:

1. substitutes the Senate majority leader's appointment with a representative of a community-based organization that provides group counseling or treatment to domestic violence perpetrators;
2. adds the Office of Policy and Management secretary, the Board of Pardons and Paroles chairperson, and the DESPP and DOC commissioners, or their designees;
3. instead of their representatives, adds the POST chairperson, the chief public defender, the chief state's attorney, and the victim advocate or their designees;
4. increases the chief court administrator's appointments from one to four by adding (a) a CSSD family relations counselor or supervisor, (b) a CSSD administrator, and (c) an administrator from the Office of Victim Services;
5. increases the CCADV executive director's appointments from three to four by adding an executive director of a community-based organization that provides direct services to people impacted by domestic violence; and
6. removes the representative of legal aid programs in Connecticut.

Under existing law, unchanged by the act, members serve four-year terms, may be reappointed, and must continue to serve until successors are appointed and qualified. By law, legislators may serve as council members.

Meetings and Staff

The act specifies that the council's chairpersons are responsible for scheduling its meetings.

Under prior law, the Public Safety and Security Committee's administrative staff served as the council's administrative staff. The act requires the Judiciary Committee's administrative staff to do so instead.

Reporting

Prior law required the council to submit an annual report by January 15 to the Judiciary and Public Safety and Security committees on the effectiveness of the existing model law enforcement policy on family violence, including identifying any amendments to the policy adopted during the prior calendar year.

The act instead requires the report to include recommendations for any statutory or policy changes within the council's purview, including any recommended updates or amendments to the existing (1) model law enforcement policy on family violence or (2) domestic violence offender program standards.

§ 5 — DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS ADVISORY COUNCIL REPEALED

Under prior law, the Domestic Violence Offender Program Standards Advisory Council was a 16-member council created to promulgate, review, and update and amend as needed the domestic violence offender program standards presented to the Criminal Justice Policy Advisory Committee. Prior law also required this advisory council to annually report its activities to the Judiciary Committee, including any updates or amendments to the domestic violence offender program standards adopted in the previous calendar year.

The act repeals this advisory council and instead generally incorporates its responsibilities into the act's newly named Family Domestic Violence Criminal Justice Response and Enhancement Advisory Council.

§ 4 — ALIMONY AWARDS

Among other things, PA 23-106 prohibits the court from ordering an injured spouse to make temporary or permanent alimony payments to a spouse who is convicted of any of the following crimes after the marriage date:

1. criminal attempt or conspiracy to commit murder, murder with special circumstances, felony murder, or arson murder of the other spouse;
2. 1st degree sexual assault or 1st degree aggravated sexual assault of the other spouse;
3. a class A or B felony offense of 2nd degree sexual assault or 3rd degree sexual assault with a firearm of the other spouse;
4. a class A or B felony family violence crime; or
5. any crime in another state with essential elements that are substantially the same as the crimes listed above.

This act requires the court to terminate any alimony order if the recipient-spouse is subsequently convicted of any of the above crimes against the injured spouse. The court must do so upon a motion filed by the injured spouse to terminate alimony based upon the conviction.

PA 23-106, § 2, defines an "injured spouse" as the spouse who was the victim of one of the crimes listed above, regardless of whether physical injury occurred in the commission of the crime.

PA 23-145—HB 6638
Judiciary Committee

AN ACT REVISING THE STATE'S ANTIDISCRIMINATION STATUTES

SUMMARY: This act adds "age" to the list of protected classes in the state's antidiscrimination laws. (Several other laws already prohibit age discrimination in various contexts.) It also repeals the definition of the term "sexual orientation" and replaces it with a new one.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023

§ 1 — AGE AS A PROTECTED CLASS

By law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental or physical disability, veteran status, or status as a domestic violence victim. The act adds "age" to this list of protected classes. By doing so, it allows the Commission on Human Rights and Opportunities (CHRO) to investigate claims of discrimination based on age.

The act also makes a conforming change in existing law that makes it a crime to place a noose on property with the

intent to harass someone because of any protected class listed above, adding "age" to the list of protected classes.

By law, a violation of these provisions is generally a class A misdemeanor; but, if the violation results in more than $1,000 in property damage, then it is a class D felony (see Table on Penalties). In either case, there is a minimum $1,000 fine unless the court states on the record its reasons for reducing it.

§§ 2-6 — SEXUAL ORIENTATION

Under prior antidiscrimination law, "sexual orientation" was generally defined as having a preference for heterosexuality, homosexuality, or bisexuality or having a history of or being identified with this preference. This definition also expressly excluded any behavior that is a sex offense crime.

The act redefines "sexual orientation" to mean a person's identity in relation to the gender or genders to which they are romantically, emotionally, or sexually attracted, including any identity that a person may have previously expressed or is perceived by another person to hold. This new definition specifically applies to antidiscrimination laws subject to CHRO enforcement, as well as laws prohibiting nondiscrimination in awarding agency, municipal public works, and quasi-public agency project contracts.

PA 23-149—sHB 6714
Judiciary Committee

AN ACT CONCERNING CRUELTY TO ANIMALS

SUMMARY: This act establishes a new crime, "sexual assault of an animal." In doing so, it makes it a class A misdemeanor (see Table on Penalties) for anyone to knowingly, and for the purpose of the person's or another person's sexual gratification:

1. engage in sexual contact with an animal (see below) or force another person to do so, or
2. create or distribute pornographic images of prohibited sexual contact with an animal.

Under prior law, a person who engaged in sexual contact with an animal was guilty of 4th degree sexual assault, which is also a class A misdemeanor. The act replaces this crime with the new one it creates.

Among other things, the act also:

1. authorizes law enforcement officers and animal control officers to take possession of an animal when the officer has a reasonable belief that an animal was sexually assaulted;
2. authorizes animal control officers to take physical custody of an animal when the officer has reasonable cause to believe, or upon issuance of a warrant finding probable cause, that the animal has been treated cruelly, including sexually assaulted;
3. imposes a duty on veterinarians to report suspected harm, neglect, or cruelty to an animal due to the animal's participation in an animal fighting exhibition and gives a veterinarian immunity from civil liability for making the report; and
4. requires the court to issue an order prohibiting anyone convicted for an animal cruelty crime from, among other things, owning, living with, or working with any entity in a position that involves care for, or regular contact with, any animal for five years after conviction or the date of the person's release, whichever is later.

Under the act, "animal" means any brute creature, including dogs, cats, monkeys, guinea pigs, hamsters, rabbits, birds, and reptiles.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2023

§ 1 — SEXUAL CONTACT WITH AN ANIMAL

Under the act, "sexual contact with an animal" means:

1. any act between a person and an animal that involves contact between a sex organ or anus of one and the mouth, anus, or a sex organ of the other;
2. a person touching or fondling a sex organ or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose;
3. any intentional transfer or transmission of semen by a person upon any part of an animal; or
4. the insertion, however slight, of any part of a person's body or any object into the vaginal or anal opening of an animal, without a bona fide veterinary or animal husbandry purpose, or the insertion of any part of the animal's

body into the vaginal or anal opening of the person.

§§ 4 & 5 — LAW ENFORCEMENT OR ANIMAL CONTROL OFFICERS

Take Animal Into Possession (§ 4)

The act authorizes law enforcement officers and animal control officers investigating an allegation of a person committing sexual assault of an animal to lawfully take possession of an animal when the officer has a reasonable belief that the animal was sexually assaulted. The officer may do so to protect the animal's or other persons' health or safety and to obtain evidence of the alleged offense.

The act requires the officer to promptly transport the animal, whether dead or alive, to an animal shelter or veterinary hospital to be examined by a licensed veterinarian, for care and treatment and to preserve evidence of the alleged crime.

Take Physical Custody (§ 5)

The act authorizes a state, municipal, or regional animal control officer to take physical custody of any animal when the officer has reasonable cause to believe, or upon issuance of a warrant finding probable cause, that the animal is in imminent harm and is neglected or cruelly treated in violation of the act's provisions prohibiting sexual assault of an animal. By law, a court may vest temporary care and custody of an animal in another person or entity or, if warranted, have a veterinarian humanely euthanize the animal.

§ 6 — VETERINARIAN REPORTING OF SUSPECTED ANIMAL FIGHTING

Mandatory Reporting

The act requires a licensed veterinarian, who in the course of his or her employment has reasonable cause to suspect that an animal is being or has been harmed, neglected, or treated cruelly due to participating in an animal fighting exhibition for amusement or gain, to report the following information to the local law enforcement agency or animal control officer:

1. the address of the owner or other person responsible for the animal's care;
2. a description of the animal; and
3. the approximate date and time the harm, neglect, or cruelty was discovered.

Immunity From Liability

The act gives immunity from civil liability to any veterinarian, who in good faith, makes a report under the act. It also gives the same immunity with respect to any judicial proceeding resulting from the report. Under the act, the immunity extends only to actions the veterinarian takes pursuant to the act and does not extend to the veterinarian's malpractice that results in the animal's injury or death.

§§ 2, 7 & 8 — ADDITIONAL PENALTY FOR ALL ANIMAL CRUELTY CRIMES

Existing law prohibits many abusive behaviors toward animals and has different penalties based on the severity of abuse and the abuser's intent. The prohibited acts are classified into the following distinct crimes: cruelty to animals, malicious or intentional cruelty to animals, knowingly engaging in the exhibition of animal fighting, and intentionally injuring or killing police animals or dogs in volunteer canine service and rescue teams. The act establishes another distinct animal cruelty crime, "sexual assault of an animal."

The law generally punishes people convicted of specified animal cruelty acts with maximum fines ranging from $1,000 to $10,000, maximum imprisonment ranging from one to 10 years, or both. The act punishes the new sexual assault of an animal crime as a class A misdemeanor.

For the existing animal cruelty crimes and the new one the act creates, the act requires the court to impose a penalty in addition to the ones described above and others that the law allows, such as victim restitution, probation, or conditional discharge. Under the act, the court must issue an order prohibiting the offender from (1) harboring, owning, possessing, living with, adopting, or serving as a foster placement for any animal and (2) being employed by, or volunteering for, any entity in any position that involves care for, or regular contact with, any animal. The order must be for the five-year period beginning on the later of the date of conviction or the date of the person's release from imprisonment for the conviction.

PA 23-169—SB 952
Judiciary Committee

AN ACT CONCERNING PAROLE ELIGIBILITY FOR AN INDIVIDUAL SERVING A LENGTHY SENTENCE FOR A CRIME COMMITTED BEFORE THE INDIVIDUAL REACHED THE AGE OF TWENTY-ONE AND CRIMINAL HISTORY RECORDS ERASURE

SUMMARY: This act makes unrelated changes to laws on eligibility for (1) parole and (2) criminal record erasure for driving under the influence (DUI). It also broadens parole eligibility for certain offenders who were under age 21 when they committed the crime.

Under existing law and certain circumstances, an offender sentenced on or after October 1, 2015, and serving a definite or total effective sentence of more than 10 years for crimes committed before, on, or after October 1, 2015, when the person was under age 18 is eligible for parole. The act extends parole eligibility to offenders who (1) were under age 21 when the crime was committed; (2) are serving a definite or total effective sentence of more than 10 years for crimes committed on or before October 1, 2005; and (3) were sentenced on or before October 1, 2005. It correspondingly applies existing law's parole eligibility rules and requirements on parole hearing and release decisions to this new age group.

The act also specifies that DUI is not eligible for automatic criminal record erasure until 10 years after the person's most recent conviction. Additionally, it makes DUI convictions ineligible for erasure if the person has a second DUI conviction within 10 years.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023, except the DUI record erasure provisions are effective July 1, 2023.

PAROLE ELIGIBILITY

Alternate Parole Rules

Existing law sets parole eligibility rules specifically for someone who commits a crime while under age 18 and is sentenced to more than 10 years in prison. The act extends parole eligibility to offenders who (1) were under age 21 when the crime was committed; (2) are serving a definite or total effective sentence of more than 10 years for crimes committed on or before October 1, 2005; and (3) were sentenced on or before October 1, 2005.

As under existing law, the act applies these rules if they make someone eligible for parole sooner than under existing law, including someone who would otherwise be ineligible for parole. Under these rules, someone sentenced to (1) 10 to 50 years in prison is eligible for parole after serving the greater of 12 years or 60% of his or her sentence or (2) more than 50 years in prison is eligible for parole after serving 30 years.

Under existing law, the rules apply to offenders incarcerated on and after October 1, 2015, regardless of when the crime was committed or the offender was sentenced. Under prior law, the alternate parole eligibility rules did not apply to any portion of a sentence imposed for a crime committed when the person was age 18 or older. The act extends the applicability of the alternate parole eligibility rules to any portion of a sentence imposed for a crime committed when the person was age 18, 19, or 20 if the crimes were committed on or before October 1, 2005, as described above.

Required Hearing

As is the case under existing law for offenders who were under age 18, in cases involving offenders under age 21 the act requires (1) a parole hearing when someone becomes parole-eligible and (2) the Board of Pardons and Paroles to notify, at least 12 months before the hearing, the Chief Public Defender's Office, appropriate state's attorney, Department of Correction's (DOC) Victim Services Unit, Office of the Victim Advocate, and Judicial Branch's Office of Victim Services. The Chief Public Defender's Office must provide counsel for an indigent inmate.

At the hearing, the law requires the board to allow (1) the inmate to make a statement; (2) the inmate's counsel and state's attorney to submit reports and documents; and (3) any victim of the crime to make a statement as with other parole hearings.

The board may also request (1) testimony from mental health professionals and relevant witnesses and (2) reports from DOC or others. The board must use validated risk and needs assessment tools and risk-based structured decision making and release criteria.

Release Decisions

After the hearing, the law allows the board to release the inmate on parole if the following conditions are met:

1. the release (a) holds the offender accountable to the community without compromising public safety; (b) reflects the offense's seriousness and makes the sentence proportional to the harm to victims and the community; (c) uses the most appropriate sanctions available, including prison, community punishment, and supervision; (d) could reduce criminal activity, impose just punishment, and provide the offender with meaningful and effective rehabilitation and reintegration; and (e) is fair and promotes respect for the law;
2. it appears from all available information, including DOC reports, that (a) there is a reasonable probability the offender will not violate the law again and (b) the benefits of release to the offender and society substantially outweigh the benefits from continued confinement; and
3. it appears from all available information, including DOC reports, that the offender is substantially rehabilitated, considering his or her character, background, and history, including (a) the offender's prison record, age, and circumstances at the time of committing the crime; (b) whether he or she has shown remorse and increased maturity since committing the crime; (c) his or her contributions to others' welfare through service; (d) rehabilitation opportunities he or she took in prison; (e) the overall degree of his or her rehabilitation considering the nature and circumstances of the crime; and (f) his or her efforts to overcome substance abuse, addiction, trauma, lack of education, or obstacles he or she faced.

The act specifies that the board must consider whether an offender applied for or received a sentence modification when considering whether the person demonstrates rehabilitation. This requirement applies to release decisions for offenders under age 18 under existing law and under age 21 under the act.

Under the act, as under existing law for offenders who were under age 18, for offenders who were under age 21 the board (1) must articulate reasons for its decision on the record and (2) at its discretion, may reassess the person's suitability for a hearing at least two years after a denial. By law, the board's decisions under these provisions are not appealable.

DUI AND CRIMINAL RECORD ERASURE

Existing law provides a process, not yet fully operational, to erase records of most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction. Among other things, PA 23-134 specifies that motor vehicle violations are generally covered by the erasure law in the same way as misdemeanors or felonies (i.e., either seven or 10 years after the person's most recent conviction).

Under PA 23-134, a first DUI conviction (which has criminal penalties equivalent to a misdemeanor) was eligible for erasure seven years after the person's most recent conviction. This act instead makes DUI ineligible for erasure until 10 years after the person's most recent conviction in all cases.

This act also makes a DUI conviction ineligible for erasure if the defendant has a second DUI within the following 10 years. It replaces a provision in PA 23-134 that instead made a DUI conviction ineligible for erasure if it occurred within 10 years before any additional DUI arrest.

BACKGROUND

Related Act

PA 23-204, § 119, contains the same provisions on DUI record erasure.

PA 23-176—sSB 1133
Judiciary Committee

AN ACT CONCERNING CIRCUMSTANCES PRESENTING A SUBSTANTIAL RISK TO A CHILD'S HEALTH OR SAFETY

SUMMARY: This act limits the circumstances under which a parent or guardian may be found guilty of leaving a minor unattended in a public place or motor vehicle. In doing so, it also limits the circumstances under which they may be found guilty of injury or risk of injury to a minor (see BACKGROUND).

Under existing law, it is a class A misdemeanor (see Table on Penalties) for any parent, guardian, or person with custody, control, or supervision of a child under age 12 to knowingly leave the child unsupervised in a place of public accommodation or motor vehicle for a time period that presents a substantial risk to the child's health or safety.

When determining whether someone committed this violation, the act requires consideration to be given to whether the person exercised judgment that a reasonable person would use to determine whether the child was of sufficient age, maturity, and physical and mental ability to be unsupervised under the circumstances.

The act also prohibits a finding of substantial risk based solely on the person allowing a child who is of sufficient age, maturity, physical condition, and mental ability to participate in independent activities, if a reasonable person would not believe participating creates an obvious danger to the child's safety.

Under the act, "independent activities" include traveling to and from school, traveling to and from commercial or recreational facilities near the child's home, and unsupervised outdoor play.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Neglect or Risk of Injury to a Minor

By law, a person who does any act likely to impair a child's health or morals may be found guilty of the crime of neglect or risk of injury to a minor. Among other things, this includes when a person willfully or unlawfully causes or allows any child under age 16 to be placed in a situation that (1) endangers the child's life or limb, (2) injures the child's health, or (3) impairs the child's morals.

Neglect or risk of injury to a minor is a class C felony or class B felony (see Table on Penalties) depending on the child's age and the nature of the violation (CGS § 53-21).

PA 23-188—sHB 6888
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING JUVENILE JUSTICE

SUMMARY: This act makes various changes in laws on juvenile justice.

Among other things, it does the following:

1. creates an implementation team to develop a prearrest diversion plan for low-risk children (§ 1);
2. expands the Juvenile Justice Policy and Oversight Committee's (JJPOC) membership by adding five new members, establishes incarceration and enterprise subcommittees, and requires these subcommittees to help specified state agencies develop certain plans (§ 2);
3. requires various state agencies, by November 1, 2023, and in consultation with designated JJPOC subcommittees, to develop a reentry success plan for youth released from the Department of Correction (DOC) and the Judicial Department's facilities and programs (§ 3); and
4. requires the judicial branch, by July 1, 2023, to begin reviewing and updating the implementation plan developed under PA 21-174, § 13, to securely house anyone in the branch's custody under age 18 who is arrested and detained (§ 4).

EFFECTIVE DATE: Upon passage

§ 1 — PREARREST DIVERSION PLAN

Implementation Team

The act establishes an implementation team and requires it to (1) develop a plan for prearrest diversion of low-risk children and (2) in doing so, consider stakeholder input, including from children, families, and law enforcement officials.

The implementation team must include (1) the commissioners of the departments of Children and Families (DCF), Education (SDE), and Correction (DOC), or their designees; (2) the judicial branch's Court Support Services Division's (CSSD) executive director, or his designee; (3) representatives of local and regional boards of education; and (4) a juvenile review board representative appointed by the JJPOC chairpersons.

The Plan

By January 1, 2024, the implementation team must develop a plan for automatic prearrest diversion of children to the community-based diversion system or other community-based service providers, instead of arrest, for first or second offenses. The act specifies that this includes offenses such as simple trespass, creating a public disturbance, 2nd degree breach of peace, and 6th degree larceny. (The first two are infractions, and the second two are misdemeanors.)

The act requires the implementation team, when developing the plan, to consider and include data on prearrest diversionary measures implemented under existing law's community-based diversion system. The plan must also consider the following:

1. the capacity of youth service bureaus (i.e., the local coordinating unit of community-based services) and other local agencies who will provide services to children diverted under the plan;
2. accountability mechanisms to measure these services' success;
3. victim input and involvement processes;
4. data collection to track referrals of diverted children to youth service bureaus;
5. stakeholder communication and outreach strategies for accessing local services;
6. dates for full plan implementation; and
7. any other considerations the team finds necessary for the plan's successful implementation.

Plan Submission and Report on Findings

By July 1, 2024, the implementation team must submit the plan for automatic prearrest diversion of children and report its findings and recommendations to JJPOC. The implementation team terminates when it submits its report or on January 1, 2025, whichever is later.

§ 2 — JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE (JJPOC)

Membership

The act adds five people to JJPOC's membership as follows:

1. two children, youths, or young adults under age 26 with lived experience in the juvenile justice system, one each appointed by the Judiciary Committee's House chairperson and ranking member;
2. one community member, who may be a family member of a child who has been involved with the juvenile justice system or a credible messenger with lived experience in the system and who works with youth in the system; and
3. two tribal members, one each from the Mashantucket Pequot Tribe and Mohegan Tribe of Indians of Connecticut, appointed by their respective tribe.

The community member must be nominated by the community expertise subcommittee (see below) and appointed by the committee's chairpersons.

Subcommittees

Education. Existing law required JJPOC to convene a subcommittee to, generally, develop a detailed plan on the coordination and oversight of all educational services and programs for children in justice system custody and the provision of education-related transitional support services for their return to the community. The act specifically names this the education subcommittee and expands its purpose by requiring it to also fulfill tasks as directed by the committee and consult in developing the reentry success plan (see § 3 below).

Incarceration and Community Expertise. The act requires JJPOC to appoint people to an incarceration subcommittee and a community expertise subcommittee to help develop a reentry success plan (see § 3 below) and fulfill other tasks as the committee directs.

§ 3 — REENTRY SUCCESS PLAN

Plan Development and Purpose

By November 1, 2023, the act requires the CSSD executive director and the DCF, SDE, and DOC commissioners, or their designees, to develop a reentry success plan for youth released from DOC and the Judicial Department's facilities and programs. The executive director and commissioners must develop it in consultation with JJPOC's incarceration,

community expertise, and education subcommittees. The executive director and the commissioners, or their designees, must report the plan to JJPOC by January 1, 2024.

Under the act, the plan's purpose is to successfully reintegrate youth into their communities. In developing the plan, the executive director and commissioners, or their designees, in consultation with the specified subcommittees, must consider all aspects deemed necessary to successfully implement the plan, including (1) reentry models and best practices around the country, including reentry hubs, community-based, enhanced reentry wraparound services, and transitional housing and (2) expansion of community reentry roundtables and welcome centers that focus on youth.

Restorative and Transformative Justice Principles

Under the act, the plan must also incorporate restorative and transformative justice principles. These principles must include the following:

1. provision of individualized academic support and the role of school districts in ensuring the provision of academic, vocational, and transition support services;
2. connection of youth to vocational and workforce opportunities and developmentally appropriate housing;
3. delivery of trauma-informed mental health and substance use treatments;
4. development of restorative justice reentry circles;
5. use of credible messengers as mentors or transition support providers; and
6. role of reentry coordinators.

Quality Assurance Framework.

The plan must also include a proposed quality assurance framework, including (1) collecting appropriate data and (2) promulgating a public dashboard and monitoring framework to ensure the successful discharge and reentry of incarcerated youth.

Funding Sources Information

The plan must also include information on federal and state funding sources supporting a comprehensive reentry model and the identification of implementation priorities and appropriate timelines.

§ 4 — PLAN TO SECURELY HOUSE PERSONS UNDER AGE 18

Plan Review and Update

PA 21-174, § 13, required the judicial branch to develop an implementation plan to securely house anyone in its custody under age 18 who is arrested and detained prior to sentencing or disposition, starting in 2023.

By July 1, 2023, the act requires the judicial branch to begin reviewing and updating this plan. In the update, the branch must include provisions for the full and final transition of all children from DOC into the branch's care and custody. The updated plan must include a phased-in timetable for full implementation and estimated costs for each phase.

Submission of Updated Plan and Recommendations

The act requires the judicial branch to submit the updated implementation plan, along with any recommendations for legislation, funding, or policy changes, to the Judiciary Committee and JJPOC by December 15, 2023.

PA 23-189—sSB 1023
Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes changes in various laws governing probate court operations and related matters.

It updates the required technology that towns must provide their probate court, such as specifically requiring that they provide internet service (see below).

It also extends the deadline by which the Council on Probate Judicial Conduct must publish its findings and reasoning

on the alleged misconduct of a probate judge, probate judicial candidate, probate magistrate, or attorney probate referee, from 15 to 30 days after a hearing on the matter.

For a claim of parentage filed by an alleged genetic parent, the act requires the probate court to serve notice on the unmarried birth parent at least 10 days before the hearing on the claim, instead of within five days after the claim was filed as prior law required. It also specifies that the court must serve the required hearing notice along with a copy of the claim. As under existing law, the court must also mail the notice to the attorney general, who must be a party to the action if the child has received state benefits or child support enforcement services.

Existing law sets rules for courts and family support magistrates when ordering genetic testing when parentage is at issue. The act specifies that these provisions apply to both the probate court and Superior Court and makes related conforming changes. It also makes conforming changes to specify that family support magistrates have the same authority as judges to order or deny this genetic testing.

Lastly, the act makes minor and technical changes.

EFFECTIVE DATE: October 1, 2023

§ 1 — PROBATE COURT FACILITY TECHNOLOGY

By law, the town or towns comprising each probate district must provide court facilities that meet minimum standards specified by statute. The act updates the required technology by specifically requiring (1) basic phone service that includes all necessary calls, not just local calls, and (2) network wiring, electrical wiring, and internet service. It also specifies that the computer equipment maintenance, phone line, wiring, and internet service must be appropriate to conduct the court's business as the probate court administrator determines.

PA 23-192—SB 1062
Judiciary Committee

AN ACT CONCERNING THE PROVISION OF EMERGENCY MEDICAL SERVICES TO AN INDIVIDUAL WHO IS IN DIRECT CONTACT WITH OR IN THE CUSTODY OR CONTROL OF A PEACE OFFICER

SUMMARY: This act gives anyone who experiences an emergency medical condition or is medically unstable the right to be provided emergency medical services if this occurs while the person is (1) in direct audio or video contact with a peace officer or (2) under a peace officer's custody or control.

It correspondingly requires a peace officer to immediately request emergency medical services for any such person. This applies when the (1) person communicates to the officer that he or she is medically unstable or experiencing an emergency medical condition or (2) officer observes the person to be in one of these situations. However, the act exempts a peace officer from this requirement if he or she (1) has made a reasonable determination that the person is not experiencing an emergency medical condition or medically unstable and (2) knows that a medical professional saw the person within the last 24 hours and released the person from care after making the same determination.

Under the act, an "emergency medical condition" or being "medically unstable" can arise from a condition that is physical, behavioral, or related to a substance use or mental health disorder. An emergency medical condition causes symptoms severe enough, including severe pain, that a prudent layperson with an average knowledge of health and medicine reasonably determines prompt medical attention is warranted to avoid serious jeopardy, impairment, or dysfunction. A person is medically unstable if their condition could reasonably be understood, under the same layperson standard, to lead to an emergency.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Peace Officers

By law, the following people 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, Department of Correction 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 (POST)-certified motor vehicle inspectors, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug

laws, and POST-certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9)).

PA 23-203—HB 6895
Judiciary Committee

AN ACT CONCERNING FIREARMS AND STREET TAKEOVERS

SUMMARY: This act makes several changes to the state's laws regulating firearms (guns) and prohibiting street racing and other motor vehicle related conduct, including amending provisions in other 2023 public acts (PA 23-53 and PA 23-135). Principally, the act does the following:

1. expands the exceptions to the prohibition on carrying a firearm with intent to display it;
2. provides a grace period for certain people in possession of a grandfathered large capacity magazine (LCM) to declare their possession by January 1, 2024, to avoid criminal penalties; and
3. changes the penalties for illegal street racing (including related actions) and evasion of responsibility for motor vehicle accidents.

EFFECTIVE DATE: October 1, 2023

§ 1 — EXCEPTIONS TO THE PROHIBITION ON CARRYING A FIREARM WITH INTENT TO DISPLAY IT

PA 23-53, § 1, generally prohibits anyone from knowingly carrying any firearm with intent to display it. Among other exceptions under that act, this prohibition does not apply to a person (1) in his or her home, (2) on land he or she leases or owns, or (3) in his or her place of business. This act further exempts such firearm display (1) on land that a person possesses by other means than leasing or owning and (2) when a person has been explicitly allowed by another person to do so while in that person's home; on land he or she leases, owns, or otherwise possesses; or in his or her place of business.

PA 23-53, § 1, also exempts certain individuals and circumstances from the prohibition (e.g., whenever carried by certain law enforcement officials or by anyone transporting a firearm for repair). This act additionally exempts the following:

1. security guards and other individuals employed to perform public or private property protection duties, while performing their duties or traveling to or from them;
2. individuals carrying a firearm that is needed to participate in an honor guard or an historic reenactment; and
3. licensed bail enforcement agents.

§ 2 — GRACE PERIOD FOR DECLARING POSSESSION OF LARGE CAPACITY MAGAZINES

PA 13-3, as amended by PA 13-220, generally prohibited anyone from possessing an LCM (see below), but, among other exceptions, allowed individuals who lawfully possessed (see below) an LCM prior to January 1, 2014, to keep that LCM if he or she declared it to the Department of Emergency Services and Public Protection (DESPP) by, generally, January 1, 2014.

Under prior law and absent any applicable exception, a person who possessed an LCM on or after January 1, 2014, that was obtained (1) before April 5, 2013, was guilty of an infraction with a fine up to $90 for a first offense and a class D felony (see Table on Penalties) for any subsequent offense; and (2) after April 5, 2013, was guilty of a class D felony (CGS § 53-202w(c)). Beginning October 1, 2023, PA 23-53, § 27, eliminates the differing penalties for when the LCM was obtained and instead bifurcates the penalties based on whether a person is eligible to possess a firearm under state or federal law, making violations a class D felony for those who are ineligible and a class A misdemeanor for those who are eligible.

This act allows anyone who lawfully possessed an LCM before January 1, 2014, and who has not declared possession of it as of July 1, 2023, to do so by January 1, 2024, and thus avoid the above penalties. The application must be made on a form and in a manner as the DESPP commissioner prescribes. Any truthful information included on a timely registration application for an LCM made under this provision may not be used against the defendant in any criminal prosecution for LCM possession.

The act makes a related change that generally carries forward an existing grace period for state and U.S. Armed Forces members moving into Connecticut. Under prior law, these members in lawful possession of an LCM who had been transferred into the state after January 1, 2014, could, within 90 days after arriving, apply to DESPP to declare possession of the LCM. The act limits which members are eligible for this option to those transferred after January 1, 2024.

The act also makes related changes affecting "licensed gun dealers" (i.e., people with a federal firearms license and a

local permit to sell firearms (CGS § 53-202w(a))). By law, these dealers, when an LCM owner transfers his or her LCM to them, must execute a certificate of transfer at the time of delivery. Under prior law and for any transfer before January 1, 2014, each dealer also had to report monthly to the DESPP commissioner, on forms he prescribed, regarding the number of transfers that the dealer accepted. The act reinstitutes this reporting requirement for transfers made on or after July 1, 2023, and before January 1, 2024. For transfers on or after January 1, 2014, prior law required each dealer to mail or deliver each certificate of transfer to the DESPP commissioner. The act modifies this requirement to only apply to transfers (1) on or after January 1, 2014, and before July 1, 2023, and (2) on or after January 1, 2024.

Definitions

By law, an "LCM" is any firearm magazine, belt, drum, feed strip, or similar device that can hold, or can be readily restored or converted to accept, more than 10 rounds of ammunition. It excludes:

1. feeding devices permanently altered so that they cannot hold more than 10 rounds,
2. .22 caliber tube ammunition feeding devices,
3. tubular magazines contained in a lever-action firearm, and
4. permanently inoperable magazines.

"Lawful possession" of an LCM generally means (1) actual and lawful possession of the LCM or (2) constructive possession of the LCM through a lawful purchase of a firearm that contains an LCM that was transacted before or on April 4, 2013, even if the firearm was delivered after that date. For constructive possession, the lawful purchase must be evidenced by a writing sufficient to indicate that (1) a contract for sale was made between the parties before or on April 4, 2013, for the firearm's purchase, or (2) full or partial payment was made by the purchaser to the seller before or on April 4, 2013. "Lawful possession" also includes such actual or constructive possession that is evidenced by a written statement under penalty of false statement on a DESPP commissioner-prescribed form (CGS § 53-202w(a)).

§ 3 — COURT AUTHORITY OVER VIOLATIONS OF LCM LAWS

Under existing law, the court may order suspension of prosecution for violations of the state's LCM laws if it finds that the violation is not of a serious nature and the person charged (1) will probably not offend in the future, (2) has not previously been convicted of these laws, and (3) has not previously had a prosecution under these laws suspended. PA 23-53, § 27, (1) further allows the court, if it makes the above findings, to order any other diversionary programs available to the defendant, and (2) updates a statutory reference to reflect other changes in the act. (PA 23-53, § 18, makes the same statutory cross reference update as § 27.) This act retains that act's allowance but changes the statutory reference to an incorrect one.

§ 4 — ILLEGAL STREET RACING AND OTHER PROHIBITED MOTOR VEHICLE RELATED CONDUCT

The act makes several changes to PA 23-135, § 39, which itself modifies laws prohibiting street racing and other similar and related conduct. Existing law expressly prohibits driving a motor vehicle on a public road for any race, contest, or demonstration of speed or skill. PA 23-135 expressly adds street takeovers and motor vehicle stunts to this prohibition and extends it to "parking areas" (i.e., off-street lots open to the public) (CGS § 14-212). This act (1) removes the express inclusion of motor vehicle stunts in this prohibition and makes conforming changes to provisions prohibiting related conduct (e.g., acting as a timekeeper or betting on the outcome) and (2) makes a technical change to the definition of "street takeover."

PA 23-135 also prohibits knowingly encouraging, promoting, instigating, assisting, facilitating, aiding, or abetting any person in performing an illegal race, contest, demonstration, or street takeover. This act eliminates that prohibition and instead prohibits knowingly inciting or recruiting anyone to participate in an illegal race, contest, demonstration, or street takeover beforehand by any action, method, device, or means, including electronic or social media.

Lastly, the act makes several changes to the penalties for (1) illegal races, contests, demonstrations, and street takeovers, (2) prohibited related conduct, and (3) evading responsibility for certain motor vehicle accidents. By law, a violation of any of these laws is generally punishable by a fine, imprisonment, or both. The act generally replaces the prior penalty structure with crime classifications (e.g., class D felony), which effectively (1) modifies maximum possible prison terms and fines, in some instances, and (2) eliminates a minimum amount for fines when they are imposed.

Penalties for Evading Responsibility for Certain Motor Vehicle Accidents

By law, a motor vehicle driver who is knowingly involved in an accident that causes death or injury to another person or property damage must (1) immediately stop and render any needed assistance and (2) generally give his or her name,

address, and license and registration numbers to the injured person, any officer, or witness to the injury. If the driver is unable to give this information to any of those individuals, he or she must immediately report the injury to a municipal or state police officer, constable, or motor vehicle inspector or at the nearest police precinct or station. In the report, the driver must state the accident's location and circumstances and include the information required above (CGS § 14-224(a) & (b)).

The act modifies the penalties for evading responsibility, which vary under existing law and the act based on the type of harm caused. For accidents that result in another person's death or serious physical injury, the act makes a violation a class B felony (see Table on Penalties), which changes the potential prison term (from between two and 20 years to one and 20 years) and lowers the maximum fine (from $20,000 to $15,000).

For accidents that result in another person's physical injury, the act eliminates prior law's graduated penalty structure and makes all violations a class D felony. In doing so, it increases the maximum fine to $5,000 (under prior law, a first offense was punishable by a fine of $75 to $600 and subsequent offenses by fines of $100 to $1,000) but maintains the five-year maximum prison term.

For accidents that result in property injury or damage, the act makes (1) a first offense a class A misdemeanor, which increases the maximum fine to $2,000 (under prior law, it was punishable by a fine of $75 to $600) but maintains the 364-day maximum prison term (see CGS § 53a-36a), and (2) subsequent offenses class D felonies, which increases both the maximum prison penalty (from 364 days to five years) and the maximum fine to $5,000 (under prior law, it was punishable by a fine of $100 to $1,000).

Penalties for Illegal Races, Contests, Demonstrations, and Street Takeovers, and Related Prohibited Conduct

For illegal races, contests, demonstrations, and street takeovers, the act makes (1) a first offense a class A misdemeanor, which increases the maximum fine to $2,000 (under prior law, it was punishable by a fine of $150 to $600) but retains the 364-day maximum prison term, and (2) subsequent offenses class D felonies, which increases both the maximum prison penalty (from 364 days to five years) and the maximum fine to $5,000 (under prior law, it was punishable by a fine of $300 to $1,000). Under existing law, anyone convicted of this must also attend an operator's retraining program (CGS § 14-111g(a)). Additionally, a court may (1) order the motor vehicle driven during the violation 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.

The act also makes a technical change to PA 23-135, § 39, to classify offenses for prohibited conduct related to illegal races, contests, demonstrations, and street takeovers as class B misdemeanors (i.e., it otherwise maintains the penalties of up to six months in prison, a fine up to $1,000, or both).

PA 23-35—sSB 913
Labor and Public Employees Committee
Appropriations Committee

AN ACT EXPANDING WORKERS' COMPENSATION COVERAGE FOR POST-TRAUMATIC STRESS INJURIES FOR ALL EMPLOYEES

SUMMARY: Starting January 1, 2024, this act expands eligibility for workers' compensation benefits for post-traumatic stress injuries (PTSI) to all employees covered by the workers' compensation law.

Prior law generally limited eligibility for PTSI benefits to certain first responders (e.g., police officers, firefighters, emergency medical service personnel, and emergency 9-1-1 dispatchers) diagnosed with PTSI as a direct result of certain qualifying events (e.g., witnessing someone's death) that occur in the line of duty. The act instead allows any employee covered by workers' compensation law to qualify for the benefits if the same qualifying events occur in the course of the employee's employment. The PTSI benefits provided to them are subject to the same procedures and limitations that apply to the PTSI benefits for first responders.

EFFECTIVE DATE: January 1, 2024

QUALIFYING EVENTS

Under prior law, only certain first responders were eligible for workers' compensation PTSI benefits if a mental health professional examined them and diagnosed PTSI as a direct result of a "qualifying event" in the line of duty. Beginning January 1, 2024, the act extends these same eligibility requirements to all employees covered by the workers' compensation law. This makes them eligible for workers' compensation benefits if a mental health professional examines them and diagnoses PTSI as a direct result of an event that occurs in their course of employment in which they:

1. view a deceased minor;
2. witness someone's death or an incident involving someone's death;
3. witness an injury to someone who then dies before or upon admission to a hospital as a result of the injury and not any other intervening cause;
4. witness a traumatic physical injury that results in the loss of a vital body part or a vital body function that permanently disfigures the victim; or
5. carry, or have physical contact with and treat, an injured person who then dies before or upon admission to a hospital as a result of the injury and not any other intervening cause.

As with eligibility for first responders, the (1) qualifying event must be a substantial factor in causing the injury and (2) injury must not have resulted from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action.

PTSI BENEFITS AND PROCEDURES

The PTSI benefits provided to all employees under the act are subject to the same limitations and procedures that prior law applied to the benefits for first responders. Among other things, this (1) caps the benefits' duration at 52 weeks; (2) prohibits the benefits from being awarded more than four years after the qualifying event; and (3) requires that employers contesting a claim for PTSI benefits do so through a process that is generally similar to the one used for contesting other workers' compensation claims, although with different deadlines.

PA 23-80—sHB 6721
Labor and Public Employees Committee
Appropriations Committee

AN ACT CONCERNING WORKERS' COMPENSATION AND PORTAL-TO-PORTAL COVERAGE FOR TELECOMMUNICATORS

SUMMARY: This act extends "portal-to-portal" workers' compensation coverage to telecommunicators (generally, 9-1-1 emergency dispatchers) in three situations: (1) when they are subject to emergency calls while off duty by the terms of their employment, (2) when they are responding to a direct order to appear at their work assignment when nonessential employees are excused from working, or (3) after working two or more mandatory overtime shifts on consecutive days.

With "portal-to-portal" coverage, an injury that occurs while the employee is travelling directly between his or her home and workplace is deemed to have occurred in the course of the employee's employment, making him or her eligible to receive workers' compensation benefits for the injury. Under existing law, police officers and firefighters have portal-to-portal coverage whenever they are travelling directly between home and work. Department of Correction employees also have portal-to-portal coverage (1) when they are responding to a direct order to appear at their work assignment when nonessential employees are excused from working or (2) after they have worked two or more mandatory overtime shifts on consecutive days.
EFFECTIVE DATE: October 1, 2023

PA 23-117—sHB 6549
Labor and Public Employees Committee

AN ACT CONCERNING MODIFICATION OF AND REPEALING OBSOLETE PROVISIONS AND STATUTES RELEVANT TO THE LABOR DEPARTMENT

SUMMARY: This act repeals various laws related to the State Department of Labor (DOL).

It repeals a requirement that the labor commissioner annually, by November 15, submit to the Education, Higher Education and Workforce Advancement, and Labor and Public Employees committees information about economic trends, occupational information, and emerging workforce trends for the next 10 years. Relatedly, the act modifies the information that the Connecticut Technical Education and Career System (CTECS) executive director must annually submit to these committees by the same date. Under the act, the executive director must submit, among other things, information ensuring that the CTECS curriculum incorporates the workforce skills needed for future workforce development as opposed to specifically addressing the needed workforce skills identified by the labor commissioner in her submission as required under prior law (§ 1).

Additionally, the act repeals the law establishing the Individual Development Account (IDA) Program within DOL and requiring the department to provide matching funds for the participants. Under prior law, the program allowed people from low-income households to establish an account to save funds for specific reasons stated in law, including (1) buying a home, (2) paying for education or job training, or (3) starting a business (§ 10). The act also makes several conforming changes, including repealing provisions that (1) required the housing commissioner to provide matching grants to fund purchases of primary residences, (2) made contributions to the IDA Reserve Fund eligible for certain corporation business tax credits, and (3) allowed a personal income tax deduction for interest earned on funds deposited in an IDA (§§ 5-9).

It repeals several laws relating to DOL's enforcement authority that generally are obsolete or covered by other laws. For example, it repeals a law setting a minimum standard for worker bathroom accommodations at certain tobacco farms and another that addresses reporting serious accidents in workplaces, which are covered under CONN-OSHA (Connecticut Occupational Health and Safety Act, CGS § 31-367 et seq.) or federal OSHA (§§ 4 & 10).
EFFECTIVE DATE: Upon passage

PA 23-162—SB 1035
Labor and Public Employees Committee
Judiciary Committee

AN ACT CONCERNING STOP WORK ORDERS

SUMMARY: This act broadens the labor commissioner's authority to issue stop work orders to include instances when a contractor or subcontractor knowingly or willfully pays an employee less than the prevailing wage required on a public works project. It also increases the civil penalty for violating a stop work order from $1,000 to $5,000 for each day that an order is violated.

The act correspondingly broadens the State Department of Labor's (DOL) investigative authority to cover complaints that a contractor or subcontractor violated the prevailing wage requirement. It also applies the penalty for hindering an investigation of complaints about wage non-payment or failing to provide workers' compensation insurance coverage to hindering an investigation of prevailing wage complaints and increases the applicable penalty, from a fine of $100 to $250, to a fine of at least $1,000.
EFFECTIVE DATE: October 1, 2023

STOP WORK ORDERS

Prior law allowed the labor commissioner to issue stop work orders only for violations of the requirement to provide workers' compensation insurance coverage for employees. The act expands this authority to also include knowing or willful violations of the requirement to pay employees the prevailing wage on public works projects.

As with workers' compensation stop work orders, the act's prevailing wage stop work orders:

1. must be issued within 72 hours after investigating and determining that a violation occurred;
2. only apply to the violating employer and the specific place of business or employment where the violation exists;
3. are effective when served on the employer or at that place of business or employment;
4. may be served by posting a copy of the order in a conspicuous location at the place of business or employment;
5. remain in effect until the commissioner either finds that the employer complies with the prevailing wage requirement or holds a hearing at the employer's request; and
6. are effective against the employer's successor entity if it has at least one of the same principals or officers as the entity subject to the original order and they are engaged in the same or equivalent trade or activity.

INVESTIGATIONS AND FINES

When DOL receives a complaint for nonpayment of wages or a failure to provide workers' compensation coverage, the law allows the commissioner and certain other labor officials to enter an employer's business to determine compliance and take other investigatory actions (e.g., examine records, take depositions). The act allows the commissioner and these officials to also do this after receiving a prevailing wage violation complaint.

The law imposes a fine on an employer who, during these investigations, (1) willfully fails to furnish time and wage records as required, (2) refuses to admit the commissioner or labor officials to the place of employment, or (3) hinders or delays the commissioner or officials from performing their duties. The act requires this fine to be at least $1,000, instead of prior law's $100 to $250 fine.

PA 23-172—sSB 228
Labor and Public Employees Committee

AN ACT CONCERNING EMPLOYEES' LOSS OF HEALTH CARE COVERAGE AS A RESULT OF A LABOR DISPUTE

SUMMARY: This act explicitly requires Connecticut's health insurance exchange (i.e., Access Health CT) to have a special enrollment period for people whose employer-sponsored health benefits are terminated by an employer because of a labor dispute. (Although the act does not define labor dispute, presumably, it includes lockouts and strikes.)

Under existing law, the exchange must have enrollment periods that are required under the federal Affordable Care Act (ACA). The ACA requires special enrollment periods for many reasons, including when an employee loses employer-sponsored health insurance. Special enrollment periods allow enrollment in a plan outside of the annual open enrollment period.

EFFECTIVE DATE: October 1, 2023

PA 23-175—sSB 1123
Labor and Public Employees Committee

AN ACT AMENDING CODIFICATION OF PREVAILING WAGE CONTRACT RATES

SUMMARY: This act changes how residential construction rates are set under the law requiring that prevailing wages be paid on public works projects that meet the prevailing wage cost thresholds. Under prior law, the labor commissioner set the residential construction rates for prevailing wage projects by adopting the applicable wage rates set by the federal labor secretary. Under the act, she must instead use the rates set in the collective bargaining agreements or understandings covering the same work in the same trade or occupation in the town where the project is being done. This is the existing method used for determining prevailing wage rates for the three other categories of public building projects (i.e., building, heavy, and highway projects) under the prevailing wage law.

Under the federal prevailing wage guidelines, residential projects refer to either single- or multi-family housing or

dormitories of no more than four stories.

The prevailing wage law requires contractors on public works projects to at least pay the prevailing hourly wage and benefits to all eligible workers on the project. The requirement applies to new construction projects of $1 million or more and rehabilitation or repair projects of $100,000 or more. The act defines "public work project" to mean the construction, reconstruction, alteration, remodeling, repair, or demolition of any public building or any other public works by a public entity.

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2023

WAGE RATES AND COLLECTIVE BARGAINING AGREEMENTS

In aligning the prevailing wage setting method for residential projects with building, heavy, and highway projects, the act also applies two related provisions to residential construction projects. First, for each trade or occupation with more than one collective bargaining agreement in effect for the town where the project is being constructed, the collective bargaining agreement of historical jurisdiction must be used. (The law does not define "historical jurisdiction" in this context.) Second, in situations where there is no collective bargaining agreement in effect for the town where the project is located, the labor commissioner must adopt the applicable wage rates set by the federal labor secretary. These requirements already apply to building, heavy, and highway projects.

PA 23-194—sSB 984
Labor and Public Employees Committee

AN ACT ACCELERATING THE STATE HIRING PROCESS

SUMMARY: This act makes various changes in the State Personnel Act, which governs hiring employees for the state employee classified service (i.e., positions subject to various civil service exams and other hiring and promotion procedures).

Among other things, the act allows an appointing (i.e., hiring) authority to:

1. immediately fill a position with someone on a candidate list, if doing so would maintain operational efficiency and productivity, and complete any pre-employment checks during the new employee's working test period;
2. fill a position, under certain circumstances, with someone on a candidate list for a comparable position class; and
3. begin the screening process as soon as the applicable job opening is posted.

The act also requires an appointing authority to notify the Department of Administrative Services (DAS) commissioner when a position becomes vacant because its previous holder was promoted and the appointing authority determines that it should be filled.

EFFECTIVE DATE: July 1, 2023

FILLING PERMANENT POSITION VACANCIES

Candidate Lists (§ 1)

By law, when an appointing authority receives approval to fill a vacancy in a permanent position in the state classified service, the authority must ask the DAS commissioner for a certified candidate list with each candidate's final earned rating (i.e., a list of who has passed an examination for a position and their final scores). The law requires the authority to fill the position with any candidate on the list, and the act further specifies that this candidate must be the one determined most qualified and suitable for the position.

Under the act, and regardless of any provisions of the State Personnel Act, once an appointing authority selects a candidate from a candidate list, it may immediately fill the position with the candidate if it believes that doing so would maintain operational efficiency and productivity or would comply with a lawful order. Under these conditions, any pre-employment check or other requirement may be completed during the candidate's working test period.

By law, if a candidate list has less than five names, the DAS commissioner may hold a new examination. Prior law allowed the appointing authority to then fill the position with someone on either the new or original list. The act more broadly allows the appointing authority, under these circumstances, to fill the position with someone from the new list or any candidate list for the same or comparable class.

Screening Process (§ 2)

The act allows an appointing authority, regardless of the State Personnel Act's provisions or any employment requirement, to begin the screening process as soon as the applicable job opening is posted.

Vacancies Due to Promotions (§ 3)

By law, when a vacancy in a permanent position in the classified service is to be filled, the appointing authority must notify the DAS commissioner about it. To the extent possible, and in the state's best interest, the position must be filled by reemployment of laid off state employees, promotions from within the agency, and service-wide promotions or transfers. The authority, with the commissioner's approval, decides whether to fill the vacancy from within the agency, from a state-wide employment list, transfer, or if these are not possible, by original appointment.

Under the act, if a position becomes vacant because its previous holder was promoted, the appointing authority must assess whether the position should be filled. Then he or she must notify the DAS commissioner as required by existing law.

BACKGROUND

Related Act

PA 23-1, § 13, allows the DAS commissioner to place people on a candidate list for the various classified service position classes if she finds that posting job openings is warranted to provide regular, updated candidate pools for specific examined and non-examined positions.

PA 23-33—sHB 6892
Planning and Development Committee
Judiciary Committee

AN ACT CONCERNING MUNICIPAL BLIGHT ORDINANCES AND THE FINE FOR LITTERING

SUMMARY: This act makes several changes in laws related to blight, littering, and related conditions, generally expanding the options for penalizing people who litter or create or maintain blighted or unsafe conditions. Among other things, the act:

1. expands the communities in which abandoned and blighted property receiverships can be used, by including any community with at least 15,000 people;
2. broadly expands state and local authority to regulate blight to include regulating blighted commercial properties, not just residential ones;
3. increases the maximum daily penalties municipalities can assess for blight under their general powers, from $100 to $1,000, for repeat offenders in a 12-month period;
4. increases the maximum state littering fine from $199 to $500;
5. eliminates certain notice requirements to lienholders when a municipality remediates, or orders remediation of, certain property maintenance-related violations; and
6. when a municipal authority requests a rent receivership, eliminates a requirement that mortgagees and lienholders participate in proceedings to determine whether a receiver should be appointed.

The act also expands the enterprise zone program's goal of eliminating housing blight to include eliminating any blight (§ 5). By law, the enterprise zone program offers various tax incentives and other benefits to businesses that start up or improve real property in areas designated as enterprise zones.
EFFECTIVE DATE: October 1, 2023

§ 1 — ABANDONED AND BLIGHTED PROPERTY RECEIVERSHIPS

Existing law provides a judicial process to appoint a receiver to rehabilitate and dispose of abandoned properties in municipalities with populations of at least 35,000. This act lowers the population threshold, making the process available in any municipality with at least 15,000 people.

Under existing law, the Superior Court may appoint a receiver for a residential, commercial, or industrial building if its owner fails to maintain it as applicable municipal codes require. Lienholders and individuals and entities with development capacity may seek to be appointed as the receiver and, once appointed, are granted the power to rehabilitate the property under a court-approved plan. Once the property is rehabilitated, the court may approve its sale, free of any encumbrances; any sale proceeds must be distributed as required by law (CGS § 8-169aa).

§§ 2-4 & 7 — STATE AND LOCAL ENFORCEMENT OF BLIGHT VIOLATIONS

The act broadly expands state and local authority to regulate blight to include regulating blighted commercial properties. It also (1) increases the municipally-imposed civil penalties for blight ordinance violations from a daily maximum of $100 to $1,000 under certain circumstances and (2) allows municipalities to correct violations without providing notice and an opportunity for correction if a property is cited at least three times in 12 months.

The act also eliminates the option to pay the state blight fine (up to $250 per day) through the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations.

The act also makes a conforming change (§ 3).

Locally Imposed Civil Penalty & Remediation (§ 2)

The municipal powers law (CGS § 7-148) specifically authorizes municipalities to adopt housing blight ordinances that can be enforced through (1) civil penalties, (2) a state blight fine, (3) municipal remediation actions, or (4) imposing a special assessment, which becomes a lien on the property. The act expands local authority under the municipal powers law as it relates to blight, as described below.

Notice. The act eliminates prior law's requirement for municipalities to give occupants, in addition to a blighted residential property's owner, notice and an opportunity to correct a violation before the municipality takes further enforcement action. Thus, under the act, only owners must be notified.

Commercial Blight. The act authorizes these municipal blight ordinances to also regulate blighted commercial property.

It generally extends existing law's housing blight enforcement options to commercial blight cases, except for the provisions on special assessments for blighted housing. (These provisions allow municipalities, under certain circumstances, to impose a special assessment on blighted housing to cover blight enforcement and remediation costs. Unpaid assessments are a lien on the residential property, similar to a tax lien (CGS § 7-148ff).)

Civil Penalty. The act eliminates the minimum municipally assessed civil penalty ($10 per day) and increases the maximum daily penalty (previously $100) to:

1. $150 for occupied property;
2. $250 for vacant property; and
3. $1,000 for any property if it is a third or subsequent violation occurring within a 12-month period.

The act specifies that a violation may be counted toward this three-violation threshold if the municipality previously issued a violation notice and (1) determined that the conditions creating the violation were previously resolved or (2) 120 days have passed since the violation notice was given and the conditions have not been resolved. A third violation may also be established if there are three conditions, each constituting a violation, simultaneously on the property.

The act's maximum penalties apply to both housing and commercial blight. As under existing law, municipalities cannot assess these penalties unless they have adopted a citation hearing procedure.

Remediation. Existing law allows a municipality, in its blight ordinance, to designate an agent with the right to enter property, but not a dwelling or other structure, during reasonable hours to remediate blighted conditions. The act extends this municipal authority to include commercial property (if local ordinances set applicable blight standards).

Under prior law, remediation action could be taken only after notice and an opportunity to correct a violation had been given. The act eliminates the notice and correction opportunity requirement if there have been at least three blight violations at the same property in a 12-month period, allowing municipalities to take immediate remediation action under these circumstances. Existing law generally allows a municipality to recover its costs to remedy blight on a property from the property owner (e.g., CGS § 49-73b).

State Blight Fine (§§ 4 & 7)

Existing law sets a state blight fine for violating municipal blight ordinances. The act correspondingly allows the state to impose this fine when the violations relate to blighted commercial properties. By law, this fine is capped at $250 per day and is only imposed:

1. for willful violations;
2. after notice of the violation and a reasonable opportunity to correct it has been given to the owner and occupants; and
3. if, for each day the fine is imposed, an actual inspection of the property is made to confirm the violation still exists.

The act eliminates the option of paying the state blight fine through the Centralized Infractions Bureau.

§ 6 — INCREASED STATE FINE FOR LITTERING

State law prohibits littering on public land or public property, in state waters, or on private property not owned by the litterer (CGS § 22a-250(a)). Under prior law, a violator was subject to a fine of up to $199. The act raises the maximum fine to $500. Under existing law, half of the fine must be paid to the state and the other half to the municipality in which the fine was issued, unless it was issued by a Department of Energy and Environmental Protection (DEEP) conservation officer or patrolman, in which case it is paid to DEEP. Existing law also allows municipalities to impose, after conducting a hearing, a separate administrative penalty of up to $500 for disposing of litter that is furniture, an automobile or automobile part, a large appliance, tires, bulky or hazardous waste, or similar material.

Under existing law, a person who litters on public land (e.g., a state or municipal park) must also pay a surcharge equal to half the fine. Thus, under the act, the maximum surcharge rises to $250. Under existing law, the surcharge must be paid to the municipality where the arrest was made, unless the arrest was made by a DEEP conservation officer or patrolman, in which case it is paid to DEEP.

By law, municipalities may adopt an ordinance imposing a fine of up to $1,000 for violating the state littering law and authorizing municipal police officers and other people to issue citations to enforce it (CGS § 22a-226d).

By law, "litter" includes any discarded, used, or unconsumed substance or waste material, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or combination thereof, that is not deposited in a litter receptacle (CGS § 22a-248).

§ 8 — NOTICE REQUIREMENTS TO LIENHOLDER

The act eliminates certain requirements to notify lienholders when a municipality remediates, or orders remediation of, certain property maintenance-related violations.

Under prior law, a blanket provision required municipalities to notify a lienholder about any notice or order to a property owner to dispose of real estate or make it safe and sanitary. Municipalities had to similarly inform lienholders when they (1) incurred costs to dispose of the property or make it safe and sanitary or (2) recorded a lien for these costs on the land records. The act eliminates these broadly applicable notice requirements for lienholders if the notice is about making property safe and sanitary but not about disposing of it. The act's provisions generally do not change other existing notice requirements in the law or local codes and regulations (see § 9, below).

By law, certain municipal property maintenance-, housing-, and health-related fines, expenses, charges, and penalties that remain unpaid may become a lien on the violator's property (see, e.g., CGS §§ 7-148aa & 47a-58).

§ 9 — TENEMENT RENT RECEIVERSHIP PROCEEDINGS

Existing law allows courts to establish a rent receivership after finding that certain conditions affecting health or safety exist in a tenement (i.e., a building with at least three rental units, see below). If established, the rent receiver uses the property's rental income to pay for correcting the cited conditions or reimburse the municipality for correcting them (CGS § 47a-56d).

Under the act, when a municipal authority (as opposed to the tenants) requests a rent receivership, mortgagees and lienholders do not need to participate in proceedings to determine whether a receiver should be appointed; only property owners must respond. By law and unchanged by the act, notice of the proceeding must be served on mortgagees and lienholders (CGS § 47a-56b).

The act correspondingly eliminates a requirement that the municipality, when applying for a hearing on the matter, provide proof that correction orders were served on mortgagees and lienholders (see also § 8, above).

By law, a "tenement house" is any house or building, or portion of it, rented to be occupied, or arranged or designed to be occupied, or occupied, as the home or residence of three or more families, living independently, doing their cooking on the premises, and having a common right in the halls, stairways, or yards (CGS § 47a-50).

BACKGROUND

Related Act

PA 23-207, § 3, allows municipalities to set civil penalties of up to $2,000, payable by rental property owners, for each violation of local rules on maintaining safe and sanitary housing.

PA 23-120—HB 6652
Planning and Development Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO STATUTES CONCERNING PLANNING AND DEVELOPMENT

SUMMARY: This act makes technical changes in the laws on (1) the Connecticut Municipal Redevelopment Authority, (2) grants for public drinking water systems, and (3) protected river corridors.
EFFECTIVE DATE: Upon passage

PA 23-124—sHB 6807
Planning and Development Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE ISSUANCE OF LOCAL CAPITAL IMPROVEMENT PROJECT GRANTS

SUMMARY: By law, the Local Capital Improvement Program (LoCIP) is a grant program administered by the Office of Policy and Management (OPM) that allocates funding, based on a statutory formula, to municipalities for eligible local

capital improvement projects (i.e., for statutorily specified purposes such as constructing or renovating roads and bridges). This act requires the OPM secretary to annually distribute each municipality's total LoCIP allocation by June 30, rather than reimbursing it for its eligible project expenditures as prior law required. It correspondingly requires municipalities to annually report to OPM on how they spent their grants.

The act also makes minor and conforming changes.

EFFECTIVE DATE: Upon passage

LOCIP GRANT PROCEDURE

Under prior law, for each proposed project, municipalities had to request project authorization from OPM and certify that the project met eligibility requirements (i.e., it was (1) a qualifying project, (2) consistent with the municipality's capital improvement plan, and (3) not for a state assistance program's matching requirement). Prior law allowed municipalities to issue grant anticipation notes to temporarily fund these projects. To receive LoCIP funds, municipalities were required to submit a reimbursement request to OPM, generally within seven years after OPM's authorization.

The act instead requires the OPM secretary to annually distribute each municipality's total LoCIP grant amount by June 30 and accordingly prohibits municipalities from issuing grant anticipation notes. Additionally, it requires each municipality to annually submit a report to the OPM secretary describing the amount of LoCIP funds it spent on each eligible capital improvement project in the prior fiscal year. Municipalities must submit the report, beginning by September 1, 2024, in a form and manner the secretary chooses.

Under prior law and the act, OPM must notify each municipality by March 1 of its allocation. (The act does not change the allocation formula.) The municipality may only spend LoCIP funds on certain statutorily specified projects, and it must keep records of its spending. And, by law, if the OPM secretary determines the records reflect unauthorized expenditures or were not properly maintained, he may (1) require the municipality to repay its grant or (2) reduce its future grant amount.

The act eliminates, for grants given under the act's procedure, prior law's requirement that expenditures generally be consistent with the local capital improvement plan. But it keeps reimbursement and reporting procedures for recently completed projects OPM approved before its passage.

PA 23-132—sHB 6891
Planning and Development Committee

AN ACT CONCERNING THE ELECTRONIC PAYMENT OF MUNICIPAL TAXES

SUMMARY: Under existing law, municipalities may allow taxpayers to pay tax bills (including penalties, interest, and fees) using credit cards. This act expands the allowable payment methods to include charge cards, debit cards, and electronic payment services (e.g., PayPal). It correspondingly extends the conditions that already apply for credit card payments to these additional methods. Specifically, it (1) allows the municipality to set conditions on their use; (2) allows the municipality to charge a service fee for using these payment methods, up to the service fee amount charged by the servicer or card issuer; and (3) specifies that any debts incurred for using these payment methods are not enforceable through municipal tax liens.

EFFECTIVE DATE: October 1, 2023

PA 23-152—sHB 6801
Planning and Development Committee

AN ACT CONCERNING THE SUBMISSION OF INCOME AND EXPENSE INFORMATION IN CONNECTION WITH THE ASSESSMENT OF INCOME-PRODUCING REAL PROPERTY

SUMMARY: By law, assessors may require rental property owners to file annual income and operating expense statements to assist in their property valuations. Under prior law, property owners required to file but who failed to do so by June 1, or request an extension by May 1, were subject to a penalty. (Failing to file includes filing late, incomplete, or fraudulent statements.)

This act creates more flexible deadlines, beginning with the statements due June 1, 2024, by (1) extending the deadline to request an extension to June 1 and (2) allowing filings that are postmarked on or by that date to qualify as timely, regardless of when the municipality receives them.

To conform with a Connecticut Supreme Court decision (see BACKGROUND), the act specifies that penalties for failing to file these statements (i.e., a 10% increase in the property's assessed value) must be billed within 30 days after the assessor issues a certificate of correction, which will generally be in the same year the violation occurred. Specifically, if the tax collector receives the certificate of correction after the normal billing date, he or she must mail or hand deliver a new bill, which incorporates the penalty, to the property owner within 30 days. The act requires the penalty to be calculated using the property's assessed value for that assessment year and the current fiscal year's mill rate.

The act also specifies that the new tax bill (1) cannot be due less than 30 days after a due date set by the tax collector and printed on the bill; (2) is due and payable as other municipal taxes (e.g., any installments must be due in equal amounts); and (3) is subject to the same lien and collections process as other municipal taxes.

EFFECTIVE DATE: July 1, 2023

BACKGROUND

In 2021, the Connecticut Supreme Court held that penalties for late, incomplete, or fraudulent income and expense statements must be imposed before a tax assessor takes and subscribes to the oath on the grand list (*Wilton Campus 1691, LLC* v. *Town of Wilton*, 339 Conn. 157 (2021)).

PA 23-173—sSB 1002
Planning and Development Committee

AN ACT CONCERNING ZONING ENFORCEMENT OFFICER CERTIFICATION

SUMMARY: This act makes several unrelated changes to land use laws to:

1. clarify an existing certification requirement for zoning enforcement officers (ZEOs),
2. generally allow zoning commission or zoning board of appeals (ZBA) members to serve as alternates on a municipality's planning commission, and
3. exempt certain individuals with practical land use experience from training requirements applicable to land use board members and reduce the training frequency for non-exempt members.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

§ 1 — ZEO CERTIFICATION

Prior law established a certification requirement for certain ZEOs. The act clarifies this requirement and applies it to ZEOs newly appointed beginning January 1, 2024.

Beginning January 1, 2023, prior law required that ZEOs working in municipalities that exercise zoning authority under the statutes obtain certification, without specifying a timeframe in which to do so, from the Connecticut Association of ZEOs and maintain it for the duration of their ZEO employment. The act specifies that ZEOs must become certified "as soon as practicable" after appointment. In practice, the Connecticut Association of ZEOs generally requires, among other things, someone to have experience serving as a ZEO before it grants certification.

§ 2 — PLANNING COMMISSION ALTERNATES

The act allows zoning commission or ZBA members to serve as alternates on a municipality's planning commission, so long as they recuse themselves from any appeal before the ZBA that they heard as an alternate on the planning commission.

Existing law, unchanged by the act, prohibits planning commission and ZBA members from serving as alternates on the municipality's zoning commissions or combined planning and zoning commissions (CGS § 8-1b).

§ 3 — TRAINING FOR CERTAIN LAND USE OFFICIALS

Prior law required each member of a local planning commission, zoning commission, planning and zoning commission, or ZBA to complete at least four hours of training every other year (see BACKGROUND). The act exempts from this requirement (1) land use enforcement officers and (2) Connecticut-licensed attorneys who served at least four years on one of these boards or commissions. The act also eliminates the requirement that members complete training biennially, instead

requiring them to complete the training once every four years or once per term if their term is longer than four years.

For non-exempt members, the act retains the existing requirement that members (1) serving on a board or commission as of January 1, 2023, complete their initial training by January 1, 2024, and (2) not serving on January 1, 2023, complete the training within one year after being elected or appointed to the board or commission.

By law and unchanged by the act, each board or commission, starting by March 1, 2024, must annually submit to its municipal legislative body (or board of selectmen, if a town meeting) a statement affirming its members' compliance with the law's training requirement.

BACKGROUND

Land Use Training

The law requires the training for land use officials to 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. interpreting site plans, surveys, maps, and architectural conventions; and
3. the impact of zoning on the environment, agriculture, and historic resources.

PA 23-181—sHB 6893 **(VETOED)**
Planning and Development Committee

AN ACT CONCERNING CERTAIN ADJUSTMENTS TO GROSS ASSESSMENTS OF TAXABLE REAL PROPERTY

SUMMARY: This act would have limited when local property tax assessors could increase or decrease gross property tax assessments following a board of assessment appeals' (BAA) modification of an assessment. Under existing law, assessors may modify a gross assessment that was increased or decreased following an appeal to the BAA to (1) comply with a court order; (2) reflect an addition for new construction or a reduction for damage or demolition; or (3) reflect changes made by a certificate of correction (e.g., to correct a factual error).

By law, assessors also have the authority to change a BAA-modified gross assessment between revaluations if they submit a written explanation to the board. Under the act, assessors would have been authorized to change assessments only for the above-listed reasons. They would also have had to give an explanation to the board.

The act would have also made related minor and conforming changes.

EFFECTIVE DATE: July 1, 2023

PA 23-185—sHB 6798
Planning and Development Committee
Housing Committee

AN ACT CONCERNING CERTAIN PRODUCERS OF CONCRETE AGGREGATE

SUMMARY: This act establishes material testing requirements and related reporting requirements for entities that process coarse aggregate intended to be mixed with other component ingredients to create concrete for use in a residential or commercial concrete foundation (i.e., producers).

Existing law requires concrete aggregate quarry operators to have a third party test their aggregate and report on its total sulfur content (i.e., total S) to the state. It imposes restrictions on using aggregate with a relatively high total S and, in certain circumstances, requires additional testing to identify the presence of pyrrhotite, which led to the premature deterioration of certain concrete foundations in parts of the state (CGS § 22a-349d). Existing law also requires quarries to submit a geological source report (GSR) to the state, outlining the quarry's mining, processing, and quality control methods, among other things (CGS § 22a-349c). The act imposes generally similar requirements on aggregate producers that are not subject to existing law's requirements for quarries, as described below.

The act also requires concrete producers mixing concrete for residential or commercial foundations to confirm that the coarse aggregate they plan to mix into concrete (1) complies with the act and existing law's requirements related to total S and pyrrhotite concentrations and (2) comes from a producer or quarry that has filed a current GSR with the state.
EFFECTIVE DATE: Upon passage

§ 1 — THIRD PARTY TOTAL S TESTING REQUIREMENT

Under the act, if a producer possesses coarse aggregate that is (1) intended for use in a residential or commercial concrete foundation and (2) from a source other than a quarry that must prepare and provide a GSR under existing law, then the producer must have the aggregate tested by a third party and submit the results to the state geologist and Department of Energy and Environmental Protection (DEEP). The testing requirement begins on July 1, 2024, and, depending on the test results, must be completed at least annually. The DEEP commissioner may adopt regulations to implement the act's testing requirements.

Total S Test

Under the act, if testing shows the sample's total S by mass is at least 1%, the producer cannot sell or otherwise provide the aggregate for use in residential or commercial concrete foundations.

If testing shows the sample's total S by mass is less than 0.1%, the producer (1) may sell or provide the aggregate for use in concrete foundations 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 between these thresholds, further testing is required, as described below.

Further Testing for Pyrrhotite

If the sample's total S by mass is 0.1% or more, but less than 1%, then the act requires the sample to be further tested for pyrrhotite's presence and relative abundance (concentration).

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 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 (1) require the producer to conduct additional petrographic and materials testing and (2) impose restrictions on selling or providing the aggregate, which producers must comply with.

§ 2 — PETROGRAPHIC ANALYSIS OF AGGREGATE OR GSR

Under the act, if a producer possesses coarse aggregate that is (1) intended for use in a residential or commercial concrete foundation and (2) from a source other than a quarry required to prepare and provide a GSR under existing law's requirements, then the producer must submit to the state geologist and DEEP either a (1) petrographic analysis or (2) GSR (§ 3 requires that aggregate provided to a concrete producer have a current GSR on file with the state). The first report or analysis is due by July 1, 2024, and then must be updated and resubmitted every four years thereafter. The analysis or report must comply with the state geologist's and DEEP's submission requirements and must include:

1. the mining, processing, storage, and quality control methods used for the coarse aggregate;
2. a description, prepared by a qualified geologist, of the aggregate's characteristics;
3. a copy of the results for an inspection of face material and geologic log analysis of the site from which the aggregate was excavated, prepared by a qualified geologist; and
4. a petrographic analysis of a representative sample of the aggregate, completed by a qualified geologist.

The act prohibits producers from selling or providing aggregate for use in foundations if they have not complied with the act's reporting requirements.

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.

§ 3 — CONCRETE PRODUCER REQUIREMENTS

The act requires concrete producers (i.e., those who mix coarse aggregate with other component ingredients to create concrete for use in a residential or commercial foundation) that receive or purchase coarse aggregate from another provider

(i.e., aggregate that does not come from the concrete producer's own quarry or other source), to confirm certain information with the provider before mixing it with other components. Under the act, concrete producers must confirm that the aggregate (1) complies with the act and existing law's requirements related to total S and pyrrhotite concentrations and (2) comes from a producer or quarry that has filed a current GSR with the state. The act requires them to confirm this information by July 1, 2024, and then annually thereafter.

PA 23-207—sSB 998
Planning and Development Committee
Appropriations Committee
Finance, Revenue and Bonding Committee

AN ACT ESTABLISHING A TAX ABATEMENT FOR CERTAIN CONSERVATION EASEMENTS AND ADDRESSING HOUSING AFFORDABILITY FOR RESIDENTS IN THE STATE

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§§ 11, 12 & 15 — HOUSING AUTHORITY TRAINING AND INFORMATION REQUIREMENTS

Requires housing authorities (1) receiving state assistance to annually give tenants specified information and (2) subject to the State Single Audit Act, to include the audit results in their annual reports; requires all current and new housing authority commissioners to participate in a training

§§ 13 & 14 — STANDARDIZED RENTAL AGREEMENT AND HOUSING CODE VIOLATION FORMS IN ENGLISH AND ADDITIONAL LANGUAGES

Requires (1) DOH to develop standardized rental agreement forms that landlords and tenants may use, (2) municipal code enforcement agencies to create housing code violation complaint forms for tenants, (3) that both forms be made available in English and Spanish, and (4) DOH to make the rental agreement forms available in additional languages by December 1, 2028

§ 16 — MUNICIPAL LANDLORD IDENTIFICATION REQUIREMENTS

Modifies current municipal landlord identification requirements, including generally extending certain requirements for landlords participating in the federal Housing Choice Voucher program to nonresident rental property owners; exempts information provided under these requirements from FOIA

§ 17 — OPM OFFICE OF RESPONSIBLE GROWTH

Statutorily establishes the Office of Responsible Growth within OPM and assigns it various responsibilities

§ 18 — FAIR SHARE HOUSING ALLOCATION METHODOLOGY

Requires OPM, by December 1, 2024, to create a methodology meeting certain requirements for each municipality's fair share allocation of affordable housing by generally (1) assessing the affordable housing need in each of the state's planning regions and (2) fairly allocating this need to each region's municipalities

§ 19 — DOH PROGRAM TO INCENTIVIZE LANDLORD PARTICIPATION IN TENANT-BASED RENTAL ASSISTANCE PROGRAMS

Requires the DOH commissioner, within available appropriations and in consultation with CHFA and housing authority representatives, to establish a program to incentivize landlord participation in various tenant-based rental assistance programs

§§ 20 & 21 — DOH RAP STUDY AND PROGRAM EXPENDITURES

Requires the DOH commissioner to (1) study, within available appropriations, ways to improve the efficiency of processing RAP applications and (2) affirmatively seek to spend all funds appropriated to the program annually

§ 22 — HOMELESS AND HOUSING INSECURE VETERANS

Requires the Department of Veterans Affairs, within available appropriations, to convert, rehabilitate, and renovate vacant, underused, or otherwise available properties for housing homeless or housing insecure veterans

§ 23 — REMOVAL OF CERTAIN EVICTION RECORDS FROM THE JUDICIAL DEPARTMENT WEBSITE

Requires the Judicial Department to remove records or identifying information on certain eviction proceedings from its website within a specified time period; prohibits the department from selling or transferring these removed records for commercial purposes, such as consumer reporting or tenant screening

§§ 24 & 25 — REAL ESTATE CONVEYANCE TAX EXEMPTIONS AND TRANSFERS

Exempts conveyances of property with deed-restricted affordable housing dwelling units from the real estate conveyance tax; requires the state comptroller to transfer state conveyance tax revenue that exceeds $300 million each fiscal year, annually adjusted for inflation, to the Housing Trust Fund

§ 26 — HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION

Subjects the rental of certain owner-occupied dwelling units to a state law that prohibits housing discrimination specifically due to a person's sexual orientation or civil union status

§ 27 — SEWERAGE SYSTEM REGULATORY OVERSIGHT

Transfers from DEEP to DPH regulatory authority over certain small community sewerage systems and household and small commercial subsurface sewerage disposal systems, requires the agencies to adopt regulations on them, and applies DEEP's newly adopted regulations to these systems beginning January 1, 2025

§§ 28-35 — WORKFORCE HOUSING DEVELOPMENTS

Establishes various state and local financial incentives for individuals and businesses investing in and developing rental units set aside for designated workforce populations

§ 36 — AFFORDABLE HOUSING ROUNDTABLE GROUP

Establishes the majority leaders' roundtable group on affordable housing, consisting of 24 members, to study various topics related to promoting and developing affordable housing in the state

§ 37 — HOUSING TRUST FUND PROGRAM ADVISORY COMMITTEE

Eliminates the Housing Trust Fund Program Advisory Committee

§§ 38 & 39 — SECURITY DEPOSIT RETURNS

Generally shortens the deadline for landlords to return a tenant's security deposit and interest on deposits

§§ 40 & 41 — PUBLISHING PAYMENT STANDARDS FOR TENANT-BASED RENTAL ASSISTANCE AND DOH COMMON RENTAL APPLICATION FOR HOUSING AUTHORITIES

Requires (1) any housing authority that administers a tenant-based rental assistance program to publicly post a payment standard (or similar information) within 30 days after setting or updating it and (2) the housing commissioner to develop a common rental application that housing authorities may use

§ 42 — SCHOOL BUILDING PROJECT REIMBURSEMENT RATE

Makes boards of education in an "inclusive municipality" eligible for a five-percentage point increase to their state grant reimbursement rate for school building projects

§ 43 — DOH TEMPORARY HOUSING PILOT PROGRAM

Requires DOH, within available appropriations, to establish a pilot program to provide temporary housing to individuals experiencing homelessness and veterans who need respite care

SUMMARY: This act makes various changes in laws on housing and the Department of Housing (DOH), municipalities, housing authorities, and landlords and tenants, as described in the section-by-section analysis below. It also makes technical and conforming changes.
EFFECTIVE DATE: Various, see below.

§§ 1 & 2 — MUNICIPAL PROGRAMS TO ABATE PROPERTY TAXES FOR CERTAIN CONSERVATION RESTRICTIONS

Allows municipalities, by ordinance, to establish a program abating property taxes for qualifying portions of a taxpayer's land that are subject to a conservation easement preserving its use as a recreational trail and specifies that municipalities may recommend in their POCDs that portions of land meeting certain greenways criteria be preserved as open space

The act allows municipalities to adopt an ordinance establishing a program to abate property taxes for qualifying portions of a taxpayer's land subject to a conservation restriction preserving its use as a recreational trail. It relatedly establishes an application and municipal approval process for these abatements. Under the act, an abatement continues with the land (even if sold or transferred) until the municipality's legislative body, or board of selectmen if the legislative body

is a town meeting, votes to end it.

Under existing law, municipalities may designate in their local plans of conservation and development (POCD) particular areas of land for recommended preservation as open space, making it eligible for classification as open space for property tax purposes. The act specifies that this designation may also include portions of land, including terrestrial recreational trail corridors that meet Connecticut Greenways Council (CGC)-established criteria for designating greenways (see *Background — CGC Designation Criteria*).

EFFECTIVE DATE: October 1, 2023, and the property tax abatement provision applies to assessment years beginning on or after that date.

Eligibility

Under the act, to qualify for a property tax abatement, the portion of land involved must meet the following criteria:

1. be a terrestrial recreation trail with a clearly defined trail corridor that does not exceed 100 feet at its widest point;
2. meet CGC's criteria for designation as a greenway; and
3. be subject to a recorded permanent conservation restriction that (a) is conveyed to the municipality, the state, or a nonprofit land conservation organization and (b) does not prohibit public use of the trail for compatible recreation purposes.

Application and Approval

After the municipality adopts an ordinance for the abatement program, the act authorizes owners of eligible land to apply to the municipal assessor for an abatement. The application must be made on an assessor-prescribed form and include the following:

1. a description of the land;
2. a copy of the land's permanent conservation restriction;
3. a copy of the owner's deed;
4. a certified land survey, done by a licensed surveyor, showing the recreation trail's boundaries on the owner's land; and
5. any other information the assessor requires to determine the property's eligibility.

The act requires the assessor, within 30 days after receiving the application, to submit it to the municipality's legislative body (or board of selectmen if the legislative body is a town meeting) along with his or her recommendation on whether it should be approved or denied, based on the act's eligibility criteria (see above). The legislative body, or board of selectmen, as applicable, must approve of the abatement by a vote.

Background — CGC Designation Criteria

In 1995, the legislature created the CGC and required it to set criteria for designating official greenways (CGS § 23-102). To be considered for the designation, a project must meet at least one of the council's criteria, which consider, among other things, whether the project (1) connects existing open spaces, trail segments, neighborhoods, or transportation centers; (2) is a municipal project included in a local POCD; (3) is included in a regional council of governments plan; (4) is sponsored by an organization with a proven record of land use protection; or (5) may be a key link in an emerging greenway.

§ 3 — INCREASED FINES FOR HOUSING VIOLATIONS

Allows (1) municipalities to set civil penalties of up to $2,000 per day against landlords for each violation of their rules on maintaining safe and sanitary housing and (2) landlords to appeal these fines to the municipality's legislative body or board of selectmen under certain circumstances

Existing law allows municipalities to set penalties of up to $250 for violations of their regulations and ordinances adopted under their statutorily enumerated general powers. The act additionally allows municipalities to prescribe civil penalties of up to $2,000 against rental property owners for each violation of the municipality's rules on maintaining safe and sanitary housing. However, the act requires the municipalities to enforce multiple violations discovered on the same date as one violation.

The act allows an owner who is assessed this penalty to appeal to the municipality's legislative body, or board of selectmen where the legislative body is a town meeting, on the grounds that the violation was proximately caused by a tenant's deliberate or reckless action.

EFFECTIVE DATE: October 1, 2023

§§ 4 & 5 — PRE-OCCUPANCY WALK-THROUGHS

Beginning January 1, 2024, requires landlords to give tenants the opportunity to request and complete a pre-occupancy walk-through of a dwelling unit after or at the time of entering into a rental agreement; prohibits landlords from keeping any portion of a tenant's security deposit or seeking payment for conditions specifically identified during the walk-through

Beginning January 1, 2024, the act requires landlords to give tenants the opportunity to request and complete a pre-occupancy "walk-through" of a dwelling unit after or at the time of entering into a rental agreement.

Under the act, a "walk-through" is a joint, in-person inspection of a dwelling unit by the landlord and tenant or their designees to note and list the unit's existing conditions, defects, or damages using a DOH checklist. The act requires the DOH commissioner to prepare this standardized, pre-occupancy walk-through checklist and make it available on the department's website by December 1, 2023. During the walk-through, the landlord and tenant or their designees must note the unit's existing conditions, defects, or damages. Afterwards, they must each sign and receive duplicate copies of the checklist.

When a tenant vacates the dwelling unit, the act prohibits the landlord from keeping any portion of the tenant's security deposit or seeking payment for any condition, defect, or damage noted in the preoccupancy walk-through checklist. Subject to the rules of evidence, the act makes the checklist admissible in administrative or judicial proceedings as evidence of the unit's condition at the beginning of a tenant's occupancy but specifies that the list is not conclusive evidence.

The act specifies that these provisions do not apply to tenancies under rental agreements entered into before January 1, 2024.

EFFECTIVE DATE: October 1, 2023

§§ 5 & 6 — LIMITS ON RENTAL APPLICATION-RELATED FEES

Limits rental application-related fees and payments that landlords may require from prospective tenants; requires landlords to give prospective tenants a copy of any required tenant screening report or related information, and a receipt or invoice; prohibits landlords from charging tenants a move-in or move-out fee

The act generally prohibits landlords from requiring prospective tenants to pay any fees, charges, or payments for reviewing, processing, or accepting a rental application, or make any other payments before or at the start of tenancy, with certain exceptions. The act excludes from this prohibition (1) security deposits, (2) advance payments for first month's rent, (3) deposits for a key or other special equipment, and (4) fees for a tenant screening report. Under the act, a "tenant screening report" is a credit report, criminal background report, employment history report, rental history report, or any combination of these that a landlord uses to determine a prospective tenant's suitability.

Beginning on October 1, 2023, the act limits the fee a landlord may charge for a tenant screening report to $50 plus an inflation adjustment that reflects any increase in the consumer price index for urban consumers. The housing commissioner must annually determine this inflation adjustment.

Under the act, landlords that charge a prospective tenant a fee for a tenant screening report must give him or her (1) (a) a copy of the report or (b) information that would allow the tenant to request it from the service provider that produced it, if the landlord is prohibited from doing so, and (2) a receipt or invoice from the entity that conducted the report.

Lastly, the act prohibits landlords from charging tenants a move-in or move-out fee.

EFFECTIVE DATE: October 1, 2023

§§ 7 & 8 — LIMITS ON LATE FEES FOR OVERDUE RENT

Limits late fees that landlords may impose for overdue rent; prohibits rental agreements from requiring any late fees that exceed these amounts; prohibits landlords from assessing more than one late fee on an overdue rent payment

By law, if a rental agreement requires tenants to pay a late charge for overdue rent, it must give them a nine-day grace period (or four days for week-to-week tenancies) before imposing the charge. The act limits the late charges landlords may impose after this grace period. Under the act, if a rental agreement contains a valid written agreement to pay late charges after the grace period, the charges may not exceed the lesser of (1) $5 per day, up to a $50 maximum, or (2) 5% of the overdue rent (or 5% of the tenant's share for rental agreements that are partially paid by a government or charitable entity).

The act prohibits rental agreements from requiring tenants to agree to late charges that exceed these limits. Additionally, it prohibits landlords from assessing more than one late charge on an overdue rent payment, regardless of the length of time for which the payment is overdue.
EFFECTIVE DATE: October 1, 2023

§ 9 — SECURITY DEPOSIT GUARANTEE PROGRAM

Makes various changes to DOH's Security Deposit Guarantee Program, including, among other things, expanding program eligibility and reducing the frequency with which a person may apply for assistance

The act makes several changes to DOH's security deposit guarantee program. It generally extends eligibility for the program to any person with a documented financial need whose income is less than 60% of the state median income. It also reduces, from every 18 months to every 24 months, the frequency with which a person may apply for assistance unless the DOH commissioner grants an exception. The act allows the commissioner to deny eligibility to an applicant after paying one or more claims by a landlord, rather than after paying two claims as prior law allowed.

Under existing law, the program may provide a deposit guarantee that a person may use in place of a security deposit. The commissioner, or a local or regional nonprofit or social services organization with whom the department contracts, may execute a written agreement to pay the landlord for damages suffered due to a tenant's failure to comply with his or her obligations. The payment is capped at the amount of the deposit.
EFFECTIVE DATE: July 1, 2023

Eligibility

The act makes the security deposit guarantee program available to (1) any person or family (a) whose income is less than 60% of the state median income adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (HUD), and (b) that has a documented financial need, as determined by the housing commissioner; (2) a person who has been served a writ, summons, and complaint related to eviction; or (3) a person who has a certificate or voucher from a rental assistance program or federal voucher program.

The act replaces prior law's eligibility requirements, under which a person was eligible for the program if he or she (1) met one of the latter two factors listed above, or lived in an emergency shelter or other emergency housing for specified reasons (e.g., a catastrophic event), and (2) received TFA (Temporary Family Assistance), SAGA (state-administered general assistance), or aid under the state supplement program, or had a documented showing of financial need.

Existing law requires the DOH commissioner to prioritize eligible veterans when providing guarantees. Prior law authorized the commissioner to set more priorities based on eligibility criteria other than receipt of cash assistance or documented financial need (e.g., shelter or emergency housing status). The act instead authorizes her to set more priorities based on any of the act's eligibility criteria.

Application Frequency

The act increases, from 18 months to 24 months, the length of time that a person must wait before re-applying for a security guarantee unless the commissioner authorizes an exception. As under existing law, if the commissioner authorizes an exception, the amount of the subsequent guarantee must be reduced by the amount of any (1) previous grant that has not been returned to DOH and (2) payment to a landlord for damages.

Claims

The act shortens the deadline for a landlord to submit a claim for damages from 45 days to 20 days after the termination of a tenancy.

Under prior law, if the DOH commissioner paid a landlord's claim for a person whose income exceeded 150% of the federal poverty level, then the person had to contribute 5% of one month's rent to paying the security deposit. The act increases this to 50% of one month's rent.

Contracts With Other Organizations

The act reinstates the DOH commissioner's authority to pay a security deposit grant to a person receiving the grant through any local or regional nonprofit corporation or social service organization under an existing contract with DOH. Under prior law, this authority expired in 2000.

Regulations

Existing law requires the DOH commissioner to adopt regulations to implement the program, but allows her to implement the program before adoption if she has published a notice of intent to adopt regulations. The act requires her to post the notice on the eRegulations System, rather than publish it in the *Connecticut Law Journal*.

§ 10 — REQUIRED NOTICE OF PROTECTED TENANT STATUS

Beginning January 1, 2024, requires landlords to give tenants a written DOH notice summarizing the rights of protected tenants (i.e., generally certain tenants at least age 62 or with a disability) whenever they rent, or enter or renew an agreement to rent, certain dwelling units; requires that the notice be available in both English and Spanish, and eventually additional languages

State law provides certain protections against evictions and rent increases to certain "protected tenants" residing in a (1) building or complex with at least five separate dwelling units, (2) mobile manufactured home park (including certain conversion tenants), or (3) dwelling unit in a common interest community where the landlord owns at least five units. To qualify for this protection, a tenant must:

1. be at least age 62,
2. have a physical or intellectual disability,
3. permanently reside with a spouse or specified relative who (a) is at least age 62 or (b) has a disability meeting certain requirements, or
4. be a conversion tenant in a mobile home park meeting certain requirements.

Beginning January 1, 2024, the act requires landlords or their agents to give a written DOH notice summarizing these protections to any tenant that rents, or enters or renews an agreement to rent, one of the units described above.

Under the act, the DOH commissioner must create a one-page, plain-language summary of protected tenants' rights and post it on the department's website by December 1, 2023. The act requires that the notice be available in both English and Spanish. Additionally, it requires the commissioner, by December 1, 2028, to (1) translate the notice into the five most commonly spoken languages in the state, as she determines, and (2) post the translations on DOH's website.

Existing law, unchanged by the act, prohibits protected tenants from being evicted solely for their lease expiring (i.e., lapse of time). It also limits their rent increases to a fair and equitable amount and allows those aggrieved by a rent increase and residing in a municipality without a fair rent commission to bring an action to contest the increase in Superior Court.
EFFECTIVE DATE: October 1, 2023

§§ 11, 12 & 15 — HOUSING AUTHORITY TRAINING AND INFORMATION REQUIREMENTS

Requires housing authorities (1) receiving state assistance to annually give tenants specified information and (2) subject to the State Single Audit Act, to include the audit results in their annual reports; requires all current and new housing authority commissioners to participate in a training

The act requires (1) existing housing authority commissioners, by January 1, 2024, to participate in a "housing authority commissioner training" provided by an industry-recognized training provider and (2) new commissioners to do so upon appointment (§ 11).

It also requires housing authorities receiving state assistance and the Connecticut Housing Finance Authority (CHFA) (if it or its subsidiaries are successor owners to housing previously owned by a local authority) to annually give tenants, beginning when they sign their initial lease: (1) contact information for the authority's management, the local health department, and Commission on Human Rights and Opportunities and (2) a copy of the judicial branch's guidance on tenants' and landlords' rights and responsibilities (§ 12).

The act requires housing authorities subject to the state's Single Audit Act (generally, those with annual revenue of more than $1 million and that spend more than $300,000 in state assistance in a fiscal year) to include the audit results in

the annual reports they must submit under existing law to the housing commissioner and their respective municipality's chief executive officer (§ 15).
EFFECTIVE DATE: October 1, 2023

§§ 13 & 14 — STANDARDIZED RENTAL AGREEMENT AND HOUSING CODE VIOLATION FORMS IN ENGLISH AND ADDITIONAL LANGUAGES

Requires (1) DOH to develop standardized rental agreement forms that landlords and tenants may use, (2) municipal code enforcement agencies to create housing code violation complaint forms for tenants, (3) that both forms be made available in English and Spanish, and (4) DOH to make the rental agreement forms available in additional languages by December 1, 2028

The act requires the DOH commissioner, within existing appropriations, to develop standardized rental agreement forms that landlords and tenants may use. The forms must (1) contain a rental agreement's essential terms; (2) be easily readable; and (3) include plain-language explanations of all the terms and conditions, including rent, fees, deposits, and other charges. DOH must post the forms on its website by July 1, 2024, and make them available in both English and Spanish. The act requires the department to revise the forms at the commissioner's discretion.

Additionally, the act requires the department, by December 1, 2028, to (1) translate these forms into the five most commonly spoken languages in the state, as determined by the housing commissioner, and (2) post the translations on its website.

The act also requires agencies empowered to enforce municipal health and safety standards or the local housing code (i.e., the board of health or other designated authorities) to create and make available housing code violation complaint forms, in both English and Spanish, for tenants to use.
EFFECTIVE DATE: October 1, 2023

§ 16 — MUNICIPAL LANDLORD IDENTIFICATION REQUIREMENTS

Modifies current municipal landlord identification requirements, including generally extending certain requirements for landlords participating in the federal Housing Choice Voucher program to nonresident rental property owners; exempts information provided under these requirements from FOIA

Under existing law, generally unchanged by the act, municipalities may require nonresident property owners and landlords renting to Housing Choice Voucher (HCV) program participants (also known as project-based housing providers or PBHPs) to provide (1) their current residential addresses or (2) the current residential address of the agent in charge of the building if the owners are a business entity that owns rental property (i.e., a corporation, partnership, trust, or other legally recognized entity). The act additionally generally requires these landlords and owners to provide identifying information about individuals who exercise day-to-day financial or operational control of the property (i.e., "controlling participants").

Under prior law, the "controlling participant" provision for PBHPs required them to provide identifying information and the current residential address of each controlling participant associated with the property, meaning an individual or entity that exercises day-to-day financial or operational control. If a controlling participant was a business entity, the PBHP had to identify and provide the residential address for a natural person who exercised control over that entity.

The act makes changes to this "controlling participant" requirement. It only requires a PBHP to disclose the identifying information and current residential addresses of its controlling participants if the PBHP is a business entity. It also limits the definition of controlling participant to individuals, rather than both individuals and entities. The act extends this requirement to nonresident owners in addition to PBHPs.

Lastly, beginning on October 1, 2023, the act makes the reports given to a tax assessor under these identification requirements confidential and exempt from disclosure under the state's Freedom of Information Act (FOIA).
EFFECTIVE DATE: October 1, 2023

Background — HCV Program and PBHPs

The HCV program is the federal government's main program for helping very low-income families afford private market housing (42 U.S.C. § 1437f(o)). Eligible households that receive a housing voucher must find housing that meets the program's requirements. HUD funds the program and it is administered locally by Public Housing Agencies and

statewide by DOH. State law defines PBHPs as property owners who contract with HUD to provide housing to tenants under the HCV program.

§ 17 — OPM OFFICE OF RESPONSIBLE GROWTH

Statutorily establishes the Office of Responsible Growth within OPM and assigns it various responsibilities

The act statutorily establishes the Office of Responsible Growth within the Office of Policy and Management's (OPM) Intergovernmental Policy Division and makes it the successor agency to the office of the same name established by Executive Order No. 15 in 2006. It assigns the office the following responsibilities, for which OPM is generally responsible under existing law:

1. collecting, analyzing, and disseminating information to help the ongoing development of responsible growth goals for the governor, Continuing Committee on State Planning and Development, state and regional agencies, local governments, and the public;
2. coordinating the development of state agency policy, planning, and programming to improve outcomes and efficiently use state resources and expertise through developing and implementing the state plan of conservation and development;
3. administering OPM's responsibilities under the Connecticut Environmental Policy Act;
4. facilitating interagency coordination relating to, among other things, land and water resources and infrastructure improvements;
5. facilitating coordination between the state, planning regions, and municipalities on development and conservation by serving as a state liaison to regional councils of governments;
6. providing staff support to boards, committees, and other groups, as the OPM secretary deems appropriate, such as the State Water Planning Council and Advisory Commission on Intergovernmental Relations;
7. administering grant programs as the OPM secretary deems appropriate, such as those for (a) responsible growth and transit-oriented development and (b) regional performance incentives; and
8. performing other duties as the OPM secretary deems appropriate to address current and emerging development and conservation issues.

The act requires the OPM secretary to designate a member of his staff to serve as the state responsible growth coordinator and oversee the office.

EFFECTIVE DATE: October 1, 2023

§ 18 — FAIR SHARE HOUSING ALLOCATION METHODOLOGY

Requires OPM, by December 1, 2024, to create a methodology meeting certain requirements for each municipality's fair share allocation of affordable housing by generally (1) assessing the affordable housing need in each of the state's planning regions and (2) fairly allocating this need to each region's municipalities

The act requires the OPM secretary, in consultation with the DOH commissioner and the Department of Economic and Community Development (DECD) commissioner, to establish a methodology for each municipality's fair share allocation by:

1. determining the need for affordable housing units in each of the state's planning regions and
2. fairly allocating this need to each region's municipalities considering the duty of the state and municipalities to affirmatively further fair housing under the state Zoning Enabling Act and the federal Fair Housing Act (FHA).

The OPM secretary must create the methodology by December 1, 2024. In doing so, he may consult with experts; advocates; statewide organizations representing municipalities; and organizations with expertise in affordable housing, fair housing, and planning and zoning. He must submit the methodology to (1) the Housing and Planning and Development committees and (2) each chamber of the General Assembly for approval.

EFFECTIVE DATE: July 1, 2023

Fair Share Allocation Methodology

The act requires the OPM secretary, by December 1, 2024, and in consultation with the DOH and DECD commissioners, to use the methodology to determine the minimum need for affordable housing units for each planning region and a municipal fair share allocation for each region's municipalities. The act prohibits allocations that exceed 20% of the municipality's occupied dwelling units.

The methodology must generally rely on data from HUD's Comprehensive Housing Affordability Strategy data set or a similar source chosen by the OPM secretary. The secretary must ensure that the methodology:

1. considers the duty of the state and municipalities to affirmatively further fair housing under the state Zoning Enabling Act and the FHA;
2. relies on appropriate metrics of the minimum need for affordable housing units in a planning region to ensure adequate housing options, including the number of households whose (a) income is no more than 30% of the area median income and (b) housing costs make up at least 50% of the household's income;
3. relies on appropriate factors for fairly allocating this need among each municipality, including a municipality's compliance with provisions in the Zoning Enabling Act and State Plan of Conservation and Development related to (a) promoting housing choice and economic diversity (including housing for both low- and moderate-income households) and (b) encouraging housing development that meets the identified housing needs and the development of housing opportunities (including those for multifamily housing) for all of the municipality's and planning region's residents;
4. does not assign a fair share allocation to municipalities in which the federal poverty rate is 20% or higher based on the most recent decennial census or a similar source; and
5. increases a municipality's fair share allocation under specified circumstances (see below).

Under the act, the methodology must increase a municipality's allocation if, relative to other municipalities in its planning region, it has a (1) higher equalized net grand list, (2) higher median income, (3) lower population share with income below the federal poverty rate, or (4) lower population share residing in multi-family housing. The equalized net grand list is an estimate of the market value of all taxable property in a municipality. Multi-family housing refers to residential buildings with at least three dwelling units.

Data related to increasing a fair share allocation must come from the most recent decennial census or a similar source, except for the equalized net grand list data, which must be based on OPM's calculations of these figures for educational equalization grants.

Affordable Housing Units and Planning Regions

Under the act, (1) an "affordable housing unit" is a unit deed-restricted to preserve affordability for a low-income household and (2) a "planning region" generally follows the boundaries of a regional council of governments, except that the Metropolitan and Western planning regions are considered a single entity.

§ 19 — DOH PROGRAM TO INCENTIVIZE LANDLORD PARTICIPATION IN TENANT-BASED RENTAL ASSISTANCE PROGRAMS

Requires the DOH commissioner, within available appropriations and in consultation with CHFA and housing authority representatives, to establish a program to incentivize landlord participation in various tenant-based rental assistance programs

The act requires the DOH commissioner, within available appropriations and in consultation with CHFA and housing authority representatives that she selects, to establish a program to encourage and recruit landlords to accept from prospective tenants HCV vouchers, Rental Assistance Program (RAP) certificates, or payments from any other state-administered programs providing rental payment subsidies. The program may include advertisements, community outreach events, and communications with landlords participating in other state housing programs.

The act requires the DOH commissioner, starting by October 1, 2024, to report annually to the Housing Committee on (1) the program's status, including its effectiveness, and (2) related recommendations.

EFFECTIVE DATE: October 1, 2023

§§ 20 & 21 — DOH RAP STUDY AND PROGRAM EXPENDITURES

Requires the DOH commissioner to (1) study, within available appropriations, ways to improve the efficiency of processing RAP applications and (2) affirmatively seek to spend all funds appropriated to the program annually

The act requires the DOH commissioner, within available appropriations, to conduct a study on methods to improve the efficiency of processing applications under the department's RAP. The study must include the following components:

1. an analysis of the current RAP application processing time, including inspection timelines;
2. an assessment of the application process, including barriers or challenges to applicants or landlords; and

3. (a) recommendations for improving the process's efficiency, including using technology and alternative processing methods, and (b) a cost estimate for the improvements.

The commissioner must submit a report on the study's findings and recommendations to the Housing Committee by January 1, 2024.

Additionally, the act requires the commissioner to affirmatively seek to spend all funds appropriated to the program annually without regard to population limitation established in prior years.

EFFECTIVE DATE: Upon passage, except the appropriations provision is effective October 1, 2023.

§ 22 — HOMELESS AND HOUSING INSECURE VETERANS

Requires the Department of Veterans Affairs, within available appropriations, to convert, rehabilitate, and renovate vacant, underused, or otherwise available properties for housing homeless or housing insecure veterans

The act requires the Department of Veterans Affairs, within available appropriations, to convert, rehabilitate, and renovate vacant, underused, or otherwise available properties for housing homeless or housing insecure veterans. The department must build, improve, or remediate infrastructure as needed to support the residential use of these properties.

EFFECTIVE DATE: July 1, 2023

§ 23 — REMOVAL OF CERTAIN EVICTION RECORDS FROM THE JUDICIAL DEPARTMENT WEBSITE

Requires the Judicial Department to remove records or identifying information on certain eviction proceedings from its website within a specified time period; prohibits the department from selling or transferring these removed records for commercial purposes, such as consumer reporting or tenant screening

The act requires the Judicial Department to remove from its website any records or identifying information ("records") related to a summary process action (i.e., eviction proceeding) that is withdrawn, dismissed or nonsuited, or decided in the defendant's (i.e., tenant's) favor. It must do this within 30 days after the action's disposition.

The act also prohibits the Judicial Department from including removed records in any sale or transfer of bulk case records to a person or entity purchasing them for commercial purposes (e.g., selling the records, providing consumer reporting- and prospective tenant screening-related services, or using them for any other financial gain). It expressly prohibits these commercial purchasers from disclosing a removed record. However, the act exempts from this ban governmental, scholarly, educational, journalistic, or other noncommercial use of the records.

The act requires the Judicial Department to restore a case to its website, including any associated records that were previously removed, if there is any activity in the case. Similarly, the department must retain records on its website beyond their removal date if there is an ongoing appeal. Under the act, restored or retained records remain on the Judicial Department's website until the later of (1) 30 days after the associated case's disposition or (2) the applicable time period from the original disposition.

Finally, the act specifies that its requirements do not prevent the Judicial Department or a case reporting service from publishing any formal written judicial opinion.

EFFECTIVE DATE: July 1, 2024, and applicable to any summary process action disposed of either before or after this date.

§§ 24 & 25 — REAL ESTATE CONVEYANCE TAX EXEMPTIONS AND TRANSFERS

Exempts conveyances of property with deed-restricted affordable housing dwelling units from the real estate conveyance tax; requires the state comptroller to transfer state conveyance tax revenue that exceeds $300 million each fiscal year, annually adjusted for inflation, to the Housing Trust Fund

Conveyance Tax Exemption (§ 25)

The act exempts from the real estate conveyance tax any deeds of property with dwelling units where all of the units are deed-restricted as affordable housing (i.e., housing where households earning no more than the host municipality's area median income, as determined by HUD, spend 30% or less of their annual income on it). For property in which only some of the units are deed-restricted affordable housing, the exemption must be proportionately reduced based on the number of unrestricted units.

Transfer of Conveyance Tax Revenue to Housing Trust Fund (§ 24)

Starting in FY 26, the act requires the state comptroller to transfer, from the General Fund to the Housing Trust Fund, any conveyance tax revenue the state receives each fiscal year exceeding $300 million. It requires that the threshold amount for this transfer be adjusted annually for inflation beginning with FY 27 (i.e., the percentage increase in the consumer price index for all urban consumers during the preceding calendar year, calculated on a December over December basis using U.S. Bureau of Labor Statistics data).
EFFECTIVE DATE: July 1, 2023, except the provisions on the transfer of conveyance tax revenue to the Housing Trust Fund are effective October 1, 2023.

§ 26 — HOUSING DISCRIMINATION BASED ON SEXUAL ORIENTATION

Subjects the rental of certain owner-occupied dwelling units to a state law that prohibits housing discrimination specifically due to a person's sexual orientation or civil union status

The act subjects the rental of certain owner-occupied dwelling units to a state law that prohibits housing discrimination specifically due to a person's sexual orientation or civil union status. Prior law exempted from these antidiscrimination provisions the rental of (1) rooms in a dwelling the owner lives in or (2) units in a dwelling containing up to four units, one of which the owner occupies (i.e., "owner-occupied units"). The act eliminates the exemption, and in doing so subjects such an owner who violates this anti-housing discrimination law to a class D misdemeanor (see Table on Penalties).
EFFECTIVE DATE: October 1, 2023

Housing Discrimination

State law prohibits housing discrimination based on a person's sexual orientation or civil union status and establishes a list of specific actions considered discriminatory practices. (A related law, the Discriminatory Housing Practices Act (DHPA), provides similar protection against housing discrimination based on other protected classes, such as race, marital status, or gender expression or identity.)

By eliminating prior law's exemption, the act makes it a discriminatory practice for an owner of an owner-occupied unit to do any of the following based on someone's sexual orientation or civil union status:

1. refuse to negotiate, sell, or rent after a legitimate offer;
2. discriminate in terms, conditions, or privileges of a sale, rental, or provision of services or facilities;
3. deny access to real estate multiple listing services;
4. place housing ads indicating a discriminatory preference; or
5. represent that the dwelling is not available for inspection, sale, or rental when it is in fact available.

Commission on Human Rights and Opportunities (CHRO) Investigations

Under existing law, unchanged by the act, individuals who believe they have been discriminated against in violation of the DHPA, or the similar protections against housing discrimination due to sexual orientation or civil union status, may file a complaint with CHRO within 180 days after the alleged incident. When CHRO finds reasonable cause that discrimination occurred, it negotiates a settlement agreement between the parties. If an agreement cannot be reached, it conducts an administrative hearing (CGS § 46a-82 et seq.).

§ 27 — SEWERAGE SYSTEM REGULATORY OVERSIGHT

Transfers from DEEP to DPH regulatory authority over certain small community sewerage systems and household and small commercial subsurface sewerage disposal systems, requires the agencies to adopt regulations on them, and applies DEEP's newly adopted regulations to these systems beginning July 1, 2025

The act transfers regulatory authority from the Department of Energy and Environmental Protection (DEEP) to the Department of Public Health (DPH) over:

1. small community sewerage systems with daily capacities of up to 10,000 gallons (community sewerage systems have one subsurface sewage disposal system serving at least two residential buildings) (CGS § 7-245(3)) and
2. household and small commercial subsurface sewerage disposal systems with daily capacities of up to 10,000 gallons (prior law gave DPH authority over those with daily capacities of up to 7,500 gallons only).

The act also requires (1) DEEP to amend its regulations, by July 1, 2025, to establish and define categories of discharges that constitute these systems and (2) DPH to establish minimum requirements for these systems, as well as procedures for local health directors or sanitarians to issue permits or other approvals. Existing law already required these regulations and minimum standards for household and small commercial subsurface sewerage disposal systems with daily capacities up to 7,500 gallons.

The act applies the DEEP regulations in effect on July 1, 2025 (i.e., the newly adopted regulations), to small community sewerage systems, household systems, and small commercial subsurface sewerage disposal systems with daily capacities of 10,000 gallons or less. Under existing law, unchanged by the act, DEEP's regulations in effect on July 1, 2017, apply to household and small commercial subsurface sewerage disposal systems with daily capacities of 7,500 gallons or less.
EFFECTIVE DATE: Upon passage

§§ 28-35 — WORKFORCE HOUSING DEVELOPMENTS

Establishes various state and local financial incentives for individuals and businesses investing in and developing rental units set aside for designated workforce populations

The act establishes various state and local financial incentives for individuals and businesses investing in and developing rental units set aside for designated workforce populations under certain programs. Specifically, the act does the following:

1. establishes a new tax credit against the personal income and corporation business taxes, administered by DOH, for individuals or entities making cash contributions to eligible developers constructing or rehabilitating eligible "workforce housing opportunity development projects" in federally designated opportunity zones (see *Background*) (§ 28);
2. expressly allows businesses making cash contributions to nonprofits developing eligible "workforce housing development projects," including those in an opportunity zone, to qualify for tax credits under CHFA's Housing Tax Credit Contribution (HTCC) program (§ 30);
3. requires municipal tax assessors to assess workforce housing opportunity development projects using the capitalization of net income method based on actual rent received for property tax assessment purposes (§ 29);
4. exempts both of these categories of workforce housing projects from building permit application fees (§ 31);
5. allows municipalities to provide up to a seven-year, 70% property tax exemption for workforce housing development projects, offset by a 70% state grant in lieu of taxes (§§ 32 & 33);
6. requires CHFA to develop and administer a mortgage assistance program for developers of both categories of these projects (§ 34); and
7. requires DOH to conduct a workforce housing study and report to the Housing Committee (§ 35).

EFFECTIVE DATE: June 1, 2024, except for the DOH workforce housing study provision, which is effective upon passage; the property tax assessment requirements and local option exemption are applicable to assessment years beginning on or after June 1, 2024.

Workforce Housing Opportunity Development Tax Credit (§ 28)

Administration. The act requires DOH to administer a new program providing tax credit vouchers to individuals or entities making cash contributions to eligible developers constructing or rehabilitating eligible housing projects in opportunity zones. The department must begin accepting applications from eligible developers by January 1, 2025. Under the act, the DOH commissioner must (1) determine the program's additional eligibility criteria, certification conditions, and application guidelines and (2) adopt regulations to implement the program, including conditions for certifying developers.

Eligible Projects. Under the act, an eligible workforce housing opportunity development project is a project to build or substantially rehabilitate rental housing that is (1) located in an opportunity zone in the state and (2) partially designated for certain targeted residents (see "*Rental Requirements*"). To the extent feasible, these projects must also incorporate renewable energy and be transit-oriented.

For rehabilitation projects, the act requires that (1) a building's repairs, replacements, or improvements exceed 25% of the building's value when rehabilitation is complete or (2) the project replace two or more major components of the building (i.e., roof structures, wall or floor structures, plumbing systems, heating and air conditioning systems, electrical systems, ceilings, or foundations).

Eligible Developers. The act authorizes developers to apply to DOH, as the commissioner prescribes, to be certified to receive credit-eligible cash investments under the program. Under the act, the following entities may qualify as eligible developers:

1. nonprofits and business corporations incorporated in Connecticut and other business entities (i.e., partnerships, limited partnerships, limited liability partnerships, joint ventures, trusts, limited liability companies (LLCs), or associations) that (a) construct, rehabilitate, own, or operate housing and (b) are either certified by DOH under the program or whose articles of incorporation or organizational documents, as applicable, have been approved by DOH under its regulations for certain housing programs;
2. municipal housing authorities (and the Connecticut Housing Authority, although it is no longer active); and
3. municipal developers.

Under the act, a "municipal developer" is the legislative body of a municipality that has not established a housing authority; it may be the municipality's board of selectmen if the town meeting or representative town meeting authorized the board to act as a developer.

Rental Requirements. The act requires that completed workforce housing opportunity development projects be rented as follows:

1. 40% of the units at market rate (i.e., the rate the property would most probably command on the open market based on current comparable rentals in the opportunity zone);
2. 50% of the units to members of a designated workforce population with an income of up to 60% of the area median income (as described below); and
3. 10% of the units to very low-income households (i.e., those whose income is 30% or less of the area median income) that also receive rental assistance through certain state programs or HUD's federal section 8 program.

Under the act, the program must establish a method for selecting tenants who meet the income criteria that does not discriminate on the basis of race, creed, color, national origin, ancestry, sex, gender identity or expression, age, or physical or intellectual disability.

Designation of Workforce Population. The act requires that eligible developers receive approval for proposed workforce housing opportunity development projects from municipal zoning commissions and other applicable municipal agencies. The municipal legislative body (or board of selectmen if its legislative body is a town meeting) may vote to designate the workforce population the project will serve within 30 days after the municipality approves the project. But developers may make this designation if the municipality fails to do so within the given time limit. Under the act, the designated workforce population may include volunteer firefighters, teachers, police officers, emergency medical personnel, and any other professions working in the town where the project is located.

Timeframe for Completion. The act requires eligible developers to (1) schedule the workforce housing opportunity development projects for completion within three years after DOH's project approval and (2) submit quarterly progress reports and a final report to the DOH commissioner. If a project is not completed within the three-year timeframe, or at any time if the DOH commissioner determines that it is unlikely to be completed, the act allows the commissioner to ask the attorney general to reclaim any remaining contributions made by individuals and entities to the developer and reallocate the funds to another eligible project.

Tax Credits for Qualifying Contributions. The act requires the DOH commissioner to administer the tax credit vouchers, similar to CHFA's existing HTCC program, for individuals or entities that make a cash contribution of at least $250 to an eligible developer for the eligible projects described above. The vouchers may be claimed against state corporation business and personal income taxes, except for the withholding tax, for taxable income years beginning in 2025 (presumably, for tax years or income years beginning in 2025). The Department of Revenue Services must grant the credits in the amount specified by DOH in the tax credit vouchers.

The act caps the total amount of credits allowed per fiscal year at $5 million. Taxpayers may claim the credits in the taxable income year in which they made the cash contribution and may carry unused credits forward or back for five years. In the case of S corporations or entities treated as a partnership for federal tax purposes, the entity's shareholders or partners may claim the credits. If the entity is a single-member LLC that is disregarded as an entity separate from its owner, only the owner may claim the credit.

CHFA HTCC Program (§ 30)

The act expressly makes investments in "workforce housing development projects" eligible for HTCC tax credits. Under this program, CHFA administers tax credit vouchers for businesses that make cash contributions of at least $250 to nonprofits that develop, sponsor, or manage housing programs benefiting low- and moderate-income households (e.g., affordable housing developments). The credits apply against various business taxes, including the insurance premiums, corporation business, and utility companies taxes.

Under the act, "workforce housing development projects" are generally similar to the workforce housing opportunity projects described above, except that they are not limited to opportunity zones and are subject to different set-aside

requirements. Starting with tax or income years beginning on or after January 1, 2024, workforce housing development projects must be scheduled for completion within three years after approval.

Specifically, workforce housing development projects are to construct or substantially rehabilitate rental housing where:

1. 50% of the units are market rate units (i.e., the rate the unit would probably command on the open market based on comparable units in the same area);
2. 40% are rented to the workforce population designated by the developer in consultation with the host municipality; and
3. 10% are affordable housing (i.e., when households earning no more than the host municipality's area median income, as determined by HUD, spend 30% or less of their annual income on it).

Under the act, "substantial rehabilitation" has the same definition as described above for workforce housing opportunity development projects. An eligible "workforce housing opportunity development" project is also considered an eligible "workforce housing development" project.

The law, unchanged by the act, caps the total amount of tax credits allowed to businesses under the program at $10 million per fiscal year, and $1 million of these credits must be set aside each year for workforce housing as defined in CHFA's written procedures (i.e., affordable housing for low- and moderate-income wage or salaried workers in the municipalities where they work). The act also makes various conforming changes to the HTCC program.

Property Tax Assessment for Workforce Housing Opportunity Development Projects (§ 29)

The act requires assessors to determine the value of workforce housing opportunity development projects for property tax purposes by using the capitalization of net income method based on actual rent received. This means assessors must consider net rental income, rather than market rent for similar property, when determining the project's gross potential income.

Under existing law and unchanged by the act, assessors must consider three methods when assessing the fair market value of other rental properties (with certain exceptions):

1. replacement cost less depreciation, plus the land's market value;
2. capitalization of net income based on market rent for similar property; and
3. comparable sales.

Building Permit Fee Exemption (§ 31)

The act exempts both categories of workforce housing development projects from all building permit application fees. In doing so, it supersedes any municipal charters, home rule ordinances, and special acts.

Local Option Property Tax Exemption and State Reimbursement (§§ 32 & 33)

The act allows a municipality's legislative body (or board of selectmen if the legislative body is a town meeting) to provide up to a seven-year, 70% property tax exemption to the workforce housing development projects eligible for the HTCC credit. Under the act, the property tax exemption may begin in the first full assessment year after the project's construction or rehabilitation is complete.

Additionally, the act requires the Office of Policy and Management (OPM) secretary, beginning in FY 26, to pay a state grant in lieu of taxes (PILOT) to municipalities that (1) provide this local option exemption and (2) submit an annual grant application to OPM as the secretary prescribes. OPM must determine the amount due to these municipalities annually by January 1.

Under the act, the PILOT equals 70% of the property taxes that would have been paid for the assessment year two years before the fiscal year in which the grant is paid (excluding exemptions for certain housing authority properties). The grants are payable for a maximum of seven assessment years and must be proportionately reduced if the total of all grants in a fiscal year exceeds state appropriations for the grants.

CHFA Mortgage Assistance Program (§ 34)

The act requires CHFA to (1) develop and administer a mortgage assistance program for developers of both categories of workforce housing projects under the act and (2) use any appropriate housing subsidies in providing this mortgage assistance.

DOH Workforce Housing Study (§ 35)

The act requires DOH, within available appropriations, to study ways to (1) increase housing options for apprentices and newly hired employees and (2) enable this population to live in the municipalities where they work. The DOH commissioner must submit a report to the Housing Committee, including recommendations and legislation necessary for implementation, by January 1, 2024.

Background

Opportunity Zones. 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.

Related Act. The 2023 bond act (PA 23-205, § 56) (1) authorizes up to an additional $400 million in state general obligation (GO) bonds to capitalize the Housing Trust Fund ($200 million each in FYs 24 and 25) and (2) requires DOH to give CHFA up to $200 million of this funding to administer a revolving loan fund to finance workforce housing projects.

§ 36 — AFFORDABLE HOUSING ROUNDTABLE GROUP

Establishes the majority leaders' roundtable group on affordable housing, consisting of 24 members, to study various topics related to promoting and developing affordable housing in the state

The act establishes the majority leaders' roundtable group on affordable housing and requires it to study the following topics:

1. existing affordable housing policies, programs, and initiatives in the state;
2. the possibility of converting (a) state properties into affordable housing developments and (b) commercial properties (e.g., hotels, malls, and office buildings) into residential buildings;
3. successful models and best practices from other states or regions to inform potential policy recommendations; and
4. any other topics related to promoting and developing affordable housing in the state.

Membership, Administration, and Reporting

Under the act, the 24-member roundtable group consists of the following:

1. the co-chairs and ranking members of the Housing and Planning and Development committees;
2. the Senate and House majority leaders;
3. three appointees of each leader (see table below);
4. the commissioners of the Department of Administrative Services, DOH, Department of Economic and Community Development, and the Department of Transportation, or their designees;
5. OPM's responsible growth coordinator, or the coordinator's designee;
6. CHFA's executive director, or her designee; and
7. one representative each from the Connecticut Conference of Municipalities and the Connecticut Council of Small Towns.

The table below shows the criteria for each majority leader appointee. Under the act, the House majority leader's appointees may be legislators.

Affordable Housing Roundtable Group Appointees

House Majority Leader	*Senate Majority Leader*
Public housing expert	Regional planning expert
Representative of a regional council of governments	Local planning and zoning expert
Representative of a business advocacy organization or regional chamber of commerce	Housing development expert

The Senate and House majority leaders serve as the group's chairpersons and must schedule and hold its first meeting by August 28, 2023. They must (1) make their initial appointments to the group by July 29, 2023, and (2) fill any vacancies.

Beginning by January 1, 2024, the group must annually report its findings and recommendations to the Housing Committee. Under the act, the Housing Committee's administrative staff serves as the group's administrative staff.

EFFECTIVE DATE: Upon passage

§ 37 — HOUSING TRUST FUND PROGRAM ADVISORY COMMITTEE

Eliminates the Housing Trust Fund Program Advisory Committee

The act eliminates the Housing Trust Fund Program Advisory Committee. Prior law required the committee to meet at least semi-annually and advise the DOH commissioner on (1) the program's administration, management, and objectives and (2) developing related regulations, procedures, and rating criteria. (Existing DOH program regulations include requirements for, among other things, the program's project selection process and rating criteria (see Conn. Agencies Regs., § 8-336q).) The DOH commissioner appointed the committee in consultation with the state treasurer and the OPM secretary.

DOH administers the Housing Trust Fund Program, which is designed to create and preserve affordable housing for low- and moderate-income households. The department awards loans and grants to eligible sponsors of affordable housing. It solicits applications twice per year, within available appropriations.

EFFECTIVE DATE: October 1, 2023

§§ 38 & 39 — SECURITY DEPOSIT RETURNS

Generally shortens the deadline for landlords to return a tenant's security deposit and interest on deposits

The act generally shortens the deadline for landlords to return a tenant's security deposit and interest on deposits under certain circumstances.

Under prior law, after a tenancy was terminated, landlords had to return a tenant's security deposit, or the deposit balance if any, plus accrued interest, within the greater of (1) 30 days or (2) 15 days after receiving written notification of the tenant's forwarding address. The act reduces the 30-day deadline to 21 days. Under existing law and unchanged by the act, any landlord that violates this requirement is liable for twice the security deposit amount (or, if the landlord fails only to deliver the accrued interest, the greater of twice the accrued interest or $10).

The act also makes a similar change to a statutory provision requiring landlords to pay interest annually on tenants' security deposits. Under prior law, a landlord had to pay their tenant the accrued interest within 30 days after (1) the tenancy terminated before its anniversary date or (2) he or she returned all or part of a security deposit before the tenancy's anniversary date. The act reduces this deadline to 21 days.

By law, any landlord who knowingly and willfully fails to pay all or part of a security deposit when due is subject to a fine of up to $250 for each offense, or $100 per offense for failing to pay accrued interest (CGS § 47a-21(k)).

EFFECTIVE DATE: October 1, 2023

§§ 40 & 41 — PUBLISHING PAYMENT STANDARDS FOR TENANT-BASED RENTAL ASSISTANCE AND DOH COMMON RENTAL APPLICATION FOR HOUSING AUTHORITIES

Requires (1) any housing authority that administers a tenant-based rental assistance program to publicly post a payment standard (or similar information) within 30 days after setting or updating it and (2) the housing commissioner to develop a common rental application that housing authorities may use

The act requires any housing authority that administers a tenant-based rental assistance program (see *Background — Tenant-Based Rental Assistance and Payment Standards*) to publicly post a payment standard (or similar maximum monthly assistance payment) within 30 days after setting or updating it. Under the act and federal HUD regulations, a "payment standard" is the maximum monthly assistance payment for a family in the voucher program before deducting the total tenant payment by the family (24 C.F.R. § 982.4).

The act requires a housing authority to post the payment standard in a prominent and publicly available location on its website or the website of the municipality in which it is located. The posting must include (1) a disclaimer that the maximum payment standard may not be applied in full to the actual rental rate the applicant paid in certain circumstances and (2) any rules or regulations the authority has adopted on rental assistance programs.

The act also requires the housing commissioner, in consultation with the state's housing authorities, to develop a common rental application that housing authorities may use.
EFFECTIVE DATE: October 1, 2023

Background — Tenant-Based Rental Assistance and Payment Standards

Tenant-based rental assistance is generally rental subsidies to help low-income households rent privately owned homes that meet certain guidelines. HUD's Housing Choice Voucher Program (42 U.S.C. § 1437f(o)) and the state Rental Assistance Program (CGS § 8-345) are two examples of programs that offer this type of assistance.

§ 42 — SCHOOL BUILDING PROJECT REIMBURSEMENT RATE

Makes boards of education in an "inclusive municipality" eligible for a five-percentage point increase to their state grant reimbursement rate for school building projects

The act makes local or regional boards of education located in an "inclusive municipality," as determined by the DOH commissioner, eligible for a five-percentage point increase to their state grant reimbursement rate for school building projects. (The act does not specify when or how frequently DOH must make this determination.) To qualify as an inclusive municipality, a municipality must have:

1. a total population greater than 6,000 (generally based on the more recent of the U.S. Census Bureau's (a) newest decennial census or (b) current population report series available on January 1 of the fiscal year two years before the fiscal year in which the grant will be paid);
2. a share of affordable housing units that is less than 10% of its total housing, as determined by the DOH commissioner;
3. adopted, and currently maintain, zoning regulations that (a) promote fair housing, as determined by the commissioner; (b) provide a streamlined approval process for multi-family housing development of three units or more; (c) permit mixed-use development; and (d) allow accessory dwelling units; and
4. built new affordable housing units that (a) are deed-restricted to households whose income is 80% or less of the state median income and (b) equal at least 1% of the municipality's total housing units in the three years immediately before the municipality's grant application.

EFFECTIVE DATE: October 1, 2023

§ 43 — DOH TEMPORARY HOUSING PILOT PROGRAM

Requires DOH, within available appropriations, to establish a pilot program to provide temporary housing to individuals experiencing homelessness and veterans who need respite care

The act requires DOH, within available appropriations, to establish a pilot program to provide temporary housing to individuals experiencing homelessness and veterans who need respite care. Under the act, the program must (1) be implemented in at least three municipalities with populations of 75,000 or more and (2) provide at least 20 housing units for eligible individuals needing respite care due to injury or illness. The act requires the DOH commissioner to establish program eligibility criteria and allows the department to contract with nonprofit organizations to administer it.

The act terminates the pilot program on January 1, 2025, by which time DOH must report on the program to the Housing Committee.
EFFECTIVE DATE: October 1, 2023

PA 23-31—sHB 6733
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

TABLE OF CONTENTS:

Requires the DPH commissioner to prescribe electronic reporting requirements and develop a data collection system to monitor compliance with asbestos abatement regulations

§§ 15 & 16 — ASBESTOS AND LEAD ABATEMENT PROFESSIONALS

Allows the DPH commissioner to implement policies and procedures on licensure and certification standards for asbestos and lead abatement professionals while in the process of adopting them in regulations

§ 17 — PUBLIC WATER SUPPLY SOURCES

Specifies that, starting July 1, 2024, DPH has jurisdiction over public water supply sources held for future or emergency use by municipalities, public institutions, or water companies

§ 18 — AUTOMATIC RECIPROCAL DISCIPLINE FOR HEALTH PROFESSIONALS

Rescinds automatic reciprocal discipline against a pharmacist or health care professional licensed in another state or jurisdiction if the discipline in that location was based solely on terminating a pregnancy under conditions that would not violate Connecticut law or regulation

§ 19 — LOCAL HEALTH DEPARTMENT REPORTING SYSTEM FOR SODIUM CHLORIDE DAMAGE

Extends by one year the deadline for (1) local health departments to create an electronic reporting system for property owners to report sodium chloride damage and (2) health departments to submit the reports to OPM; makes confidential certain information related to the reports

§ 20 — EYEBROW THREADING

Exempts eyebrow threading from esthetics licensure requirements

§ 21 — FETAL DEATH CERTIFICATES

Establishes a statutory definition of "fetal death" and exempts a father or mother from filing a fetal death certificate when the birth occurs outside of an institution and a physician or midwife is not in attendance

§§ 22-25 — OFFICE OF THE CHIEF MEDICAL EXAMINER

Requires the Chief Medical Examiner to be board-certified in forensic pathology by the American Board of Pathology and eliminates a requirement that the Office of the Chief Medical Examiner submit certain fingerprints and photographs to DPH and local registrars of vital records

§ 26 — CERTIFIED FOOD INSPECTORS

Eliminates the requirement that certified food inspector applicants be employed by a local health department before certification; prohibits certified food inspectors, or their immediate family, or a business they associate with, from having a financial or ownership interest in a food establishment in their jurisdiction

§ 27 — LOCAL FOOD PROTECTION PROGRAM AUDITS

Authorizes DPH to audit local health department food protection programs; requires DPH to give local health directors a report on the audit's findings and any recommended or necessary corrective actions

§§ 28-42 & 52 — LEAD POISONING PREVENTION AND TREATMENT

Makes various changes related to lead poisoning prevention and treatment, such as (1) reducing the timeframe within which a health care provider must notify the parent of a child under age three with an elevated blood lead level, (2) modifying the blood lead level thresholds at which local health department programs must provide children case management services, and (3) requiring pediatricians to complete an annual lead risk assessment for all children from birth to age six and annually screen those with elevated risk

§§ 43-47 — MUSIC THERAPIST LICENSURE

Generally requires that music therapists be licensed by DPH and establishes related licensure requirements and exemptions; creates nonrenewable temporary permits authorizing the holder to work under a licensee's supervision; sets grounds for denying licenses and taking disciplinary action against licensees

§ 48 — MASSAGE THERAPIST CONTINUING EDUCATION

Increases, from six to 18, the number of continuing education units a licensed massage therapist may complete via the Internet or distance learning

§ 49 — FUNERAL DIRECTORS

Requires the DPH commissioner to give access to the state's electronic death registry system to state-licensed funeral directors who operate or are affiliated with out-of-state funeral homes or funeral businesses that have reciprocal agreements filed with DPH

§§ 50 & 51 — LICENSED PROFESSIONAL COUNSELORS AND MARITAL AND FAMILY THERAPISTS

Allows new graduates of professional counseling and marital and family therapy programs to practice without a license for up to 120 days after they complete their program, if they do so under clinical supervision by specified licensed health professionals

SUMMARY: This act makes various substantive, minor, and technical changes in Department of Public Health (DPH)-related statutes and programs. A section-by-section analysis follows.
EFFECTIVE DATE: Various, see below.

§§ 1 & 9 — BLOOD COLLECTION FACILITIES AND SOURCE PLASMA DONATION CENTERS

Creates new statutory definitions and DPH-administered licensure categories for source plasma donation centers and blood collection facilities; starting October 1, 2023, prohibits them from operating unless they obtain a license; establishes related licensure requirements and modifies those for clinical laboratories

The act creates new DPH licensure categories for blood collection facilities and source plasma donation centers and, starting October 1, 2023, prohibits a person or business (e.g., corporation, partnership, limited liability company, John Dempsey Hospital, UConn Health Center) from establishing, conducting, operating, or maintaining a facility or center unless it obtains the license. (Previously, these facilities and centers were required to register with DPH and comply with regulations for clinical laboratories.)

It requires the DPH commissioner to adopt regulations implementing the new licensure categories, which must include the requirement that a registered nurse or advanced practice registered nurse (APRN) be on-site during the facility's operating hours. The act also requires the commissioner, on or before October 1, 2023, to implement policies and procedures while adopting the regulations. She must post the policies and procedures on the eRegulations System before adopting them, and they are valid until the final regulations are adopted.

The act also modifies requirements for clinical laboratory licensure by eliminating certain information included on licensure applications.
EFFECTIVE DATE: October 1, 2023

Definitions

The act adds blood collection facilities and source plasma donation centers to the statutory definition of "health care institution." In doing so, it subjects these facilities to DPH licensure, inspection, and complaint investigation requirements.

Under the act, a "blood collection facility" is a facility that performs blood component collection activities where blood is removed from a person to administer the blood, or its components, to any person. It excludes facilities that perform these activities to collect source plasma or perform testing that requires a clinical laboratory license.

A "source plasma donation center" is a facility where source plasma is collected by plasmapheresis, which is a procedure that removes blood from a donor, separates the plasma, and then returns the red blood cells to the donor at the time of donation. "Source plasma" is the liquid part of human blood collected by plasmapheresis for use as source material for further manufacturing use. It does not include single donor plasma products for intravenous use.

License Applications

The act requires blood collection facilities and plasmapheresis centers (now called "source plasma donation centers") registered with DPH on or before October 1, 2023, to apply to DPH for an initial license within 30 days after DPH implements licensure procedures.

Starting on this implementation date, the act prohibits DPH from renewing blood collection facility or plasmapheresis center registrations, instead requiring them to get the new license. The owner or responsible officer of the facility or center must apply for the license in a form set by the commissioner. However, the act exempts from licensure requirements a (1) mobile or temporary blood collection facility, if its operator is licensed as a blood collection facility, and (2) hospital for component collection activities that take place on its campus.

The act also specifies that a licensed source plasma donation center does not need a clinical laboratory license for performing pre-donation screening tests (e.g., screenings for infectious conditions) required by federal regulations.

For clinical laboratories, the act eliminates prior law's requirement that licensure applications contain (1) an itemized rate schedule, (2) full disclosure of any written or oral contractual relationship with a practitioner using the laboratory's services, and (3) any other information DPH requires.

License Renewals and Fees

The act generally extends the $200 initial and renewal license fees for clinical laboratories to blood collection facilities and source plasma donation centers. (By law, clinical laboratories owned and operated by a government agency are exempt from these fees.)

Prior law required a clinical laboratory to apply to renew its license (1) every two years, during the 24th month; (2) before any change in owner or director; and (3) before any major expansion or change in quarters. The act instead requires a clinical laboratory to biennially apply to renew its license during the 20th month. For a change in ownership, DPH must approve the change. If the laboratory changes its director, or intends to expand or alter its facility, it must first notify the DPH commissioner as she prescribes. The act extends these same requirements to blood collection facilities and source plasma donation centers.

Inspections and Investigation

Under the act, blood collection facilities and plasma donation centers are subject to DPH inspections, including any necessary records inspection, as existing law requires for clinical laboratories. After it receives an initial or license renewal application for a blood collection facility or source plasma donation center, DPH must conduct any inspections or investigations the commissioner deems necessary to determine an applicant's eligibility for licensure.

The act permits the DPH commissioner to require an applicant for a blood collection facility, plasma donation center, or clinical laboratory license to sign a consent order providing reasonable assurance that the applicant will comply with federal and state laws and regulations. Prior law similarly allowed DPH to require clinical laboratory licensure applicants to submit a sworn agreement to abide by the required standards. The act allows the commissioner to deny an application if she determines the applicant previously failed to comply with laws or regulations or that licensure would threaten the public's health, safety, and well-being, similar to prior law for clinical laboratories.

A license is not effective until the applicant receives notice of licensure from DPH, including its effective date and terms.

Disciplinary Action

The act authorizes the DPH commissioner to take various disciplinary actions (e.g., probation or license suspension or revocation) against a blood collection facility or source plasma donation center after notice and a hearing. The commissioner may do this if the facility or center (1) engaged in fraudulent practices, fee-splitting inducements, or bribes or (2) violated applicable state laws and regulations. It subjects violators to a fine of between $100 and $300 for each offense. Existing law already allows the commissioner to take disciplinary action and impose fines against a clinical laboratory in a similar manner.

Whistleblower Protection

The act prohibits blood collection facilities and source plasma donation centers from terminating an employee because the employee reported to DPH that the facility or center violated state licensure law. This prohibition already applies to clinical laboratories.

§§ 1 & 2 — ASSISTED LIVING SERVICES AGENCIES

Allows assisted living services agencies to provide nursing services and assistance with activities of daily living to people who are not chronic and stable under limited conditions

Prior law authorized assisted living services agencies (ALSAs) to provide services, including nursing services and assistance with activities of daily living, only to people who are chronic and stable. The act allows ALSAs to also serve people who are no longer chronic and stable if:

1. the person is under the care of a licensed home health care agency or hospice agency or
2. the ALSA is arranging, in conjunction with a managed residential community (MRC, see *Background — MRCs*), the delivery of ancillary medical services on the person's behalf, including physician, dental, hospice care, home health agency, pharmacy, podiatry, and restorative physical therapy services.

Under existing law, unchanged by the act, ALSAs may have a dementia special care unit or program.

EFFECTIVE DATE: Upon passage, except a conforming change is effective October 1, 2023.

Background — MRCs

Under existing law, the state does not license assisted living facilities. Instead, it licenses and regulates ALSAs that provide assisted living services. ALSAs can only provide these services at an MRC or certain federally-funded elderly housing complexes. MRCs that wish to provide assisted living services must obtain a DPH license as an ALSA, or arrange for the services with a licensed ALSA.

§§ 3 & 4 — SOCIAL WORK LICENSURE

Requires the DPH commissioner to temporarily waive the examination requirement for master social worker license applicants until January 1, 2026; allows the required five hours of in-person continuing education to be earned through live online classes

Examination Requirement

The act requires the DPH commissioner to temporarily waive the requirement for a master social worker license applicant to pass the Association of Social Work Board's masters level examination, or other examination the DPH commissioner prescribes. She must waive the requirement until January 1, 2026, and then reinstate it. By July 1, 2025, the commissioner must also notify higher education institutions that offer social work programs about reinstating the examination requirement.

The act maintains the examination requirement for licensure by endorsement for applicants who are licensed or certified as a master social worker in good standing in another state or jurisdiction whose licensure requirements are substantially similar to Connecticut's.

By law, unchanged by the act, applicants must hold a master's degree from a program accredited by the Council on Social Work Education, or for applicants educated outside of the U.S. or its territories, a program the council deems equivalent.

Continuing Education

Existing law generally requires licensed clinical and master social workers to complete at least 15 hours of continuing education (CE) during each registration period (i.e., 12-month license renewal period). The act further specifies that:

1. at least five of the CE hours must be earned through in-person or synchronous online education (i.e., a live online class conducted in real-time) with opportunities for live interaction and
2. no more than 10 hours can be earned through asynchronous online education, distance learning, or home study.

Prior law allowed social workers to complete up to 10 hours per registration period online or through home study. Thus, the act allows social workers to earn the five hours that must be in-person via a live online class.

Under the act, "asynchronous online education" is a program where the instructor, learner, and other participants are not engaged in the learning process at the same time, there is no real-time interaction between participants and instructors, and the educational content is created and made available for later consumption.

EFFECTIVE DATE: Upon passage for the examination requirement and October 1, 2023, for the CE requirement.

§§ 5 & 6 — ESTHETICIAN AND NAIL TECHNICIAN LICENSURE

Extends the time period in which certain applicants may be grandfathered in to licensure as an esthetician or nail technician to those who apply for licensure before January 1, 2025, and grandfathers applicants who complete specified education requirements

By law, people seeking an initial DPH license as an esthetician or nail technician must generally provide evidence of completing the minimum hours of required study at an approved school, or an out-of-state school with equivalent requirements, and receiving a certification of completion from the school.

Prior law grandfathered applicants who applied before January 1, 2022, with evidence of:

1. practicing as one of these professionals continuously in the state for at least two years before a specified date, and
2. attesting to compliance with specified infection prevention and control guidelines.

The act (1) extends the grandfathering to those who apply before January 1, 2025, and (2) allows an applicant to qualify for the grandfathering if he or she completed a course of study and received a certificate of completion from an approved school in place of the practice requirement.

EFFECTIVE DATE: Upon passage

§ 7 — PARAMEDIC LICENSURE

Makes a technical change to a provision on paramedic licensure by endorsement

The act makes a technical change to a provision on paramedic licensure by removing a reference to licensure by endorsement for New England states, New York, and New Jersey. The law already allows licensure by endorsement for paramedics licensed or certified in good standing in another state or jurisdiction with requirements substantially similar to or greater than Connecticut's requirements.

EFFECTIVE DATE: Upon passage

§ 8 — EMERGENCY MEDICAL SERVICES VEHICLE INSPECTIONS

Generally codifies minimum vehicle design and equipment standards for authorized emergency medical services vehicle inspections that are currently in regulation

By law, ambulances and other authorized emergency medical services (EMS) vehicles (i.e., invalid coaches and intercept vehicles staffed by emergency technicians or paramedics) must be registered with the Department of Motor Vehicles (DMV).

As part of this process, DPH must at least biennially inspect the vehicles to ensure they meet minimum vehicle design and equipment standards. The act generally codifies the requirements for the minimum standards currently in regulation (Conn. Agencies Regs., § 19a-179-18). Under the act, the minimum standards must at least require:

1. ambulances to meet or exceed the design criteria of the U.S. General Services Administration's federal specification for the star-of-life ambulance (i.e., KKK-A-1822, as amended), with an exemption for the ambulance's color scheme and decals;
2. authorized EMS vehicles to have equipment required for their specific vehicle classification specified in the 2022 Connecticut EMS Minimum Equipment Checklist; and
3. authorized EMS vehicles to comply with all state and federal safety, design, and equipment requirements.

As under prior law, the DPH commissioner may also inspect any rescue vehicle used by an EMS organization for compliance with minimum equipment standards.

In addition to the DPH inspection, existing law requires ambulances and invalid coaches to be inspected by state or municipal employees, or DMV-licensed motor vehicle repairers or dealers, who are qualified under federal

regulations. They must inspect the vehicles to ensure compliance with the minimum standards described above and make a record of each inspection (CGS § 19a-181(a)).
EFFECTIVE DATE: July 1, 2023

§ 10 — STILLBORN TAX CREDIT

Makes technical and minor changes to the income tax credit for the birth of a stillborn child to conform with existing vital records laws

The act makes technical and minor changes in the statute establishing an income tax credit for the birth of a stillborn child. It replaces references to stillbirths with fetal deaths (i.e., a death occurring at 20 or more weeks of gestation) to conform with existing vital records laws.

By law, there is a $2,500 personal income tax credit for the birth of a stillborn child if the child would have been claimed as the taxpayer's dependent on his or her federal income tax return. Prior law allowed taxpayers to claim the credit for the tax year for which DPH's State Vital Records Office issued the required certificate. The act instead applies the credit for the tax year in which the fetal death occurred.
EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2022.

§ 11 — HEPATITIS C SCREENING

Generally requires primary care providers to offer to provide or order a hepatitis C screening or diagnostic test for patients ages 18 and older and pregnant women, instead of only patients born between 1945 and 1965

The act generally requires licensed primary care physicians, APRNs, and physician assistants (PAs) ("primary care providers") to offer to provide or order a hepatitis C screening or diagnostic test for patients ages 18 and older and pregnant women. In doing so, the act conforms to 2020 federal Centers for Disease Control and Prevention recommendations for hepatitis C screening. Prior law only required primary care providers to do this for patients born between 1945 and 1965.

Existing law, unchanged by the act, does not require a provider to offer the screening or test when he or she reasonably believes that the patient (1) is being treated for a life-threatening emergency, (2) has been previously offered or received a hepatitis C screening test, or (3) lacks the capacity to consent.

By law, a "hepatitis C screening test" is a laboratory test to detect the presence of hepatitis C virus antibodies in the blood. A "hepatitis C diagnostic test" is a laboratory test that detects the presence of the virus in the blood and confirms whether the person has a hepatitis C virus infection.
EFFECTIVE DATE: October 1, 2023

§ 12 — DPH QUALITY OF CARE PROGRAM

Allows DPH to revise its quality of care program's (1) standardized data sets for health care facilities and (2) methods to provide public accountability for facilities' health care delivery systems

By law, DPH's quality of care program for health care facilities (e.g., hospitals and outpatient surgical facilities) must have (1) a standardized data set to measure facilities' clinical performance that must be collected and periodically reported to the department and (2) methods to provide public accountability for facilities' health care delivery systems. The act allows the DPH commissioner to revise the data sets and methods as she determines is necessary.

Under the act, the commissioner must consult with a Connecticut hospital association on the scope and timing of the data reporting requirements to reduce the burden on hospitals when producing and disclosing the data. It specifies that any data collected cannot include patients' personally identifiable information.

Additionally, the act removes an obsolete provision initially applying the health care quality performance measurement and reporting system only to hospitals.
EFFECTIVE DATE: July 1, 2023

§ 13 — COMMISSION ON COMMUNITY GUN VIOLENCE

Adds three new members to the Commission on Community Gun Violence Intervention and Prevention

The act adds the following three individuals to the Commission on Community Gun Violence Intervention and Prevention, increasing its members to 26:

1. the education commissioner, or her designee;
2. one municipal police chief, appointed by the Public Health Committee House ranking member; and
3. one local health director, appointed by the Public Health Committee Senate ranking member.

By law, the commission must advise the DPH commissioner on developing evidence-based, evidence-informed, community-centric gun programs and strategies to reduce gun violence in the state. The commission is within DPH for administrative purposes only.

EFFECTIVE DATE: Upon passage

§ 14 — ENFORCEMENT OF ASBESTOS REGULATIONS

Requires the DPH commissioner to prescribe electronic reporting requirements and develop a data collection system to monitor compliance with asbestos abatement regulations

Existing law requires the DPH commissioner, in consultation with the labor commissioner, to develop regulations on asbestos abatement, including standards for proper abatement, enforcement procedures, DPH inspection procedures, and minimum standards for completing abatement projects.

The act requires the DPH commissioner to prescribe electronic reporting requirements and develop a data collection system to monitor compliance with the regulations.

EFFECTIVE DATE: October 1, 2023

§§ 15 & 16 — ASBESTOS AND LEAD ABATEMENT PROFESSIONALS

Allows the DPH commissioner to implement policies and procedures on licensure and certification standards for asbestos and lead abatement professionals while in the process of adopting them in regulations

By law, the DPH commissioner must adopt regulations on the licensure and certification standards for asbestos and lead abatement health professionals (e.g., contractors, supervisors, consultants, inspectors, and site-workers). The act allows the commissioner to implement policies and procedures while in the process of adopting them in regulations, so long as she posts her intention to adopt regulations on the eRegulations System not later than 20 days after they are implemented. The policies and procedures are valid until the final regulations are adopted.

EFFECTIVE DATE: Upon passage

§ 17 — PUBLIC WATER SUPPLY SOURCES

Specifies that, starting July 1, 2024, DPH has jurisdiction over public water supply sources held for future or emergency use by municipalities, public institutions, or water companies

Under existing law, DPH has jurisdiction over the purity and adequacy of all public water supply sources used by municipalities, public institutions, or water companies. Starting July 1, 2024, the act extends the department's jurisdiction to include water supply sources over which these entities hold the right for future or emergency use.

EFFECTIVE DATE: Upon passage

§ 18 — AUTOMATIC RECIPROCAL DISCIPLINE FOR HEALTH PROFESSIONALS

Rescinds automatic reciprocal discipline against a pharmacist or health care professional licensed in another state or jurisdiction if the discipline in that location was based solely on terminating a pregnancy under conditions that would not violate Connecticut law or regulation

The act automatically rescinds an automatic reciprocal discipline against a pharmacist or health care professional currently or previously licensed in another state or jurisdiction when:

1. the pharmacist or health professional is subject to automatic reciprocal discipline for a disciplinary action in that state or jurisdiction and
2. that discipline was based solely on a pregnancy termination under conditions that would not violate Connecticut law or regulation.

If the above criteria are met, the act prohibits the applicable licensing entity (e.g., DPH) from entering the automatic reciprocal discipline into the health professional's or pharmacist's licensing record.

The act also specifies that it does not preclude or affect the ability of a state agency or board to seek or impose any disciplinary action authorized by state law against a Connecticut-licensed pharmacist or other health care professional.

EFFECTIVE DATE: July 1, 2023

Background — Related Acts

PA 23-52, § 4, generally prohibits a pharmacist currently or previously licensed in another state or jurisdiction from being subject to automatic reciprocal discipline in Connecticut for the other jurisdiction's disciplinary action based solely on terminating a pregnancy.

PA 23-128, §§ 1 & 2, generally prohibits DPH or the Department of Consumer Protection (and related boards and commissions) from denying a credential or disciplining a credentialed provider due to disciplinary actions in other U.S. jurisdictions solely based on the person's alleged participation in reproductive health care services.

§ 19 — LOCAL HEALTH DEPARTMENT REPORTING SYSTEM FOR SODIUM CHLORIDE DAMAGE

Extends by one year the deadline for (1) local health departments to create an electronic reporting system for property owners to report sodium chloride damage and (2) health departments to submit the reports to OPM; makes confidential certain information related to the reports

The act extends by one year, from January 1, 2023, to January 1, 2024, the deadline for local health departments (i.e., municipal and district health departments) to establish an electronic reporting system for owners of homes or wells directly damaged by sodium chloride run-off to report the damage to the local health department.

It correspondingly extends, from January 1, 2024, to January 1, 2025, the deadline for these health departments to start annually submitting the reports recorded during the prior year to the Office of Policy and Management (OPM).

Additionally, the act makes the following information confidential (i.e., not subject to disclosure or admissible as evidence in a court or agency proceeding, and used only for medical or scientific research):

1. testing results originating due to a sodium chloride run-off damage report provided to DPH, OPM, or local health departments;
2. information obtained from DPH or local health department investigations on the results; and
3. morbidity and mortality studies DPH or local health districts conduct related to the results.

EFFECTIVE DATE: Upon passage

§ 20 — EYEBROW THREADING

Exempts eyebrow threading from esthetics licensure requirements

The act exempts individuals who perform eyebrow threading from needing a state esthetician license. It defines "eyebrow threading" as a means of shaping and removing unwanted hair on the face and around the eyebrows.

Under existing law, esthetics are skin care treatment services, including things like (1) cleansing, toning, stimulating, exfoliating, or performing a similar procedure on the human body while using cosmetic preparations, hands, devices, apparatuses, or appliances to enhance or improve the skin's appearance; (2) applying makeup; (3) beautifying lashes and brows; or (4) manually and mechanically removing unwanted hair.

Existing law already exempts from the definition of esthetics (1) using a prescriptive laser device, performing a cosmetic medical procedure, or any practice, activity, or treatment that is considered practicing medicine; (2) applying makeup at a rented kiosk in a shopping center; or (3) practicing hairdressing and cosmetology by licensed hairdressers or cosmeticians as part of their scope of practice.

EFFECTIVE DATE: Upon passage

§ 21 — FETAL DEATH CERTIFICATES

Establishes a statutory definition of "fetal death" and exempts a father or mother from filing a fetal death certificate when the birth occurs outside of an institution and a physician or midwife is not in attendance

The act establishes a statutory definition of "fetal death" for issuing fetal death certificates. It defines fetal death as (1)

the death of a fetus before its complete expulsion or extraction from the uterus, regardless of the pregnancy's duration, and (2) with no evidence of life after expulsion or extraction, including heartbeat, umbilical cord pulsation, or definite voluntary muscle movement. It excludes from the definition an induced termination of pregnancy.

By law, a fetal death certificate must be completed for each fetal death occurring after at least 20 weeks of pregnancy (i.e., stillbirth). The certificate must be signed by one of the specified health professionals and filed with the vital records registrar in the municipality where the death occurred. The act exempts a father or mother from the filing requirement when the birth occurs outside of an institution (e.g., a home birth) and a physician or midwife does not attend.

EFFECTIVE DATE: October 1, 2023

§§ 22-25 — OFFICE OF THE CHIEF MEDICAL EXAMINER

Requires the Chief Medical Examiner to be board-certified in forensic pathology by the American Board of Pathology and eliminates a requirement that the Office of the Chief Medical Examiner submit certain fingerprints and photographs to DPH and local registrars of vital records

The act expands the job requirements for the Chief Medical Examiner (CME) to include that he or she be board-certified in forensic pathology by the American Board of Pathology. Under existing law, the CME must also (1) be a Connecticut-licensed physician, (2) have at least four years of postgraduate pathology training, and (3) have any additional forensic pathology experience the Commission on Medicolegal Investigations determines.

The act also eliminates a requirement that the Office of the Chief Medical Examiner send fingerprints and a photograph of a decedent's body it investigates and cannot identify to the local vital statistics registrar and DPH. It keeps existing law's requirement that the office send the decedent's fingerprints to the State Police. This revision conforms to current practice.

Additionally, the act makes technical changes.

EFFECTIVE DATE: October 1, 2023

§ 26 — CERTIFIED FOOD INSPECTORS

Eliminates the requirement that certified food inspector applicants be employed by a local health department before certification; prohibits certified food inspectors, or their immediate family, or a business they associate with, from having a financial or ownership interest in a food establishment in their jurisdiction

The act modifies DPH certification requirements for food inspectors by doing the following:

1. eliminating the requirement that applicants be employed by a municipal or district health department before receiving their certification, which allows them to complete certification requirements before working as a food inspector, and
2. specifying that the DPH commissioner must prescribe the required training and verification program applicants must successfully complete.

Additionally, the act prohibits a certified food inspector, the inspector's immediate family, or a business the inspector associates with (e.g., as a partner or owner), from doing the following:

1. having any financial or ownership interest in a food establishment located in the jurisdiction where the food inspector works;
2. engaging in any business, employment, or management of a food establishment in that jurisdiction; or
3. owning the property where the food establishment is located.

Prior law only prohibited a certified food inspector from owning or managing a food establishment located in their jurisdiction.

The act also requires municipal and district health directors employing food inspectors to certify, on a form the DPH commissioner prescribes, that the food inspector is not prohibited from working as a food inspector based on the above listed conditions.

EFFECTIVE DATE: January 1, 2024

§ 27 — LOCAL FOOD PROTECTION PROGRAM AUDIT

Authorizes DPH to audit local health department food protection programs; requires DPH to give local health directors a report on the audit's findings and any recommended or necessary corrective actions

The act authorizes the DPH commissioner to conduct audits of local health department (i.e., municipal and district

health department) food protection programs. The audits may include, but are not limited to, (1) interviews with local health department staff and (2) joint inspections of local food establishments with local health department staff.

After completing an audit, the act requires the commissioner to give the local health director a report detailing the audit's findings and any recommended or necessary corrective actions the director must take.

EFFECTIVE DATE: Upon passage

§§ 28-42 & 52 — LEAD POISONING PREVENTION AND TREATMENT

Makes various changes related to lead poisoning prevention and treatment, such as (1) reducing the timeframe within which a health care provider must notify the parent of a child under age three with an elevated blood lead level, (2) modifying the blood lead level thresholds at which local health department programs must provide children case management services, and (3) requiring pediatricians to complete an annual lead risk assessment for all children from birth to age six and annually screen those with elevated risk

The act makes various changes affecting lead poisoning prevention and treatment, as described below.

EFFECTIVE DATE: October 1, 2023, except the provisions on (1) testing by primary care providers take effect January 1, 2024 (§ 35), and (2) DPH's annual lead poisoning report take effect upon passage (§ 36).

Reporting Blood Lead Levels (§ 29)

The act reduces the timeframe, from 72 to 24 hours, within which a health care provider must make a reasonable effort to notify the parent or guardian of a child under age three whose test results indicate a blood lead level of at least 3.5 µg/dL.

By law, licensed health care institutions and clinical laboratories must report a person with blood lead levels of at least 3.5 µg/dL to DPH, local health departments, and the health care provider who ordered the testing. The report must include specified information on the person, the provider who ordered the testing, the sample collection and analysis, and any other information the DPH commissioner requires. For the latter, the act specifies that the information must be reported as the commissioner prescribes.

It also removes the requirement under prior law that the DPH commissioner consult with the administrative services commissioner to determine how data in individual and monthly lead testing reports, which health care institutions and clinical laboratories submit to DPH, is transmitted.

Regional Lead Poisoning Treatment Centers (§ 30)

The act requires each lead poisoning treatment center to report to the DPH commissioner on the number of people treated for lead poisoning; each person's town of residence, race, and ethnicity; and any other information the commissioner requires. The centers must report this information quarterly and as the commissioner prescribes.

Existing law allows the DPH commissioner, within available appropriations, to establish two regional lead poisoning treatment centers in different areas of the state by providing grants to two participating hospitals. The act requires these two hospitals to have demonstrated expertise in lead poisoning treatment, in addition to prevention as under existing law.

The act also specifies that the (1) commissioner must determine the designated area of the state that each hospital serves and (2) centers must, at a minimum, provide consultation services to pediatricians and other primary care practitioners, instead of all physicians, on proper lead poisoning treatment.

On-Site Inspections and Remediation (§§ 29 & 31)

As under prior law, the act requires local health directors to conduct on-site inspections and order remediation for children with lead poisoning if a child has a confirmed blood lead level between (1) 10 and 15 µg/dL before January 1, 2024, and (2) 5 and 10 µg/dL from January 1, 2024, to December 31, 2024. However, the act removes prior law's requirement that these blood lead levels must be confirmed in two tests taken at least three months apart.

Under the act, an "on-site inspection" is an examination of a residential dwelling to identify lead hazards, including for deteriorating paint, lead dust, bare soil near the dwelling's perimeter, household items that may present a potential lead risk (such as toys, cookware, food products, and cosmetics), and an inquiry into the water system serving the dwelling.

Education and Publicity Program (§ 33)

By law, DPH's Lead Poisoning Prevention Program must include an education and publicity program that informs the

general public and specified individuals about the danger, frequency, and sources of lead poisoning and ways to prevent it. The act requires the program to specifically direct the information to residential property owners who own housing built before 1978, instead of 1950 as under prior law.

Lead Remediation (§§ 29 & 34)

Prior law required owners of dwellings with toxic lead levels occupied by children under age six to abate, remediate, or manage the dangerous materials and follow DPH regulations for doing so. The act instead requires the owners to remediate the lead through testing, abatement, or management of the materials and correspondingly redefines these activities.

Under the act, "remediation" is the process of remedying a lead hazard condition, including investigation, abatement and, if appropriate, ongoing management measures.

"Abatement" is any set of measures designed to reduce or eliminate lead hazards, including encapsulation, replacement, removal, enclosure, or covering of paint, plaster, soil, or other material containing toxic lead levels and all preparation, clean-up, disposal, and reoccupancy clearance testing.

By law, the DPH commissioner (1) must adopt regulations on lead testing and abatement requirements and procedures and (2) may adopt regulations on paint removal from building exteriors and standards and procedures for lead remediation, including testing, abatement, and management in buildings and structures. The act allows the commissioner to implement policies and procedures while in the process of adopting them in regulations. She must post the policies and procedures on the eRegulations System before adopting them, and they are valid until the final regulations are adopted.

The act also makes related technical and conforming changes.

Primary Care Providers Testing (§ 35)

Pediatric Care Providers. Prior law required primary care providers who provide pediatric care, other than emergency departments, to conduct annual lead testing on:

1. children ages 36 to 72 months whom DPH determined to be at higher risk of lead exposure based on their enrollment in HUSKY or residence in a municipality with an elevated lead exposure risk;
2. all children ages nine to 35 months, in accordance with the Advisory Committee on Childhood Lead Poisoning Prevention recommendations;
3. all children ages 36 to 72 months who had never been tested; and
4. any child under age 72 months if the provider determined it was clinically indicated under the advisory committee's recommendations.

Prior law also required these providers to conduct an annual medical risk assessment for all children ages 36 to 72 months, and allowed them to conduct the assessment at any time for younger children when necessary, in accordance with the advisory committee's recommendations.

The act instead requires these providers to conduct lead risk assessments and testing that include the following:

1. a complete annual medical risk assessment based on guidelines the DPH commissioner prescribes for all children from birth to age six,
2. an annual lead screening test for all children with elevated risk of lead exposure based on the medical assessment findings,
3. a lead screening test for all children at ages 12 months and 24 months, and
4. follow-up testing according to a schedule the DPH commissioner sets for all children with a confirmed blood lead level of at least 3.5 µg/dL.

Similar to prior law, the act also requires these providers to give educational materials and guidance information on lead poisoning prevention to each child's parent or guardian in keeping with the DPH commissioner's childhood lead screening recommendations.

As under prior law, these requirements do not apply if the child's parents or guardians object to blood testing on religious grounds.

Prenatal Care Providers. The act requires prenatal health care providers to do the following:

1. give each pregnant patient anticipatory guidance on lead poisoning prevention during pregnancy,
2. assess each pregnant patient at the initial prenatal visit for lead exposure using a risk assessment tool the DPH commissioner recommends,
3. screen or refer for blood lead screening each pregnant patient found to be at high risk for lead exposure,
4. notify the local health director in the jurisdiction where the pregnant patient lives if the patient has a blood lead level of at least 3.5 µg/dL, and

5. give anticipatory guidance on preventing childhood lead poisoning to each patient at the patient's postpartum visit.

The act also requires a local health director, when notified by a provider of a pregnant patient's elevated blood lead level, to conduct an epidemiological investigation and take other actions required under existing law and the act for lead levels over certain thresholds (e.g., provide educational information and, in some cases, relocate the family).

Under the act, an "epidemiological investigation" is an examination and evaluation by a certified lead inspector to determine the cause of elevated blood lead levels, detect lead-based paint, and report findings. It must include an (1) on-site inspection and, if applicable, an inspection of other dwellings or areas frequented by the person that may be the source of a lead hazard, and (2) evaluation of other potential sources of lead hazards, including drinking water, soil, dust, pottery, gasoline, toys, or occupational exposure. It may include isotopic analysis of lead-containing items.

Local Health Department Lead Prevention and Control Programs (§ 37)

Existing law requires DPH, within available appropriations, to establish a financial assistance program to help local health departments pay for their lead prevention and control expenses. To be eligible for DPH funding, a local health department's lead poisoning prevention and control program must meet specific requirements for, among other things, case management and education services.

Under prior law, local health departments were required to provide case management services, including medical, behavioral, epidemiological, and environmental intervention, for children who met either of the following criteria for blood lead levels:

1. one confirmed level of at least 20 µg/dL or
2. two confirmed levels, taken at least three months apart, of at least 15 µg/dL, but less than 20 µg/dL.

The act eliminates these criteria and instead requires local health departments to provide case management services to children with a blood lead level of at least 3.5 µg/dL.

Additionally, the act lowers, from 10 to 3.5 µg/dL, the threshold for blood lead levels in children at which local health departments must give educational materials on lead poisoning prevention to the children's parents, legal guardians, and appropriate health care providers.

The act also requires these educational materials to be provided in English, Spanish, and any other language common to people in the local health department's jurisdiction.

School Health Assessments (§ 39)

The act requires all children, before enrolling in public school, to have a lead poisoning medical risk assessment and, if the assessment indicates risk, a test of their blood lead levels. The assessment must be conducted as part of the child's school health assessment required under existing law. By law, the school health assessment must be completed by a licensed physician, APRN, registered nurse, PA, or school medical advisor, in the presence of the child's parent or guardian or a school employee.

Under prior law, a child's blood lead levels were tested as part of the school health assessment only if the local or regional school board determined it was necessary, after consulting with the school medical advisor and the local health department.

Technical and Conforming Changes (§§ 28, 32, 36, 38, 40-42 & 52)

The act makes technical and conforming changes, including reorganizing certain statutes and eliminating obsolete provisions on a (1) plan to phase out DPH's program on environmentally safe housing for children and families (§ 28) and (2) DPH review of lead poisoning data it collects (§ 52).

§§ 43-47 — MUSIC THERAPIST LICENSURE

Generally requires that music therapists be licensed by DPH and establishes related licensure requirements and exemptions; creates nonrenewable temporary permits authorizing the holder to work under a licensee's supervision; sets grounds for denying licenses and taking disciplinary action against licensees

The act generally requires that music therapists be licensed by DPH. To receive a license, an applicant must (1) hold a bachelor's or graduate degree and a professional certification or (2) qualify for licensure by endorsement. The act also creates nonrenewable temporary permits authorizing the holder to work under a licensed person's supervision.

Additionally, the act specifies the grounds for DPH to deny a license or take disciplinary action against licensees and

allows license applicants with criminal convictions to ask the DPH commissioner to determine whether their conviction disqualifies them from licensure.

The act replaces provisions in prior law that generally made it a crime to represent oneself as a music therapist unless meeting certain education and certification requirements.

Under existing law, "music therapy" is the clinical and evidence-based use of music interventions to accomplish individualized goals in a therapeutic relationship by a credentialed professional who completed a music therapy program approved by the American Music Therapy Association, or its successor.

EFFECTIVE DATE: October 1, 2023

Licensure Requirements and Exemptions (§§ 43 & 44)

The act generally prohibits anyone without a music therapist license or temporary permit from using the title "music therapist," "licensed music therapist," or any title, words, letters, abbreviations, or insignia that may reasonably be confused with this credential.

These restrictions do not apply to:

1. Connecticut-licensed, -certified, or -regulated professionals (e.g., occupational or physical therapists, speech and language pathologists, audiologists, or counselors), or people they supervise, who (a) use music incidentally in their professional practice and (b) do not hold themselves out as music therapists;
2. students enrolled in music therapy or graduate music therapy educational programs approved by the American Music Therapy Association, or its successor, in which music therapy is an integral part of the program, if they perform the therapy under a music therapist's direct supervision; and
3. professionals whose training and national certification attests to their ability to practice their profession and who (a) use music incidentally in their professional practice and (b) do not hold themselves out as music therapists.

Prior law did not have a music therapist license, but it was a class D felony for someone not meeting specified credentials to refer to him or herself as a music therapist. (The act does not contain a similar criminal penalty for violating its provisions.) Prior law included the same exemptions as under the act for other licensed professionals and students.

License Applications, Qualifications, and Renewals (§ 45)

The act requires the DPH commissioner to issue a music therapist license to an applicant who submits, on a DPH form, satisfactory evidence that he or she (1) earned a bachelor's or graduate degree in music therapy or a related field from an accredited higher education institution and (2) holds current certification from the Certification Board for Music Therapists, or any successor. (These are the same requirements that a person had to meet under prior law to use the title "music therapist.")

The act also allows for licensure by endorsement. The applicant must provide satisfactory evidence that he or she is licensed or certified as a music therapist, or as someone entitled to perform similar services under a different title, in another state or jurisdiction. That jurisdiction's requirements for practicing must be substantially similar to or stricter than those in Connecticut, and there must be no pending disciplinary actions or unresolved complaints against the applicant in any state.

The initial application fee is $315, and licenses must be renewed annually for $190. To renew, licensees must show satisfactory evidence of:

1. a current certification from the Certification Board for Music Therapists, or any successor, and
2. completion of any continuing education the board requires for the certification.

Temporary Permits (§ 46)

The act allows DPH to issue nonrenewable temporary permits to licensure applicants with a bachelor's degree or higher in music therapy or a related field. The permit allows the holder to practice under the general supervision of a licensee and is valid for up to 365 calendar days after the person receives his or her degree. The permit fee is $50.

The act prohibits DPH from issuing a temporary permit to someone who is the subject of a pending professional disciplinary action or an unresolved complaint in any state. It allows the commissioner to revoke a temporary permit for good cause, as she determines.

Enforcement and Disciplinary Action (§ 47)

The act allows the DPH commissioner to deny a license application or take disciplinary action against a music therapist for the following:

1. failing to conform to the profession's accepted standards;
2. a felony conviction, if the action taken is based on (a) the nature of the conviction and its relationship to the license holder's ability to safely or competently practice music therapy, (b) information on the licensee's degree of rehabilitation, and (c) the time elapsed since the conviction or release;
3. fraud or deceit in obtaining or seeking reinstatement of a license or in the practice of music therapy;
4. negligence, incompetence, or wrongful conduct in professional activities;
5. an inability to conform to professional standards because of a physical, mental, or emotional illness;
6. alcohol or substance abuse; or
7. willfully falsifying entries in a hospital, patient, or other record pertaining to music therapy.

By law, disciplinary actions available to DPH include, among other things, (1) revoking or suspending a license, (2) censuring the violator, (3) issuing a letter of reprimand, (4) placing the violator on probationary status, or (5) imposing a civil penalty (CGS § 19a-17).

Under the act, the commissioner may order a licensee to undergo a reasonable physical or mental examination if his or her capacity to practice safely is under investigation. The act allows the commissioner to petition Hartford Superior Court to enforce such an examination order or any DPH disciplinary action. The commissioner must give the person notice and an opportunity to be heard before taking disciplinary action.

License Disqualification Based on Criminal Convictions (§ 45)

The act allows a person with a criminal conviction to ask the DPH commissioner, at any time, to determine whether the conviction disqualifies the person from obtaining a music therapist license based on (1) the nature of the conviction and its relationship to the ability to practice music therapy safely or competently, (2) information on the degree of the person's rehabilitation, and (3) the time elapsed since the conviction or release.

The act requires the requestor to include the details of the criminal conviction and any payment the commissioner requires. It authorizes the commissioner to charge up to $15 per request and waive any fee.

Under the act, the DPH commissioner must notify the requestor, within 30 days after receiving the request, whether he or she is disqualified from music therapist licensure. It specifies that the commissioner is not bound by this determination if, after further investigation, she determines that the requestor's criminal conviction differs from the information included in the request.

§ 48 — MASSAGE THERAPIST CONTINUING EDUCATION

Increases, from six to 18, the number of continuing education units a licensed massage therapist may complete via the Internet or distance learning

By law, licensed massage therapists generally must complete at least 24 hours of continuing education (CE) every four years. The act increases, from six to 18, the number of CE units (i.e., one unit is 50-60 minutes of participation) that may be completed via the internet or distance learning.

As under prior law, CE must be in areas related to the massage therapist's practice, and no more than 12 units may be obtained from providers not approved by the National Certification Board for Therapeutic Massage and Bodywork.
EFFECTIVE DATE: July 1, 2023

§ 49 — FUNERAL DIRECTORS

Requires the DPH commissioner to give access to the state's electronic death registry system to state-licensed funeral directors who operate or are affiliated with out-of-state funeral homes or funeral businesses that have reciprocal agreements filed with DPH

The act requires the DPH commissioner to give access to the state's electronic death registry system to state-licensed funeral directors who operate or are affiliated with out-of-state funeral homes or funeral businesses with reciprocal agreements filed with DPH.
EFFECTIVE DATE: January 1, 2024

§§ 50 & 51 — LICENSED PROFESSIONAL COUNSELORS AND MARITAL AND FAMILY THERAPISTS

Allows new graduates of professional counseling and marital and family therapy programs to practice without a license for up to 120 days after they complete their program, if they do so under clinical supervision by specified licensed health professionals

The act allows new graduates of professional counseling and marital and family therapy (MFT) education and training programs to practice without a license for up to 120 days after the date they completed their program under specified conditions.

Under the act, MFT graduates may do so if they practice under the clinical supervision of a licensed MFT and successfully completed a (1) graduate degree program specializing in marital and family therapy offered by a regionally accredited college or university or (2) postgraduate clinical training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education and offered by a regionally accredited college or university.

Professional counseling graduates may do so if they practice under the clinical supervision of specified licensed health professionals (i.e., a clinical social worker, MFT, professional counselor, psychiatrist, psychiatric APRN with a specified certification, or psychologist) and successfully completed (1) a graduate degree in clinical mental health counseling as part of a higher education program accredited by the Council for Accreditation of Counseling and Related Educational Programs or (2) at least 60 graduate semester hours in counseling or a related mental health field at a regionally accredited higher education institution and with coursework in specified subjects (e.g., counseling techniques), a practicum and clinical internship meeting specified requirements, and a graduate degree in counseling or a related field from a regionally accredited college or university.

EFFECTIVE DATE: July 1, 2023

PA 23-39—SB 956
Public Health Committee

AN ACT REQUIRING DISCHARGE STANDARDS REGARDING FOLLOW-UP APPOINTMENTS AND PRESCRIPTION MEDICATIONS FOR PATIENTS BEING DISCHARGED FROM A HOSPITAL OR NURSING HOME FACILITY

SUMMARY: This act requires Department of Public Health regulations setting minimum standards for hospital and nursing home discharge planning services to require that written discharge plans include (1) the date and location of each follow-up medical appointment scheduled before the patient's discharge and (2) to the extent known to the facility, a list of all medications the patient is currently taking and will take after discharge.

Under existing law, unchanged by the act, these regulations must also require (1) written discharge plans made in consultation with the patient, or the patient's family or representative, and the patient's physician and (2) a procedure to give the patient notice of their discharge and a copy of their discharge plan before discharge.

Additionally, when a hospital or nursing home discharges a patient to his or her home, the act requires the facility to electronically send the patient's pharmacy each prescription that a facility employee ordered for the patient before discharge that he or she will need after discharge.

EFFECTIVE DATE: October 1, 2023

PA 23-42—sSB 959
Public Health Committee
Appropriations Committee

AN ACT CONCERNING MOLD IN RESIDENTIAL HOUSING AND COMMERCIAL BUILDINGS

SUMMARY: This act requires the Department of Public Health (DPH) to do the following by January 1, 2024:

1. evaluate information or guidance published by the U.S. Environmental Protection Agency on identifying, assessing, and remediating mold and limiting mold exposure;
2. develop uniform standards for identifying and assessing mold in residential housing;
3. develop uniform standards for remediating mold, including any necessary revisions to DPH's guidelines

establishing mold abatement protocols (see BACKGROUND);
4. develop guidelines for limiting mold exposure in residential housing and uniform standards for assessing the health threat from this exposure, including its effect on indoor air quality;
5. publish these standards and guidelines on the DPH website; and
6. develop a public awareness campaign on mold in residential housing.

The public awareness campaign must at least include public service announcements on DPH's website and social media accounts about (1) preventing and identifying mold in the home and (2) the health risks associated with in-home mold exposure.

Additionally, the act creates a 12-member working group to evaluate the connection between polybutylene pipes and indoor mold in residential and commercial buildings. (Polybutylene is a type of plastic resin that was sometimes used in plumbing system pipes from the late 1970s to mid-1990s. These pipes, which are no longer sold in the United States, may eventually break down after exposure to certain substances.)

EFFECTIVE DATE: July 1, 2023, except that the working group provisions are effective upon passage.

WORKING GROUP

The act requires the working group to evaluate (1) whether polybutylene pipes contribute to mold growth; (2) the impact of mold on the residents' health; and (3) potential solutions, such as early intervention options to prevent mold growth in buildings with these pipes and mold abatement in these buildings.

Under the act, the Public Health Committee chairpersons and ranking members must each appoint three members to the working group by August 1, 2023. The appointed members must have experience related to mold growth, prevention, or abatement or mold's impact on public health. The working group must select a chairperson, who must convene the first meeting by September 1, 2023.

By January 1, 2024, the working group's chairperson must report to the Public Health Committee on the group's findings and any legislative recommendations.

BACKGROUND

DPH Guidelines for Mold Abatement Contractors

Existing law requires DPH to publish guidelines establishing mold abatement protocols with acceptable methods for performing abatement or remediation work (CGS § 19a-111*l*). DPH issued the guidelines in 2006 and last revised them in February 2023. They address various issues for mold abatement contractors, such as steps in the environmental assessment in mold investigations and subsequent remediation.

PA 23-67—sHB 6672
Public Health Committee
Appropriations Committee

AN ACT CONCERNING ENDOMETRIOSIS

SUMMARY: This act requires UConn Health Center (UCHC), by January 1, 2024, to develop an endometriosis data and biorepository program to enable and promote research on (1) early detection of endometriosis in adolescents and adults and (2) developing therapeutic strategies to improve clinical management of the condition. It must do this in collaboration with an independent, nonprofit biomedical research institution in Connecticut engaged in endometriosis research with UCHC.

Under the act, UCHC must annually report on the program's implementation to the Public Health Committee, starting by January 1, 2025.

EFFECTIVE DATE: July 1, 2023

ENDOMETRIOSIS DATA AND BIOREPOSITORY PROGRAM

Duties

Under the act, the endometriosis data and biorepository program must do the following:
1. design a comprehensive longitudinal sample and clinical data collection protocol to characterize endometriosis

and cellular functions of people with endometriosis;
2. collect and code from patients with endometriosis and control patients without the condition (a) endometrial tissue specimens; (b) fluids, including blood and urine; and (c) clinical and demographic data and questionnaires on endometriosis symptoms and quality of life;
3. develop standard operating procedures for biological material samples, including for their transportation, coding, processing, and long-term retention and storage;
4. establish data transmission and onboarding operations necessary for institutions in the state to participate in banking with and accessing data from the program;
5. curate biological endometriosis samples from a diverse cross-section of communities in the state to ensure they represent all groups affected by endometriosis, including African American, black, Latino, Latina, Latinx, and Puerto Rican persons; other persons of color; transgender and gender diverse persons; and persons with disabilities;
6. raise awareness of endometriosis in these underrepresented populations and promote research on better diagnostic and therapeutic options, including through communications with health care providers and those impacted by endometriosis on information about the latest therapeutic options for people diagnosed with the condition;
7. create opportunities for collaborative research among institutions in the state focused on the pathogenesis, pathophysiology, progression, prognosis, and prevention of endometriosis and the discovery of noninvasive diagnostic biomarkers, new targeted therapeutics, and improved medical and surgical interventions;
8. serve as a centralized resource for endometriosis information and a conduit to promote endometriosis education and raise its public awareness;
9. facilitate collaboration among researchers and health care providers, educators, students, patients, and others impacted by endometriosis through conferences and continuing medical education programs on best practices for endometriosis diagnosis, care, and treatment;
10. collect information on endometriosis's impact on Connecticut residents, including health and comorbidity, health care costs, and overall quality of life; and
11. apply for and accept grants, gifts, and funds bequeathed to perform its functions.

Under the act, a "biorepository" is a facility that collects, catalogs, and stores human samples of biological material, including urine, blood, tissue, cells, DNA, RNA, and protein for laboratory research. These samples are coded without individual identifiers and linked with phenotypic data (i.e., non-individually identifiable clinical information on a person's disease history, symptoms, and demographic data, including age, sex, race, and ethnicity).

BACKGROUND

Related Act

PA 23-204, § 137, contains the same provisions requiring UCHC to develop an endometriosis data and biorepository program.

PA 23-92—sHB 6914
Public Health Committee

AN ACT CONCERNING THE USE OF FUNDS IN THE OPIOID AND TOBACCO SETTLEMENT FUNDS AND FUNDS RECEIVED BY THE STATE AS PART OF ANY SETTLEMENT AGREEMENT WITH A MANUFACTURER OF ELECTRONIC NICOTINE DELIVERY SYSTEM AND VAPOR PRODUCTS

SUMMARY: This act makes changes affecting tobacco and opioid settlement funds, including the following:
1. starting in FY 24, requiring the amount of JUUL settlement funds (see BACKGROUND) the state received in the prior fiscal year to be disbursed from the Tobacco Settlement Fund to the Department of Mental Health and Addiction Services (DMHAS) to fund specified programs targeting residents under age 21 (§ 1);
2. requiring the DMHAS commissioner, starting by September 1, 2024, to annually report to the Tobacco and Health Trust Fund board on how the prior fiscal year's JUUL settlement funds were disbursed and spent (§ 1); and
3. starting by October 1, 2023, requiring municipalities that receive opioid settlement funds directly from a settlement administrator to annually report to the Opioid Settlement Advisory Committee until they spend all the funds (§§ 2 & 3).

The act also makes various other changes affecting the Tobacco and Health Trust Fund, such as (1) updating its statutory purposes for fund disbursements; (2) requiring that funding be directed to programs that use evidence-based best

practices for various objectives; and (3) requiring the fund's board, in recommending annual fund disbursements, to prioritize comprehensive tobacco and nicotine control programs for specified purposes.

Additionally, the act makes several changes to the state's tobacco settlement law requirements for tobacco product manufacturers, such as (1) allowing nonparticipating manufacturers or their transferees to irrevocably assign their interest in qualified escrow funds to the state, (2) requiring these assigned funds to be deposited into the Tobacco and Health Trust Fund, and (3) requiring nonparticipating manufacturers that maintain a qualified escrow fund to designate an agent for service of process.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2023, except that the provisions on tobacco product manufacturers take effect October 1, 2023.

§ 1 — TOBACCO SETTLEMENT FUND DISBURSEMENTS

Starting in FY 24, the act modifies annual disbursements from the Tobacco Settlement Fund by requiring the amount of JUUL settlement funds the state received the prior fiscal year to be disbursed to DMHAS, to distribute to the state's five regional behavioral health action organizations (RBHAOs) for programs that support the abatement, mitigation, cessation, reduction, or prevention of nicotine or nicotine-synthetic product use by residents under age 21.

Starting by September 1, 2024, the act requires the DMHAS commissioner to annually report to the Tobacco and Health Trust Fund board on how the settlement funds disbursed the prior fiscal year were distributed and how each RBHAO spent the funds for the purposes described above.

§§ 2 & 3 — OPIOID SETTLEMENT FUNDS

The act requires municipalities that receive opioid settlement funds directly from a settlement administrator to annually report to the Opioid Settlement Advisory Committee on their expenditures for the prior fiscal year on a form the committee prescribes. The committee must publish the reports on its website.

Under the act, municipalities must report by October 1, 2023, and then annually until they spend all their settlement funds.

§ 4 — TOBACCO AND HEALTH TRUST FUND

Fund Purposes

The act updates the statutory purposes for fund disbursements to include the reduction of tobacco and nicotine use in all forms, including combustible, non-combustible, electronic, and synthetic products. It requires that funding be directed to support and encourage tobacco and nicotine use prevention, education, and cessation programs that use evidence-based best practices for the following:

1. state and community interventions;
2. communication methods to disseminate health information to a wide audience;
3. cessation interventions;
4. surveillance and evaluation; and
5. infrastructure, administration, and management.

Prior law required funding to be directed to (1) support and encourage programs to reduce tobacco abuse through prevention, education, and cessation; (2) support and encourage program development for substance abuse reduction; and (3) develop and implement programs to meet the state's unmet physical and mental health needs.

Annual Disbursements

Under prior law, the Tobacco and Health Trust Fund board, in recommending annual fund disbursements, had to give priority to tobacco and substance abuse programs that serve minors, pregnant women, and parents of young children.

The act instead requires the board to give priority to comprehensive tobacco and nicotine control programs for the following purposes:

1. preventing initial use of these products by youth and young adults,
2. smoking cessation directed at adults and youth,
3. eliminating exposure to secondhand smoke and aerosol, and
4. identifying and eliminating tobacco and nicotine-related disparities.

As under prior law, the board must also consider the availability of private-matching funds.

Board Vacancies

By law, board members serve three-year terms. The act specifically requires board members to continue to serve until their successors are appointed or designated. Under the act, if a vacancy occurs other than by a term's expiration, it must be filled in the same way as the original appointment for the remainder of the term.

Biennial Report

Existing law requires the board to give the Appropriations and Public Health committees a biennial report on the trust fund, including (1) all fund disbursements and expenditures, (2) an evaluation of the performance and impact of each program that receives funding, and (3) an accounting of any unexpended funds.

Existing law also requires the report to include the criteria and application process used to select fund recipients. The act specifies that this must include measurable outcome and evaluation criteria.

Funding Sources

The act specifically allows the trust fund to apply for and accept assignments or transfers from public or private funding sources to carry out its purposes. The law already allows the fund to apply for and accept gifts, grants, or donations from these funding sources.

§§ 5 & 6 — TOBACCO PRODUCT MANUFACTURERS

The act makes several changes in the state's tobacco settlement law. Under this law, tobacco product manufacturers selling cigarettes in Connecticut must either (1) enter into the master settlement agreement between Connecticut and four leading tobacco companies and comply with its terms and conditions or (2) pay into a qualified escrow fund a specified amount for each cigarette they sell in the state. Manufacturers that choose the latter option are considered "nonparticipating manufacturers."

Assignment of Escrowed Funds

The act authorizes any tobacco product manufacturer that places funds into a qualified escrow fund under Connecticut's tobacco settlement law, or any third party to which the manufacturer has transferred its interest in the funds, to assign to the state all or part of its interest in the escrow fund. Under the act, the assignment:

1. is permanent and irrevocable;
2. applies to all of the qualified escrow fund's assigned funds, including (a) those deposited before, on, or after the assignment and (b) any interest or other appreciation;
3. must be in writing and signed by the assignor's duly authorized representative; and
4. takes effect when delivered to the attorney general and financial institution that maintains the fund.

The tobacco product manufacturer, transferee, attorney general, or financial institution may amend the qualified escrow fund agreement as needed for this assignment or any withdrawal authorized under the tobacco settlement law (e.g., to pay a judgment or settlement on a claim brought against the manufacturer by the state).

The act requires any funds assigned to the state under this provision to be deposited in the state's Tobacco and Health Trust Fund. Any financial institution maintaining an assigned escrow fund may petition the Superior Court for an order authorizing a transfer of funds from the escrow fund to the Tobacco and Health Trust Fund. The financial institution must (1) state the factual and legal basis for the relief sought in its petition and (2) serve the petition on the attorney general when filing it in court.

Compliance With Escrow Requirements

Under the act, these provisions must not be construed to (1) waive the state's right to bring a claim against a tobacco product manufacturer for failing to place required funds into escrow or (2) relieve a tobacco product manufacturer from any past, current, or future obligations it may have under the tobacco settlement law. Any assigned funds must be credited dollar-for-dollar against any judgment or settlement that applies to the escrow obligation the assigned funds were initially deposited to satisfy.

Agent for Service of Process Requirement

The act requires any nonparticipating manufacturer that maintains a qualified escrow fund to appoint and continually engage the services of an agent for service of process in Connecticut for all legal proceedings arising out of the tobacco settlement law's enforcement. The law already requires nonparticipating manufacturers to do so as a condition of selling their products in the state. As under prior law, service on these agents is legal and valid service of process on the nonparticipating manufacturer. The nonparticipating manufacturer must provide the agent's name, address, telephone number, and proof of appointment and availability to the revenue services commissioner and attorney general.

As under existing law for nonparticipating manufacturers whose products are currently sold in the state, if a nonparticipating manufacturer whose products were previously sold in Connecticut does not comply with this requirement, the act makes the secretary of the state its agent.

BACKGROUND

JUUL Settlement Funds

Connecticut is part of a recently approved $438.5 million multistate settlement with JUUL Labs, a manufacturer of e-cigarette and vapor products. 34 states and U.S. territories have signed on to the agreement. The state is expected to receive at least $16.2 million over a six- to 10-year period and must use the funds for cessation, prevention, and mitigation.

PA 23-97—sSB 9
Public Health Committee
Appropriations Committee

AN ACT CONCERNING HEALTH AND WELLNESS FOR CONNECTICUT RESIDENTS

TABLE OF CONTENTS:

Requires the education commissioner to use an existing plan to promote health care careers and provide health care job shadowing and internship experiences; requires the commissioner to give the plan to school boards and support its implementation

§ 8 — HEALTH CARE WORKFORCE WORKING GROUP

Requires OWS to convene a working group to develop recommendations to expand the state's health care workforce

§§ 9 & 10 — HEALTH CARE PROVIDERS SERVING AS ADJUNCT FACULTY

Requires public higher education institutions to consider any licensed health care provider with at least 10 years of clinical experience to be qualified for an adjunct faculty position; correspondingly requires OHE, within available appropriations, to establish a program providing incentive grants to these providers who become adjunct professors

§ 11 — PERSONAL CARE ATTENDANT CAREER PATHWAYS PROGRAM

Requires DSS to establish a PCA career pathways program, including both basic and specialized skills pathways, to improve PCAs' quality of care and incentivize their recruitment and retention in the state

§ 12 — HOSPITAL PRIVILEGES

Prohibits hospitals, for purposes of granting practice privileges, from requiring (1) board eligible physicians to become board certified until five years after becoming board eligible or (2) board certified physicians to provide credentials of board recertification

§§ 13-15 — PHYSICIAN, APRN, OR PA NON-COMPETE CLAUSES

Specifies that a physician's primary practice site, for purposes of limitations on non-compete agreements, is determined by the parties to the agreement in all cases; places additional limitations on physician non-compete clauses when the physician does not agree to a material change to the compensation terms in the employment contract, except for certain group practices; generally extends to APRN or PA non-compete clauses the limitations that apply to physician non-compete clauses under existing law and the act

§ 16 — PHYSICAL THERAPY LICENSURE COMPACT

Enters Connecticut into the Physical Therapy Licensure Compact, which provides a process authorizing physical therapists or physical therapy assistants properly credentialed in one member state to practice across state boundaries without requiring licensure in each state

§ 17 — BACKGROUND CHECKS FOR PT AND PT ASSISTANT LICENSURE

Requires PT and PT assistant licensure applicants to complete a fingerprint-based criminal background check

§ 18 — PODIATRIC SCOPE OF PRACTICE WORKING GROUP

Requires DPH to establish a working group to advise the department and any relevant scope of practice review committee on podiatrists' scope of practice relating to surgical procedures

§§ 19 & 20 — APRN LICENSURE BY ENDORSEMENT AND INDEPENDENT PRACTICE

Allows for licensure by endorsement for APRNs who have (1) practiced for at least three years in another state with practice requirements that are substantially similar to, or higher than, Connecticut's and (2) no disciplinary history or unresolved complaints pending; correspondingly allows these APRNs to count their out-of-state practice toward the existing requirement of three years' practice in collaboration with a physician before practicing independently

§ 21 — SPLASH PAD AND SPRAY PARK WARNING SIGNS

Requires splash pad and spray park owners or operators to post warning signs about the potential health risk of ingesting recirculated water

§ 22 — LPN EDUCATION PILOT PROGRAM

Allows higher education institutions, under certain conditions, to apply to the state nursing board to create a pilot program for licensed practical nurse education and training, and grants the program full approval if it meets specified requirements for two years

§ 23 — RECIPROCITY AGREEMENTS FOR CLINICAL ROTATION TRAINING

Allows OHE to enter into a reciprocity agreement with neighboring states about clinical training credit at higher education institutions

§ 24 — COMMISSION ON COMMUNITY GUN VIOLENCE INTERVENTION AND PREVENTION

Specifies that any subcommission, advisory group, or other entity that existing law allows the Commission on Community Gun Violence Intervention and Prevention to create may focus on issues related to providing home health care and services to people affected by gun violence

§§ 25 & 26 — MATERNAL MENTAL HEALTH TOOLKIT AND PERINATAL MOOD AND ANXIETY DISORDER TRAINING

Requires DPH, in consultation with DMHAS and certain other organizations, to develop a maternal mental health toolkit for providers and patients, including on perinatal mood and anxiety disorders; requires hospitals to include training in perinatal mood and anxiety disorders as part of their regular training for certain staff members

§ 27 — EMERGENCY DEPARTMENT CROWDING WORKING GROUP

Requires the DPH commissioner to convene a working group to advise her on how to alleviate emergency department crowding and the lack of available beds

§ 28 — PSYCHOSIS TASK FORCE

Creates a task force to study childhood and adult psychosis

§§ 29-34 — EVALUATIONS AND REPORTS RELATED TO PARENTING AND SUBSTANCE USE DISORDER

Requires DCF, DMHAS, and DSS to evaluate or report on various supports and related issues for parents, other child caregivers, or pregnant individuals with substance use disorder

§ 35 — OPIOID SETTLEMENT FUND ADVISORY COMMITTEE

Adds eight members to the Opioid Settlement Fund Advisory Committee

§ 36 — EMS DATA COLLECTION AND REPORTING

Requires EMS organizations, in their quarterly data reporting, to include the reasons for 9-1-1 calls; requires the DPH commissioner to annually submit EMS data to the Public Health Committee and expands the reporting requirement to include data on EMS personnel shortages

§ 37 — RURAL HEALTH TASK FORCE

Creates a task force to study rural health issues

§ 38 — HEALTH CARE MAGNET SCHOOL STUDY

Requires the education commissioner, in consultation with the DPH and labor commissioners, to study the feasibility of establishing an interdistrict magnet school program focused on training students for health care professions

§ 39 — COMMUNICATION ACCESS STUDY

Requires the aging and disability services commissioner, in consultation with the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind, to evaluate gaps in these individuals' access to communication with medical providers

§§ 40 & 41 — DENTAL ASSISTANTS

Provides an alternate way for dental assistants to qualify to take dental x-rays, by passing a competency assessment rather than a national exam, and requires UConn's School of Dental Medicine to develop the assessment by January 1, 2025

§ 42 — EPINEPHRINE ADMINISTRATION BY EMS PERSONNEL

Requires EMS personnel, under specified conditions, to administer epinephrine using automatic prefilled cartridge injectors, similar automatic injectable equipment, or prefilled vials and syringes

§ 43 — MEDICAL RECORDS REQUESTS

Generally sets deadlines for licensed health care institutions to send electronic copies of patient medical records to another institution upon request

§ 44 — MEDICAL IMAGING AND RESPIRATORY CARE PRACTITIONER SHORTAGE TASK FORCE

Creates a task force to study how to address the state's shortage of radiologic technologists, nuclear medicine technologists, and respiratory care practitioners

§§ 45 & 46 — BACKGROUND CHECKS FOR PHYSICIAN AND PSYCHOLOGIST LICENSURE APPLICANTS

Requires psychologist licensure applicants, and physician licensure applicants who wish to be licensed in other states, to submit to a state and national fingerprint-based criminal history records check by DESPP, allowing them to participate in certain interstate compacts

SUMMARY: This act makes various changes in public health-related statutes and programs, described below in a section-by-section analysis.
EFFECTIVE DATE: Various, see below.

§ 1 — ASSISTED REPRODUCTIVE TECHNOLOGY AND ASSISTED REPRODUCTION

Prohibits anyone from barring or unreasonably limiting (1) anyone from accessing ART or assisted reproduction or (2) authorized providers from performing these procedures

The act prohibits any person or entity from prohibiting or unreasonably limiting someone from doing the following:
1. accessing assisted reproductive technology (ART) or assisted reproduction,
2. continuing or completing an ongoing ART or assisted reproduction treatment or procedure under a written plan or agreement with a health care provider, or
3. retaining all rights on the use of reproductive genetic materials such as gametes.

The act also bars anyone from prohibiting or unreasonably limiting a health care provider who is licensed, certified, or otherwise authorized to perform ART or assisted reproduction treatments or procedures from (1) doing so or (2) providing evidence-based information related to ART or assisted reproduction.

Under the act, "assisted reproductive technology" includes all treatments or procedures in which human oocytes (i.e., cells that develop into eggs) or embryos are handled, such as (1) in vitro fertilization (IVF) and (2) gamete or zygote intrafallopian transfer (see 42 U.S.C. § 263a-7). "Assisted reproduction" is a method of causing pregnancy other than sexual intercourse and includes (1) intrauterine, intracervical, or vaginal insemination; (2) donation of gametes or embryos; (3) IVF and embryo transfer; and (4) intracytoplasmic sperm injection (see CGS § 46b-451).
EFFECTIVE DATE: Upon passage

§ 2 — MEDICAID FUNDING FOR LONG-ACTING REVERSIBLE CONTRACEPTIVES

Conforms to existing DSS policy by requiring Medicaid coverage for same-day access to long-acting reversible contraceptives at federally qualified health centers

The act requires the Department of Social Services (DSS) commissioner to adjust Medicaid reimbursement criteria to cover same-day access to long-acting, reversible contraceptives at federally qualified health centers. In doing so, the act conforms to current DSS policy.

The act defines this type of contraceptive as any contraception method that does not have to be used more than once per menstrual cycle or per month.
EFFECTIVE DATE: July 1, 2023

§§ 3 & 4 — DRUG USE HARM REDUCTION CENTERS

Requires DMHAS, by July 1, 2027, to create a pilot program establishing harm reduction centers where people with substance use disorder can access counseling, receive and use fentanyl or xylazine test strips, and receive various other services; exempts the centers from DPH regulation until after the pilot program ends; exempts the centers from needing CON approval

The act requires the Department of Mental Health and Addiction Services (DMHAS), by July 1, 2027, and in consultation with the Department of Public Health (DPH), to create a pilot program consisting of harm reduction centers to prevent drug overdoses. Under the act, these centers must be established in three municipalities the DMHAS commissioner chooses, subject to their chief elected officials' approval. The act allows the DMHAS commissioner to request Opioid Settlement Fund disbursements to partially or fully fund the program.

For this purpose, "harm reduction centers" are medical facilities where a person with a substance use disorder may (1) receive various services, such as counseling, treatment referrals, and access to basic support services and (2) use test strips to test a substance for fentanyl or certain other substances (see below).

Under the act, these centers must employ, among others, licensed providers with experience treating people with substance use disorders. The DMHAS commissioner determines the staffing level. The act specifies that a health care provider's participation in the pilot program is not grounds for disciplinary action by DPH or professional licensing boards within the department.

Under the act, these centers are not subject to DPH regulation until after the pilot program ends. The act also exempts centers established through the pilot program from the requirement to obtain certificate of need (CON) approval from the Office of Health Strategy (§ 4).
EFFECTIVE DATE: Upon passage

Harm Reduction Center Services and Providers

The act requires harm reduction centers under the pilot program to offer the following services to people with a substance use disorder:

1. substance use disorder and other mental health counseling;
2. use of test strips to prevent accidental overdose (see below);
3. educational information about opioid antagonists and the risks of contracting diseases from sharing hypodermic needles;
4. referrals to substance use disorder treatment services; and
5. access to basic support services, including laundry machines, a bathroom, a shower, and a place to rest.

The act requires the centers to offer test strips upon the person's request and allow the use of test strips at the center. The purpose of the strips is to test a substance, before injecting, inhaling, or ingesting it, for traces of fentanyl, xylazine, or any other substance that the DMHAS commissioner recognizes as having a high risk of causing an overdose. (Xylazine is a veterinary tranquilizer that is sometimes mixed with fentanyl in illegal drug sales.)

The act requires the centers' employees to include licensed providers with experience treating people with substance use disorders. These providers must (1) provide substance use disorder or other mental health counseling services and (2) monitor people using the center and provide treatment to those experiencing overdose symptoms. The centers must provide referrals for counseling or other mental health or medical treatment services that may be appropriate.

§ 5 — OPIOID ANTAGONISTS

Creates an Opioid Antagonist Bulk Purchase Fund, which DMHAS must use to give opioid antagonists to municipalities, EMS organizations, and other eligible entities; correspondingly requires EMS personnel to provide kits with opioid antagonists and an opioid-related fact sheet to certain patients

The act creates an Opioid Antagonist Bulk Purchase Fund as a separate, nonlapsing General Fund account. Starting by January 1, 2024, DMHAS, in collaboration with DPH, must use the account's funds to provide opioid antagonists to eligible entities (see below) and for emergency medical services (EMS) personnel to give this medication to certain members of the

public. Relatedly, it requires EMS personnel to give kits with opioid antagonists and related information to certain patients or their family members, caregivers, or friends.

The act also requires related annual reporting and the inclusion of program information in the state's substance use disorder plan.

As under existing law, an opioid antagonist is naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the Food and Drug Administration (FDA) has approved for treating a drug overdose.

EFFECTIVE DATE: October 1, 2023

Eligible Entities

Under the act, DMHAS must use the account's funds to provide opioid antagonists to "eligible entities," which are (1) municipalities, (2) local and regional boards of education, (3) similar bodies governing nonpublic schools, (4) district and municipal health departments, (5) law enforcement agencies, and (6) EMS organizations. The DMHAS commissioner, within available appropriations, may contract with a drug wholesaler or distributer to purchase and distribute opioid antagonists in bulk to eligible entities through the program.

The act requires eligible entities to make these bulk-purchased opioid antagonists available for free to family members, caregivers, or friends of people who experienced an opioid overdose or showed overdose symptoms.

Opioid Antagonist Bulk Purchase Fund

The act requires the state treasurer to administer the Bulk Purchase Fund account. The account must contain (1) any state appropriations or other state money made available for the fund's purposes; (2) moneys required by law to be deposited into the account; (3) gifts, grants, donations, or bequests directed to it; and (4) the account's investment earnings. Any balance remaining at the end of a fiscal year must be carried forward.

DMHAS must use the funds to provide opioid antagonists as specified above, except the department may use up to 2% of the account's deposits in any fiscal year for related administrative expenses.

EMS-Provided Opioid Antagonist Kits

Under the act, EMS personnel must distribute opioid antagonist kits with a personal supply of this medication and a one-page fact sheet to patients who (1) they are treating for an opioid overdose, (2) show symptoms of opioid use disorder, or (3) are treated at a location where the personnel observe evidence of illicit use of opioids. The personnel must give the kits to the patients themselves or their family members, caregivers, or friends who are at the location.

EMS personnel must use the fact sheet that existing law requires the state's Alcohol and Drug Policy Council to develop that contains information on the risks of taking an opioid drug, symptoms of opioid use disorder, and available in-state services for people who experience symptoms of, or are otherwise affected by, opioid use disorder.

The act requires the personnel, as they find appropriate, to refer the patient (or their family member, caregiver, or friend) to the written instructions on administering the opioid antagonist.

For these purposes, EMS personnel include emergency medical responders, emergency medical technicians (EMTs), advanced EMTs, EMS instructors, and paramedics. The act requires them to document the number of kits they distribute through the program, including the number of doses of opioid antagonists in each kit.

The act allows EMS organizations to obtain opioid antagonists from pharmacists to distribute through the program. The organizations may obtain them, following existing procedures, through a qualified pharmacist's prescription, standing order, or distribution agreement with the pharmacist.

DPH's Office of Emergency Medical Services Annual Report

Starting by January 1, 2025, the act requires the executive director of DPH's Office of Emergency Medical Services to annually report to DMHAS on the implementation of the above EMS-related provisions. This includes any information known to the executive director that must be included in the DMHAS substance use disorder plan under the act (see below).

State Substance Use Disorder Plan

By law, the DMHAS commissioner must (1) develop and implement a comprehensive state substance use disorder plan and (2) update the plan every three years. The act requires her to include the following information in the plan:

1. the amount of funds used to buy and distribute opioid antagonists;

2. the number of eligible entities receiving opioid antagonists under these provisions;
3. the amount of opioid antagonists purchased and, if known by DMHAS, how the entities used them; and
4. any recommendations for the Bulk Purchase Fund, including proposed legislation to facilitate the act's purposes.

§ 6 — ENCOURAGING PATIENTS TO OBTAIN OPIOID ANTAGONISTS

Requires practitioners prescribing an opioid to encourage the patient (and parents or guardian when applicable) to obtain an opioid antagonist

The act requires prescribing practitioners, when prescribing an opioid to an adult or minor patient, to encourage the patient to obtain an opioid antagonist. If the patient is a minor, the prescriber must also encourage the patient's custodial parent, guardian, or other person with legal custody to obtain an opioid antagonist if they are present when the prescription is being issued.

EFFECTIVE DATE: October 1, 2023

§ 7 — STATE DEPARTMENT OF EDUCATION HEALTH CARE CAREER PROMOTION

Requires the education commissioner to use an existing plan to promote health care careers and provide health care job shadowing and internship experiences; requires the commissioner to give the plan to school boards and support its implementation

Existing law requires the state's chief workforce officer, in consultation with various stakeholders, to develop a plan to work with high schools in the state to encourage students to pursue high-demand health care professions (e.g., nursing and behavioral and mental health care).

The act requires the education commissioner, in collaboration with the chief workforce officer, to use this plan in (1) promoting health care professions as career options to middle and high school students and (2) health care job shadowing and internship experiences for high school students.

The commissioner must promote these professions through (1) career day presentations; (2) developing partnerships with in-state health care career education programs; and (3) creating counseling programs to inform high school students about, and recruit them for, health care professions.

By September 1, 2023, the education commissioner must (1) provide the plan to each local and regional school board and (2) support the plan's implementation using the governor's Workforce Council Education Committee.

EFFECTIVE DATE: July 1, 2023

§ 8 — HEALTH CARE WORKFORCE WORKING GROUP

Requires OWS to convene a working group to develop recommendations to expand the state's health care workforce

The act requires the Office of Workforce Strategy (OWS) to convene a working group to develop recommendations for expanding the health care workforce in the state. The group must evaluate the following:

1. the quality of in-state education and clinical training programs for nurses and nurse's aides;
2. the potential for increasing the number of these clinical training sites;
3. the expansion of these clinical training facilities;
4. barriers to recruit and retain health care providers, including nurses and nurse's aides;
5. the impact of the state health care staffing shortage on health care service delivery, the public's access to these services, and service wait times; and
6. the impact of federal and state reimbursement for the costs of health care services on the public's access to them.

EFFECTIVE DATE: Upon passage

Working Group Membership and Procedures

Under the act, the working group consists of the following members:

1. two representatives of a labor organization representing acute care hospital workers in the state;
2. two representatives of a labor organization representing nurses and nurse's aides employed by the state or an in-state hospital or long-term care facility;
3. two representatives of a labor organization representing faculty and professional staff at the regional community-

technical colleges;
4. the chairperson of the Board of Regents for Higher Education (BOR) and the presidents of the Connecticut State Colleges and Universities and UConn, or their designees;
5. one member of the UConn Health Center's administration;
6. two representatives of the Connecticut Conference of Independent Colleges;
7. the DPH, DSS, and Department of Administrative Services commissioners, or their designees;
8. the Office of Policy and Management secretary, or his designee;
9. a representative of the State Board of Examiners for Nursing;
10. a representative of the State Employees Bargaining Agent Coalition; and
11. the chairpersons and ranking members of the Higher Education and Employment Advancement and Public Health committees, or their designees.

The act requires the DPH commissioner and BOR chairperson, or their designees, to serve as the working group's chairpersons. They must schedule the first meeting, which must be held by August 27, 2023.

Reporting Requirement

The act requires the working group to report to the Higher Education and Employment Advancement and Public Health committees by January 1, 2024. The group must report its findings and any recommendations to improve recruiting and retaining health care providers in the state, including a five-year and 10-year plan to increase the state's health care workforce.

The group ends when it submits its report or on January 1, 2024, whichever is later.

§§ 9 & 10 — HEALTH CARE PROVIDERS SERVING AS ADJUNCT FACULTY

Requires public higher education institutions to consider any licensed health care provider with at least 10 years of clinical experience to be qualified for an adjunct faculty position; correspondingly requires OHE, within available appropriations, to establish a program providing incentive grants to these providers who become adjunct professors

Beginning January 1, 2024, the act requires public higher education institutions to consider any licensed health care providers applying for an adjunct faculty position in their field to be qualified if they have at least 10 years of clinical experience. Under the act, the institutions must give them the same consideration as other qualified applicants. These provisions apply to UConn, the Connecticut State Universities, the regional community-technical colleges, and Charter Oak State College.

Under the act, by January 1, 2024, and within available appropriations, the Office of Higher Education (OHE) must establish and administer a program giving $20,000 incentive grants to licensed health care providers accepting adjunct professor positions under the provisions described above if they remain in the position for at least one academic year. These providers are eligible for another $20,000 grant if they remain in the position for at least two academic years. OHE's executive director must establish the application process.

The act requires the executive director, starting by January 1, 2025, to annually report on the program to the Public Health Committee. The director must report on (1) the number and demographics of the adjunct professors who applied for and received program grants, (2) their employing institutions and the number and types of classes they taught, and (3) any other information he considers pertinent.

EFFECTIVE DATE: July 1, 2023

Background — Related Act

PA 23-204, §§ 132 & 133, contain identical provisions on health care providers serving as adjunct faculty and a related grant program.

§ 11 — PERSONAL CARE ATTENDANT CAREER PATHWAYS PROGRAM

Requires DSS to establish a PCA career pathways program, including both basic and specialized skills pathways, to improve PCAs' quality of care and incentivize their recruitment and retention in the state

The act requires DSS, by January 1, 2024, to establish and administer a career pathways program for personal care attendants (PCAs). The program's purpose is to improve PCAs' quality of care and incentivize their recruitment and

retention in the state.

PCAs provide in-home and community-based personal care assistance and other non-professional services to the elderly and people with disabilities. The act allows PCAs who are not employed by a consumer (i.e., a person receiving services under a state-funded program), but eligible for this employment, to participate in the career pathways program after completing a DSS-developed orientation.

EFFECTIVE DATE: July 1, 2023

Program Objectives

The act requires the program to include at least the following objectives:

1. increasing PCAs' retention and recruitment to maintain a stable workforce for consumers, including by creating career pathways that improve PCAs' skill and knowledge and increase their wages;
2. dignity in how PCAs provide care, and how consumers receive it, through meaningful collaboration between them;
3. improving the quality of personal care assistance and the consumers' overall quality of life;
4. advancing equity in personal care assistance;
5. promoting a culturally and linguistically competent PCA workforce to serve the growing racial, ethnic, and linguistic diversity of an aging consumer population; and
6. promoting self-determination principles for PCAs.

Program Components

Under the act, the DSS commissioner must offer the following pathways under the program:

1. the basic skills career pathways, including general health and safety and adult education topics; and
2. the specialized skills career pathways, including cognitive impairments and behavioral health, complex physical care needs, and transitioning to home- and community-based living from out-of-home care or homelessness.

The commissioner must develop or identify the training curriculum for each pathway. In doing so, she must consult with a hospital's or health care organization's labor management committee.

Reporting Requirement

By January 1, 2025, the act requires the commissioner to report to the Human Services and Public Health committees on the following program information:

1. the number of enrolled PCAs and the pathways they chose;
2. the number of PCAs who completed a career pathway, by pathway type;
3. the program's effectiveness, as determined by surveys, focus groups, and interviews of PCAs, and whether completing the program led to (a) a related license or certificate or (b) continued employment for each PCA; and
4. the number of PCAs employed by consumers with specialized care needs after completing a specialized career pathway and whom the consumer kept employed for at least (a) six months and (b) 12 months.

§ 12 — HOSPITAL PRIVILEGES

Prohibits hospitals, for purposes of granting practice privileges, from requiring (1) board eligible physicians to become board certified until five years after becoming board eligible or (2) board certified physicians to provide credentials of board recertification

When granting practice privileges, the act prohibits hospitals (and their medical review committees) from requiring (1) board eligible physicians to become board certified until five years after they are eligible to do so or (2) board certified physicians to provide credentials of board recertification (to obtain or keep their practice privileges).

Under the act, a physician is "board eligible" after graduating from medical school, completing a residency program, training under supervision in a specialty fellowship program, and then being eligible to take a medical specialty board's qualifying examination. A physician is "board certified" after passing such an exam to become board certified in a particular specialty.

EFFECTIVE DATE: October 1, 2023

§§ 13-15 — PHYSICIAN, APRN, OR PA NON-COMPETE CLAUSES

Specifies that a physician's primary practice site, for purposes of limitations on non-compete agreements, is determined by the parties to the agreement in all cases; places additional limitations on physician non-compete clauses when the physician does not agree to a material change to the compensation terms in the employment contract, except for certain group practices; generally extends to APRN or PA non-compete clauses the limitations that apply to physician non-compete clauses under existing law and the act

Existing law sets limits on physician non-compete agreements ("covenants not to compete"), including that they may extend for no more than one year and not beyond a 15-mile radius from the physician's primary practice site. For this purpose, prior law defined this site as (1) the office, facility, or other location from where a majority of the revenue from the physician's services was generated or (2) any other office, facility, or location where the physician practices and the parties identified as the primary site by mutual agreement in the non-compete agreement. The act instead defines the primary site as any single office, facility, or location where the physician practices, as mutually agreed to by the parties and defined in the non-compete agreement.

The act additionally provides that physician non-compete agreements entered into, amended, extended, or renewed on or after October 1, 2023, are generally unenforceable under the following circumstances:

1. when the physician does not agree to a proposed material change to the compensation terms of the employment contract or agreement (or similar professional arrangement) before or when it is extended or renewed and
2. when the contract or agreement expires and is not renewed by the employer, or when the employer terminates the employment or contractual relationship, unless the employer terminates it for cause.

This new limitation does not apply if the agreement is between a physician and a group practice of up to 35 physicians where physicians own the majority of the practice.

The act also extends the law on physician non-compete clauses, including the act's changes (except for the group practice exception described above), to advanced practice registered nurse (APRN) or physician assistant (PA) non-compete agreements entered into, amended, extended, or renewed on or after October 1, 2023.

EFFECTIVE DATE: July 1, 2023

APRN or PA Non-Compete Agreements

Prior law did not specifically limit APRN or PA non-compete agreements. In practice, courts generally consider certain factors when assessing whether a particular non-compete agreement is reasonable, such as its duration and geographical scope.

The act generally applies the same statutory conditions and limitations for physician non-compete agreements under existing law and the act to APRN or PA non-compete clauses entered into, amended, extended, or renewed on or after October 1, 2023.

Definitions. The act defines "covenant not to compete" for APRNs and PAs in a way that is substantially similar to the definition in existing law that applies to physicians. Under the act, an APRN or PA "covenant not to compete" is any provision of an employment or other contract or agreement that establishes a professional relationship with an APRN or PA, respectively, and restricts their right to practice in any area of the state for any period after the end of the partnership, employment, or other professional relationship.

It also defines the primary practice site in the same manner as for physicians. Under the act, the primary site where an APRN or PA practices is any single office, facility, or location where the person practices, as mutually agreed to by the parties and defined in the non-compete agreement.

Conditions and Limitations. Under the act, an APRN or PA covenant not to compete is valid and enforceable only if it is (1) necessary to protect a legitimate business interest; (2) reasonably limited in time, geographic scope, and practice restrictions as needed to protect that interest; and (3) otherwise consistent with the law and public policy. (These factors are similar to those under the common law.)

The act specifically prohibits these covenants from restricting an APRN's or PA's competitive activities for longer than one year and beyond 15 miles from the primary site where the APRN or PA practices.

The act further provides that these covenants are unenforceable against the APRN or PA under the following circumstances:

1. the employer terminates the employment or contractual relationship without cause or
2. the (a) employment contract or agreement was not made in anticipation of, or as part of, a partnership or ownership agreement and (b) contract or agreement expires and is not renewed, unless before the expiration the employer made a bona fide offer to renew the contract on the same or similar terms.

It also provides that these agreements are unenforceable against the provider in the following situations:

1. the APRN or PA does not agree to a proposed material change to the compensation terms of the employment contract or agreement (or similar professional arrangement) before or when it is extended or renewed and
2. the contract or agreement expires and is not renewed by the employer, or the employer terminates the employment or contractual relationship, unless the termination is for cause.

Under the act, each covenant must be separately and individually signed by the APRN or PA.

Other Contract Provisions and Burden of Proof. If a covenant is rendered void and unenforceable under the act, the remaining provisions of the contract remain in full force and effect. This includes provisions requiring the payment of damages for injuries suffered due to the contract's termination.

The act specifies that the party seeking to enforce an APRN or PA covenant not to compete bears the burden of proof at any proceeding.

§ 16 — PHYSICAL THERAPY LICENSURE COMPACT

Enters Connecticut into the Physical Therapy Licensure Compact, which provides a process authorizing physical therapists or physical therapy assistants properly credentialed in one member state to practice across state boundaries without requiring licensure in each state

The act enters Connecticut into the Physical Therapy Licensure Compact. The compact creates a process authorizing physical therapists (PTs) and PT assistants who are appropriately licensed or certified in one member state to practice across state boundaries without requiring licensure or certification in each state. Member states must grant the "compact privilege" (i.e., the authority to practice in the state) to people holding a valid, unencumbered license who otherwise meet the compact's eligibility requirements. The compact is administered by the PT Compact Commission, which Connecticut joins under the act.

Among various other provisions, the compact does the following:

1. sets eligibility criteria for states to join the compact and for PTs or PT assistants to practice under it;
2. addresses several matters related to disciplinary actions for licensees practicing under the compact, such as information sharing among member states and removal of compact privileges;
3. provides that amendments to the compact only take effect if all member states adopt them into law; and
4. outlines a process for states to withdraw from the compact.

A broad overview of the compact appears below.

EFFECTIVE DATE: July 1, 2023

Compact Overview

The PT Compact creates a process authorizing PTs and PT assistants to work in multiple states if they are licensed (for PTs) or licensed or certified (for PT assistants) in one member state. A "licensee" is someone currently authorized by a state to practice as a PT or PT assistant.

Under the compact, a "state" is a U.S. state, commonwealth, district, or territory that regulates physical therapy. A "member state" is a state that has joined the compact.

A "home state" is the member state that is the licensee's primary state of residence. A "remote state" is a member state, other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

The compact allows active-duty military personnel or their spouses to designate as their home state their (1) home of record, (2) permanent change of station, or (3) state of current residence if different from either of those.

The "compact privilege" is a remote state's authorization to allow a licensee from another member state to practice in the remote state under its laws and rules. The compact specifies that PT practice occurs in the member state where the patient or client is located.

State Eligibility (§ 16(3))

To participate in the compact, a state must do the following:

1. participate fully in the commission's licensee data system, including using the commission's unique identifier;
2. have a mechanism to receive and investigate complaints about licensees;
3. notify the commission, in compliance with the compact's terms and rules, about any adverse action (i.e., board disciplinary action for misconduct or unacceptable performance) or the availability of investigative information about a licensee;

4. fully implement a criminal background check requirement, within deadlines set by rule, by receiving FBI search results and using that information in making licensure decisions (see below and § 17);
5. comply with the commission's rules;
6. require passage of a recognized national examination for licensure under the commission's rules; and
7. require continuing competence (e.g., continuing education) for license renewal.

Upon joining the compact, member states must have the authority to get biometric-based information from each PT licensure applicant and submit it to the FBI for a criminal record check.

Individual Compact Privilege (§ 16(3) & (4))

The compact requires member states to grant, under the compact's terms and rules, the compact privilege to a licensee holding a valid, unencumbered license in another member state. Member states may charge a fee for granting the privilege.

To exercise the compact privilege, licensees must meet the following requirements:

1. be licensed in their home state;
2. have no encumbrance on any state license;
3. be eligible for a compact privilege in any member state, under the compact's provisions on remote states' authority to remove that privilege (see next subheading);
4. have no adverse action against any license or compact privilege within the prior two years;
5. notify the commission that they are seeking the compact privilege in one or more remote states;
6. pay any state fees or other applicable fees for the compact privilege;
7. meet any applicable remote states' jurisprudence requirements (i.e., assessment of knowledge of PT practice laws and rules for that state); and
8. report to the commission within 30 days after being subject to adverse action by any non-member state.

Under the compact, the privilege is valid until the home license expires. Licensees must comply with the above requirements to maintain the privilege in the remote state.

Respective States' Authority, Adverse Actions, and Data System (§ 16(4), (6) & (8))

The compact addresses several matters related to states' authority to investigate and discipline licensees practicing under its procedures. Broadly, the compact maintains the home state's authority to regulate the home state license and grants the remote state the authority to regulate the compact privilege in that state, each according to its own regulatory structure. Additionally, a home state may take action against a licensee based on investigative information from a remote state.

The following are examples of the regulatory structure under the compact:

1. A home state has exclusive authority to impose adverse action against a home state license, but a remote state may remove a licensee's compact privilege, investigate and issue subpoenas, impose fines, and take other necessary action.
2. If allowed by their law, remote states may recover from the licensee any investigation and disposition costs for cases leading to adverse actions.
3. If a licensee's home state license is encumbered or remote state privilege is removed, he or she cannot regain the compact privilege in any remote state until (a) the encumbrance is lifted or the removal period passes, (b) two years have passed since the adverse action, (c) any fines have been paid for remote state removals, and (d) the licensee otherwise meets the compact's eligibility requirements.
4. Member states may allow licensees to participate in an alternative program (e.g., for substance abuse) rather than imposing an adverse action, but the state must require the licensee to get prior authorization from another member state before practicing in that state during this period.
5. Any member state may investigate actual or alleged violations in other member states where a licensee holds a license or compact privilege.

Member states must submit the same information on licensees for inclusion in a database the compact creates, and the commission must promptly notify all member states about any adverse action against licensees or licensure applicants. Investigative information about a licensee is available only to states in which a licensee holds, or is applying for, a license or compact privilege.

PT Compact Commission (§ 16(7) & (9))

The compact is administered by the PT Compact Commission, which consists of one voting member appointed by each member state's PT licensing board. The compact sets forth several powers, duties, and procedures for the commission, such

as the following:

1. the authority to make rules to facilitate and coordinate the compact's implementation and administration (a rule has no effect if a majority of the member states' legislatures reject it within four years after the rule's adoption),
2. the power to levy and collect an annual assessment from each member state and impose fees on other parties to cover the costs of its operations, and
3. the duty to have its receipts and disbursements audited yearly and to include the audit in the commission's annual report.

The compact addresses several other matters regarding the commission and its operations, such as setting conditions under which its officers and employees are immune from civil liability. By virtue of adopting the compact, Connecticut joins the commission.

Compact Oversight, Enforcement, Member Withdrawal, and Related Matters (§ 16(10)-(12))

Among other related provisions, the compact provides the following:

1. Each member state's executive, legislative, and judicial branches must enforce the compact and take necessary steps to carry out its purposes.
2. The commission must take specified steps if a member state defaults on its obligations under the compact; and, after all other means of securing compliance have been exhausted, a defaulting state is terminated from the compact upon a majority vote of the member states.
3. Upon a member state's request, the commission must attempt to resolve a compact-related dispute among member states or between member and non-member states.
4. The commission must enforce the compact and rules and may bring legal action against a member state in default upon a majority vote (the case may be brought in the U.S. District Court for the District of Columbia or the federal district where the commission's principal offices are located).
5. A member state may withdraw from the compact by repealing that state's enabling legislation, but withdrawal does not take effect until six months after the repealing statute's enactment.
6. The member states may amend the compact, but no amendment takes effect until all member states enact it into law.
7. The compact's provisions are severable, and its provisions must be liberally construed to carry out its purposes; and, if the compact is held to violate a member state's constitution, it remains in effect in the remaining member states.

§ 17 — BACKGROUND CHECKS FOR PT AND PT ASSISTANT LICENSURE

Requires PT and PT assistant licensure applicants to complete a fingerprint-based criminal background check

Under the act, the DPH commissioner must require anyone applying for PT or PT assistant licensure to submit to a state and national fingerprint-based criminal history records check by the Department of Emergency Services and Public Protection (DESPP).

EFFECTIVE DATE: July 1, 2023

§ 18 — PODIATRIC SCOPE OF PRACTICE WORKING GROUP

Requires DPH to establish a working group to advise the department and any relevant scope of practice review committee on podiatrists' scope of practice relating to surgical procedures

The act requires the DPH commissioner to establish a working group to advise DPH and any relevant scope of practice review committee (see below) on podiatrists' scope of practice relating to surgical procedures. The commissioner appoints the working group's members, which must include at least three podiatrists and three orthopedic surgeons.

By January 1, 2024, the working group must report its findings and recommendations to the commissioner and any such scope of practice review committee. By February 1, 2024, the commissioner must report to the Public Health Committee on (1) the group's findings and recommendations and (2) whether DPH and any relevant scope of practice review committee agrees with them.

Existing law has a process for DPH to review requests from representatives of health care professions seeking to establish or revise a scope of practice before consideration by the legislature. DPH selects the requests it will act upon and, within available appropriations, appoints members to scope of practice review committees, whose members include

representatives from the profession making the request and other professions directly impacted by it (CGS § 19a-16e).
EFFECTIVE DATE: July 1, 2023

§§ 19 & 20 — APRN LICENSURE BY ENDORSEMENT AND INDEPENDENT PRACTICE

Allows for licensure by endorsement for APRNs who have (1) practiced for at least three years in another state with practice requirements that are substantially similar to, or higher than, Connecticut's and (2) no disciplinary history or unresolved complaints pending; correspondingly allows these APRNs to count their out-of-state practice toward the existing requirement of three years' practice in collaboration with a physician before practicing independently

The act allows APRNs with certain experience who are not otherwise eligible to apply for licensure in Connecticut to apply for licensure by endorsement. To be eligible, the applicant must give DPH satisfactory evidence that he or she has (1) practiced for at least three years as an APRN (or similar services under a different designation) in another state or jurisdiction and (2) no disciplinary actions or unresolved complaints pending. The other jurisdiction must have requirements for practicing that are substantially similar to, or higher than, Connecticut's.

The act requires these applicants to pay a $200 fee as existing law requires for other APRN licensure applicants.

By law, APRNs must practice in collaboration with a physician for the first three years after becoming licensed in the state. They may practice independently once they have been licensed and practicing in collaboration with a physician for at least three years with at least 2,000 hours of practice. The act allows APRNs who are licensed by endorsement under the above procedures to count their prior out-of-state practice toward this three-year requirement if that practice was under collaboration with a physician licensed in another state and otherwise meets existing law's requirements. APRNs who meet these requirements may practice independently.
EFFECTIVE DATE: October 1, 2023

§ 21 — SPLASH PAD AND SPRAY PARK WARNING SIGNS

Requires splash pad and spray park owners or operators to post warning signs about the potential health risk of ingesting recirculated water

The act requires owners or operators of splash pads and spray parks where water is recirculated to post a sign stating that the water is recirculated and warning of the potential health risk to people ingesting it. They must post the sign by January 1, 2024, in a conspicuous place at or near the entrance.
EFFECTIVE DATE: July 1, 2023

§ 22 — LPN EDUCATION PILOT PROGRAM

Allows higher education institutions, under certain conditions, to apply to the state nursing board to create a pilot program for licensed practical nurse education and training, and grants the program full approval if it meets specified requirements for two years

The act allows certain public or independent higher education institutions, by January 30, 2024, to apply to the State Board of Examiners for Nursing to create a pilot program offering licensed practical nursing (LPN) education and training. To be eligible, the institution must (1) maintain accreditation as a degree-granting institution in good standing by a regional accrediting association recognized by the federal Department of Education and (2) offer, or be seeking state approval to offer, a nursing program approved by OHE.

Under the act, an institution that applies to the nursing board to establish a pilot program must give the board the following information in writing at least 60 days before the proposed program start date:

1. identifying information about the pilot program, including its name, address, contact information, and responsible party;
2. a program description, including accreditation status, any clinical partner, and anticipated enrollment by academic term;
3. identified resources to support the program;
4. graduation rates and National Council Licensure Examination licensure and certification pass rates for the past three years for any existing nursing programs the institution offers;
5. a plan for employing qualified faculty and administrators and clinical experiences; and
6. other information as the board requests.

If the institution gives this information, the nursing board must review and consider the program application. The board may hold a public hearing on it.

Under the act, the pilot program must comply with relevant provisions of the state's Nurse Practice Act (chapter 378) and regulations on nursing education programs. Despite existing law on OHE approval of higher education programs, the pilot program is deemed fully approved by the nursing board if it (1) meets these requirements for two years and (2) provides evidence that the program is meeting its educational outcomes as defined in state regulation (e.g., an average passage rate of at least 80% for first-time takers of the required licensure examination).

EFFECTIVE DATE: Upon passage

§ 23 — RECIPROCITY AGREEMENTS FOR CLINICAL ROTATION TRAINING

Allows OHE to enter into a reciprocity agreement with neighboring states about clinical training credit at higher education institutions

The act allows OHE to enter into a reciprocity agreement with one or more neighboring states about clinical training credit at higher education institutions. Under the agreement, the other state could allow students attending a higher education institution in that state to train in a clinical rotation for credit in Connecticut, so long as the state also allows a student attending a Connecticut higher education institution to train in a clinical rotation for credit in the other state.

EFFECTIVE DATE: Upon passage

§ 24 — COMMISSION ON COMMUNITY GUN VIOLENCE INTERVENTION AND PREVENTION

Specifies that any subcommission, advisory group, or other entity that existing law allows the Commission on Community Gun Violence Intervention and Prevention to create may focus on issues related to providing home health care and services to people affected by gun violence

PA 22-118 established a Commission on Community Gun Violence Intervention and Prevention to advise the DPH commissioner on developing evidence-based, evidenced-informed, community-centric gun programs and strategies to reduce community gun violence in the state.

Existing law allows the commission to establish subcommissions, advisory groups, or other entities it deems necessary to further its purposes. The act specifically allows the commission to establish such an entity to evaluate the (1) challenges associated with providing home health care to victims of gun violence and (2) ways to foster a system uniting community service providers with adults and juveniles needing supports and services to address trauma due to gun violence.

EFFECTIVE DATE: July 1, 2023

§§ 25 & 26 — MATERNAL MENTAL HEALTH TOOLKIT AND PERINATAL MOOD AND ANXIETY DISORDER TRAINING

Requires DPH, in consultation with DMHAS and certain other organizations, to develop a maternal mental health toolkit for providers and patients, including on perinatal mood and anxiety disorders; requires hospitals to include training in perinatal mood and anxiety disorders as part of their regular training for certain staff members

The act requires DPH to develop a toolkit to give information and resources on maternal mental health to licensed health care professionals and new parents in the state. In doing so, DPH must consult with DMHAS and organizations representing health care facilities and licensed health care professionals.

The toolkit must at least include (1) information about perinatal mood and anxiety disorders, including their symptoms, potential impact on families, and treatment options; and (2) a list of licensed health care professionals, peer support networks, and nonprofit organizations in the state that treat these disorders or provide related support for patients and their family members. By October 1, 2023, DPH must make the toolkit available on its website.

Starting October 1, 2023, the act also requires hospitals to include training in perinatal mood and anxiety disorders as part of their regular training to staff members who directly care for women who are pregnant or in the postpartum period.

Generally, perinatal mood and anxiety disorders refer to a range of symptoms that may occur during pregnancy and the postpartum period, such as depression and anxiety, or in rare cases, postpartum psychosis.

EFFECTIVE DATE: Upon passage, except the hospital training provision takes effect on October 1, 2023.

§ 27 — EMERGENCY DEPARTMENT CROWDING WORKING GROUP

Requires the DPH commissioner to convene a working group to advise her on how to alleviate emergency department crowding and the lack of available beds

The act requires the DPH commissioner, by July 1, 2023, to convene a working group to advise her on ways to ease emergency department (ED) crowding and lack of available ED beds in the state. Specifically, the group must advise on the following topics:

1. setting a quality measure for the timeliness of transferring patients from the ED to hospital admission;
2. establishing ED discharge units to expedite the discharge process;
3. evaluating the percentage of ED patients held in the department after admission and while waiting for an inpatient bed, and making a plan to lower it; and
4. reducing liability for hospitals and their emergency physicians when ED crowding causes significant wait times for patients seeking these services.

EFFECTIVE DATE: Upon passage

Working Group Membership and Procedures

Under the act, the working group may consist of the following members, among others:

1. two emergency physicians representing the state chapter of a national college of emergency physicians;
2. two emergency physicians who are ED directors, one from a larger hospital system in the state and the other from an independent community hospital;
3. a primary care physician representing the state chapter of a national college of physicians;
4. two representatives of an in-state hospital association;
5. a representative of an in-state medical society;
6. a representative of the state chapter of a national organization of emergency nurses;
7. a representative of the state chapter of a national organization of pediatric physicians;
8. a representative of the state chapter of a national association of psychiatrists;
9. a representative of an in-state association of nurses;
10. two nurses who are ED nurse directors, one from a larger hospital system and the other from an independent community hospital;
11. two patient care navigators, one who works for a larger hospital system and the other for an independent community hospital;
12. a representative of hospital patients in the state;
13. a provider of emergency medical transportation services in the state;
14. a representative of a national association of retired people;
15. the state healthcare advocate, child advocate, DMHAS commissioner, and Department of Children and Families (DCF) commissioner, or their designees;
16. two DPH representatives, one from the Office of Emergency Medical Services and one from the department's facilities licensing and investigations section;
17. a representative of the Office of the Long-Term Care Ombudsman;
18. two representatives from in-state nursing homes, one from a for-profit and the other from a nonprofit;
19. one representative from the insurance industry in the state; and
20. one member of an association of trial lawyers in the state.

The act requires the DPH commissioner to select the group's chairpersons, who must be (1) one of the emergency physicians representing the state chapter of a national college of emergency physicians and (2) one of the representatives of an in-state hospital association.

Under the act, the working group's first meeting must be held by December 1, 2023. The chairpersons may hold the first meeting even if the DPH commissioner has not yet selected all members. If the commissioner has not selected a member by August 1, 2023, then the chairpersons may jointly select the member.

The group must meet twice a year and at other times upon the chairpersons' call.

Reporting Requirement

The act requires the working group to report its findings and recommendations by January 1, 2024, and by January 1, 2025, to the DPH commissioner and Public Health Committee.

§ 28 — PSYCHOSIS TASK FORCE

Creates a task force to study childhood and adult psychosis

The act creates a 10-member task force to study childhood and adult psychosis. The study must examine the following:

1. in collaboration with DCF and DMHAS, establishing clinics staffed by mental health care providers in various fields who provide comprehensive care for children and adults experiencing early or first episode psychosis, to prevent the symptoms from becoming disabling;
2. early evaluation of children and adults with psychosis symptoms and management of these symptoms, including starting treatment and making necessary referrals for additional treatment or services;
3. creating care pathways that include specialty teams that treat children and adults experiencing early or first episode psychosis;
4. creating a statewide model for coordinating specialty care for children and adults experiencing psychosis, as recommended by the National Institute of Mental Health;
5. creating services for these children and adults, including collaboration on psychotherapy and pharmacotherapy, family support, education, coordination with community support services, and collaboration with employers and education systems; and
6. strengthening existing clinical networks that treat people experiencing psychosis, focusing on collaborative research and outcomes.

Under the act, "psychosis" is a severe mental condition in which disruptions to thoughts and perceptions make it difficult for a person to recognize what is real and what is not. Affected individuals often experience these disruptions by (1) seeing, hearing, and believing things that are not real or (2) having strange and persistent thoughts, behaviors, and emotions, including hallucinations and delusions.

EFFECTIVE DATE: Upon passage

Membership and Administration

Under the act, the task force includes the DMHAS and DCF commissioners or their designees and eight appointed members as shown in the table below.

Psychosis Task Force Appointed Members

Appointing Authority and Number of Appointments	*Appointee Qualifications*
House speaker (2)	A child and adolescent psychiatrist with experience treating patients with psychosis A clinical researcher in the field of psychosis
Senate president pro tempore (2)	A psychiatrist with experience treating adults with psychosis A clinical researcher in the field of psychosis
House majority leader (1)	A parent or guardian of a child or adolescent treated for psychosis
Senate majority leader (1)	An adult treated for psychosis
House minority leader (1)	A licensed mental health care provider who has treated children or adolescents with psychosis
Senate minority leader (1)	A licensed mental health care provider who has treated adults with psychosis

Under the act, legislative appointees may be legislators. Appointing authorities must make their initial appointments by July 28, 2023, and 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, which must be held by August 27, 2023.

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, 2024. The task force terminates when it submits the report or on January 1, 2024, whichever is later.

§§ 29-34 — EVALUATIONS AND REPORTS RELATED TO PARENTING AND SUBSTANCE USE DISORDER

Requires DCF, DMHAS, and DSS to evaluate or report on various supports and related issues for parents, other child caregivers, or pregnant individuals with substance use disorder

The act requires DCF, DMHAS, and DSS to evaluate or report on supports, programs, and related issues for parents, other child caregivers, or pregnant individuals with substance use disorder.
EFFECTIVE DATE: Upon passage

Child Caregiver Substance Use Disorder Program Plan (§ 29)

The act requires DCF, DMHAS, and DSS to evaluate (1) substance use disorder programs for people with this disorder who are child caregivers and (2) related treatment barriers. In doing the evaluation, the departments must consult with direct service providers and people with lived experience.

In consultation with these providers and people, the departments must also make a plan to establish and implement programs that include the following components to treat these child caregivers and their children:

1. in all geographic areas, same-day access to family-centered medication-assisted treatment, including prenatal and perinatal care, and access to supports that provide a bridge to the treatment;
2. intensive, in-home treatment supports;
3. gender-specific programming;
4. expanded access to residential programs for pregnant and parenting people, including residential programs for parents who have more than one child or who have children over age seven; and
5. access to recovery support specialists and peer support to provide care coordination.

The act requires the commissioners, by January 1, 2024, to jointly report to the Children's, Human Services, and Public Health committees on the plan and legislative recommendations needed to implement the programs.

Child Care Supports and Subsidies Plan (§ 30)

The act requires DMHAS and DSS to collaborate with the Office of Early Childhood and create a plan to allow parents in substance use disorder treatment to qualify for child care supports and subsidies. The DMHAS and DSS commissioners must jointly report on the plan to the Human Services and Public Health committees by January 1, 2024.

Supportive Housing Access (§ 31)

The act requires the DMHAS commissioner to report to the Housing, Human Services, and Public Health committees by January 1, 2024, on access in the state to supportive housing for pregnant and parenting people with a substance use disorder.

Substance Use Disorder Treatment for Parents Involved With DCF (§ 32)

The act requires the DCF, DMHAS, and DSS commissioners to jointly report on access for parents involved with DCF, when applicable, to appropriate substance use disorder treatment in the state, to (1) prevent children's removal from their parents, when possible, and (2) support reunification when removal is necessary. The report must consider in-home parenting and child care services to help with safety planning during initial stages of treatment and recovery.

The commissioners must report to the Children's, Human Services, and Public Health committees by January 1, 2024.

Services for Pregnant and Parenting Individuals (§ 33)

The act requires the DCF, DMHAS, and DSS commissioners to jointly report on existing substance use disorder

treatment services for pregnant and parenting people, their use, and any areas where more services are necessary. The commissioners must report to the Public Health Committee by January 1, 2024.

Mitigating Safety Concerns for Children Whose Caregivers Have Substance Use Disorder (§ 34)

The act requires the DCF commissioner, by January 1, 2024, to report to the Children's and Public Health committees on DCF's efforts to mitigate child safety concerns in the home when the child's caregiver has a substance use disorder.

§ 35 — OPIOID SETTLEMENT FUND ADVISORY COMMITTEE

Adds eight members to the Opioid Settlement Fund Advisory Committee

The act increases, from 37 to 45, the membership of the Opioid Settlement Fund Advisory Committee. It does so by (1) increasing the number of governor-appointed municipal representatives from 17 to 21; (2) adding two members with experience supporting infants and children affected by the opioid crisis, appointed by the DMHAS commissioner; and (3) adding the Public Health Committee chairpersons or their designees (the designees must have experience living with a substance use disorder or have a family member with such a disorder).

The law charges the committee with ensuring (1) that Opioid Settlement Fund moneys are allocated and spent on specified substance use disorder abatement purposes and (2) robust public involvement, accountability, and transparency in allocating and accounting for the fund's moneys.

EFFECTIVE DATE: July 1, 2023

§ 36 — EMS DATA COLLECTION AND REPORTING

Requires EMS organizations, in their quarterly data reporting, to include the reasons for 9-1-1 calls; requires the DPH commissioner to annually submit EMS data to the Public Health Committee and expands the reporting requirement to include data on EMS personnel shortages

Existing law requires EMS organizations to report to DPH quarterly on specified EMS call data, including the number of 9-1-1 calls received. The act requires organizations to also report the reasons for the calls. By law, EMS organizations must also report the (1) level of EMS required for each call; (2) response time; (3) number of passed, cancelled, and mutual aid calls made and received; and (4) prehospital data for unscheduled patient transport.

By law, DPH must annually report on specified data it collects to the EMS Advisory Board. The act adds data on any EMS personnel shortages in the state to this reporting requirement. Starting by June 1, 2024, the act requires the commissioner to annually submit the report to the Public Health Committee as well.

EFFECTIVE DATE: October 1, 2023

§ 37 — RURAL HEALTH TASK FORCE

Creates a task force to study rural health issues

The act creates a task force to study rural health issues. The study must examine (1) resources and services available to promote rural health and support health care providers in rural areas throughout the state and (2) ways to coordinate and streamline these resources and services.

EFFECTIVE DATE: Upon passage

Membership and Administration

Under the act, the task force includes the attorney general, DMHAS and DPH commissioners, Office of Health Strategy executive director, state comptroller, or their designees and 10 appointed members, one each appointed by the six legislative leaders and the Public Health Committee chairpersons and ranking members.

Under the act, legislative appointees may be legislators. Appointing authorities must make their initial appointments by July 28, 2023, and 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, which must be held by August 27, 2023.

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, 2024. The task force terminates when it submits the report or on January 1, 2024, whichever is later.

§ 38 — HEALTH CARE MAGNET SCHOOL STUDY

Requires the education commissioner, in consultation with the DPH and labor commissioners, to study the feasibility of establishing an interdistrict magnet school program focused on training students for health care professions

The act requires the education commissioner, in consultation with the DPH and labor commissioners, to study the feasibility of creating an interdistrict magnet school program to educate and train students interested in health care professions. This must include pathways for students to (1) graduate with a certification, license, or registration that allows them to practice in a health care field and (2) complete a curriculum designed to prepare them for pre-medicine or nursing higher education programs.

By February 1, 2024, the education commissioner must report on the study to the Public Health Committee.

EFFECTIVE DATE: Upon passage

§ 39 — COMMUNICATION ACCESS STUDY

Requires the aging and disability services commissioner, in consultation with the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind, to evaluate gaps in these individuals' access to communication with medical providers

The act requires the aging and disability services commissioner, in consultation with the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind, to (1) conduct a study evaluating gaps in access to communication with medical providers for people who are deaf, hard of hearing, or deafblind and (2) develop recommendations to improve this access, including interpreting through American Sign Language or Spanish Sign Language as applicable. By October 1, 2023, the commissioner must report on the study to the Aging, Human Services, and Public Health committees.

EFFECTIVE DATE: Upon passage

§§ 40 & 41 — DENTAL ASSISTANTS

Provides an alternate way for dental assistants to qualify to take dental x-rays, by passing a competency assessment rather than a national exam, and requires UConn's School of Dental Medicine to develop the assessment by January 1, 2025

Existing law allows dentists to delegate certain procedures to dental assistants if they are performed under the dentist's direct supervision. Under existing law, dentists can delegate to them the taking of dental x-rays if the assistant passed the Dental Assisting National Board's dental radiation health and safety exam.

The act additionally allows dentists to delegate the taking of dental x-rays to dental assistants who have passed a radiation health and safety competency assessment. That assessment must be administered by an in-state dental education program accredited by the American Dental Association's Commission on Dental Accreditation.

By January 1, 2025, the act requires UConn's School of Dental Medicine to (1) develop this competency assessment, reflecting current industry practices on dental x-rays, and (2) report on its development to the Public Health Committee.

EFFECTIVE DATE: Upon passage, except October 1, 2023, for the provision on dental assistants' eligibility to take dental x-rays after passing the assessment.

§ 42 — EPINEPHRINE ADMINISTRATION BY EMS PERSONNEL

Requires EMS personnel, under specified conditions, to administer epinephrine using automatic prefilled cartridge injectors, similar automatic injectable equipment, or prefilled vials and syringes

The act requires EMS personnel to administer epinephrine using automatic prefilled cartridge injectors, similar automatic injectable equipment, or prefilled vials and syringes when each of the following conditions are met:

1. The EMS professional has been trained to do so in accordance with DPH-recognized national standards.

2. The medication is administered according to written protocols and standing orders of a physician serving as an emergency department director.
3. The EMS professional determines that administering epinephrine is necessary to treat the person.

(PA 23-1, September 26 Special Session, § 6, delays the start date for this requirement from October 1, 2023, to July 1, 2024, and allows EMS personnel to administer epinephrine before then in the same manner.)

Prior law allowed, but did not require, EMTs (including advanced EMTs) and paramedics to do this using automatic prefilled cartridge injectors or similar equipment.

The act requires all EMS personnel to receive this training from a DPH-designated organization; prior law required only EMTs and paramedics to receive this training.

Prior law required licensed or certified ambulances to have epinephrine in injectors or equipment for administration. The act instead requires them to have epinephrine in injectors, similar equipment, or prefilled vials and syringes for this purpose.

Under the act, "EMS personnel" include EMTs, advanced EMTs, paramedics, and emergency medical responders.

EFFECTIVE DATE: October 1, 2023

§ 43 — MEDICAL RECORDS REQUESTS

Generally sets deadlines for licensed health care institutions to send electronic copies of patient medical records to another institution upon request

The act sets deadlines for licensed health care institutions to transfer an electronic copy of a patient's medical records to another institution upon receiving a medical records request directed by the patient or patient's representative. Under the act, the transfer must occur (1) as soon as feasible, but no later than six days, for urgent requests, or (2) within seven business days for non-urgent requests. The act specifies that the institution is not required to get specific written consent from the patient before sending the electronic copy.

The act exempts from these requirements (1) DMHAS-operated facilities and (2) the hospital and psychiatric residential treatment facility units of the Albert J. Solnit Children's Center.

The act also specifies that these provisions do not require institutions to transfer records in the following circumstances:

1. if doing so would violate the federal Health Insurance Portability and Accountability Act (HIPAA) or related regulations, which set limits and rules on the disclosure of protected health information;
2. in response to a direct request from another provider unless the provider can validate that he or she has a health provider relationship with the patient; or
3. in response to a third-party request.

EFFECTIVE DATE: January 1, 2024

§ 44 — MEDICAL IMAGING AND RESPIRATORY CARE PRACTITIONER SHORTAGE TASK FORCE

Creates a task force to study how to address the state's shortage of radiologic technologists, nuclear medicine technologists, and respiratory care practitioners

The act creates a task force to study ways to address the state's shortage of radiologic technologists, nuclear medicine technologists, and respiratory care practitioners and to make a plan to address this shortage.

EFFECTIVE DATE: Upon passage

Membership and Administration

Under the act, the task force includes the Public Health Committee chairpersons and ranking members or their designees, and six appointed members as shown below.

Task Force Appointed Members

Appointing Authority	*Appointee Qualifications*
House speaker	Representative of a statewide association of radiologic technologists with expertise in that profession
Senate president pro tempore	Representative of a statewide association of nuclear

Appointing Authority	*Appointee Qualifications*
	medicine technologists with expertise in that profession
House majority leader	Representative of a statewide association of respiratory care practitioners with expertise in that profession
Senate majority leader	Representative of a hospital association in the state
House minority leader	Representative of a radiologist society in the state
Senate minority leader	Representative of a medical society in the state with expertise in pulmonary issues

Under the act, any members may be legislators. Appointing authorities must make their initial appointments by July 28, 2023, and 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, which must be held by August 27, 2023.

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, 2024. The task force terminates when it submits the report or on January 1, 2024, whichever is later.

§§ 45 & 46 — BACKGROUND CHECKS FOR PHYSICIAN AND PSYCHOLOGIST LICENSURE APPLICANTS

Requires psychologist licensure applicants, and physician licensure applicants who wish to be licensed in other states, to submit to a state and national fingerprint-based criminal history records check by DESPP, allowing them to participate in certain interstate compacts

Under the act, the DPH commissioner must require licensure applicants to submit to a state and national fingerprint-based criminal history records check by DESPP if they are seeking licensure as a (1) psychologist, or (2) physician who intends to apply for a license in another state within one year after applying for Connecticut licensure. It requires the DESPP commissioner to report the results of the physicians' records checks to the DPH commissioner (but does not require him to do this for psychologists).

In doing this, the act allows physicians and psychologists to participate in the Interstate Medical Licensure Compact and the Psychology Interjurisdictional Compact, respectively, which Connecticut joined under PA 22-81. These compacts require providers to complete an FBI fingerprint background check as a condition of participation.

The Interstate Medical Licensure Compact provides an expedited licensure process for physicians seeking to practice in multiple states. The Psychology Interjurisdictional Compact provides a process authorizing psychologists to practice by telehealth (unlimited) and temporary in-person, face-to-face services (30 days per year per state) across state boundaries without having to be licensed in each of the states.

EFFECTIVE DATE: July 1, 2023

PA 23-111—SB 1065
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS TECHNICAL REVISIONS TO DEVELOPMENTAL SERVICES STATUTES

SUMMARY: This act makes various minor and technical changes in Department of Developmental Services (DDS)-related statutes.

The act updates terminology by replacing references to the DDS "ombudsman" with "ombudsperson." It also removes obsolete language on ombudsperson vacancies.

Additionally, the act conforms the statutes to existing practice by reflecting that certain types of residential programs are certified, rather than licensed, by DDS (in practice, "continuous residential supports," which are shared living arrangements for up to three people with available staff support).

Lastly, it removes obsolete language on DDS day care programs and makes related technical changes.

EFFECTIVE DATE: Upon passage

PA 23-115—sHB 5902
Public Health Committee

AN ACT REQUIRING FOOD ALLERGY AWARENESS IN RESTAURANTS

SUMMARY: This act establishes requirements on food allergy awareness for Class 2, 3, and 4 food establishments and the certified food protection managers they employ.

The act requires the Department of Public Health (DPH), by December 1, 2023, to develop or approve an informational poster on food allergies for display in these food establishments. The poster must have information on the (1) most common allergy-causing foods, (2) actions a server should take when a customer notifies them about a food allergy, (3) ways the kitchen staff and servers can prevent cross-contact of foods, and (4) need to contact 9-1-1 if a customer has an allergic reaction at the establishment.

By March 1, 2024, food establishments must display this informational poster in a clear and conspicuous manner in their kitchens or designated staff areas. Also by this date, certified food protection managers must ensure that each employee views the poster and confirms, in writing, that he or she is familiar with its contents. Under the act, failing to display the poster is grounds for an inspection violation by the local health director.

Additionally, the act requires these food establishments, by January 1, 2025, to post in a clear and conspicuous manner on their menus and menu boards, a request that customers notify their server about any food allergies before placing an order.

Lastly, it requires the DPH commissioner, by February 1, 2024, to report to the Public Health Committee on the department's progress in implementing the state food code's allergy training requirements (see BACKGROUND).

EFFECTIVE DATE: Upon passage, except the provision requiring food establishments to request on their menus that customers notify them about food allergies takes effect July 1, 2023.

BACKGROUND

Classification of Food Establishments

By law, there are four food establishment classifications based on (1) the types of food offered; (2) how food is prepared, cooked, and served; and (3) the population the establishment generally serves (i.e., those highly susceptible to food borne illness such as hospital or nursing home patients). For example, a Class 4 establishment conducts specialized food processes, such as smoking or curing, or serves a population highly susceptible to food-borne illness. A Class 3 establishment does not serve this population and has an extensive food menu that includes many foods that are time- or temperature-controlled for safety and require complex preparation (CGS § 19a-36g).

State Food Code Food Allergy Training Requirements

By law, DPH must use the federal Food and Drug Administration's (FDA) Food Code as the state's food code regulating food establishments (CGS § 19a-36h). The FDA Food Code requires the person in charge of a food establishment to ensure employees are properly trained in food safety and food allergy awareness as it relates to their assigned duties (2022 FDA Food Code § 2-103.11(O)).

Additionally, DPH regulations require qualified food operators (now called certified food protection managers under the federal code) to be trained in identifying and recognizing the foods most commonly associated with allergies (CGS § 19a-36a and Conn. Agencies Regs., § 19-13-B42).

PA 23-121—sHB 6729
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING THE MEMBERSHIP OF VARIOUS ADVISORY BOARDS AND COUNCILS

SUMMARY: This act requires, rather than allows, all of the Department of Mental Health and Addiction Services' (DMHAS) "state-operated facilities" to have an advisory board that includes members with lived experience with behavioral health disorders. By law, "state-operated facilities" are hospitals and facilities that DMHAS operates in whole or part that provide treatment for people with psychiatric disabilities, substance use disorders, or both (see BACKGROUND).

Under existing law and the act, facilities must have their superintendent or director make advisory board member appointments. The act requires these appointing authorities to appoint at least two members with lived experience with behavioral health disorders to their respective boards.

The act eliminates the statutory advisory board to the Connecticut Mental Health Center (CMHC), a community mental health center that DMHAS operates in collaboration with the Yale Department of Psychiatry. Under prior law, this nine-member CMHC Advisory Board was appointed by the DMHAS commissioner with nominations from the Yale-New Haven Health System and Yale University. The act instead subjects the center to the advisory board requirements for all other state-operated facilities.

The act also expands the existing Connecticut Valley Hospital Advisory Council from 13 to 15 members by giving the DMHAS commissioner two additional appointments. On and after January 1, 2024, it requires the council to have at least two DMHAS-appointed members with lived experience with behavioral health disorders. By law, the council advises DMHAS on topics such as building use, security, and clients residing at the facility and their discharge.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the advisory board requirements for state-operated facilities are effective October 1, 2023.

BACKGROUND

State-Operated Facilities and Advisory Boards

By law, state-operated facilities generally include, but are not limited to, the Capitol Region Mental Health Center, the Connecticut Valley Hospital (including its Addictions and General Psychiatric divisions), the Whiting Forensic Hospital, the Connecticut Mental Health Center, the Franklin S. DuBois Center, the Greater Bridgeport Community Mental Health Center, and River Valley Services (CGS § 17a-458).

A state-operated facility's advisory board must (1) periodically meet with the facility superintendent or director to advise on the facility's programs and policies, (2) act as a liaison between the facility and residents of its assigned geographic area, and (3) issue reports to the governor and DMHAS commissioner on facility conditions and recommendations for changes or improvements (CGS § 17a-471).

PA 23-122—HB 6731
Public Health Committee
Human Services Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING CHANGE IN OWNERSHIP OF HEALTH CARE FACILITIES

SUMMARY: This act generally expands the circumstances under which licensed health care facility or institution ("facility") ownership changes need prior approval from the Department of Public Health (DPH). It does so by eliminating exemptions in prior law for (1) changes in ownership or beneficial ownership of under 10% of the stock of a corporation that owns or operates the facility or (2) certain transfers to relatives. As under prior law, these provisions apply to all DPH-licensed institutions (e.g., hospitals, behavioral health facilities, and nursing homes).

The act requires proposed new owners to submit several documents and other information to DPH as part of its review of the transfer. It allows DPH to inspect facilities before approving an ownership change; prior law required an inspection.

The act establishes the criteria that the commissioner must consider when evaluating an application and sets conditions under which she may deny it (for example, if other facilities the person owned or operated were subject to specified adverse actions). It prohibits someone from applying to acquire ownership in a facility if DPH denied a prior application by the person's relative.

The act allows the commissioner to waive specified requirements for certain applicants. It also creates an exemption from prior approval requirements for certain transfers involving outpatient surgical facilities or nonprofit hospitals.

The act makes related changes by lowering the ownership threshold, from 10% to 5%, for certain notification requirements about nursing home licensing and transfers of ownership.

It also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023

§ 1 — APPROVAL PROCESS FOR HEALTH CARE FACILITY OWNERSHIP CHANGES

Scope of Requirement

The act generally subjects all transfers of ownership or beneficial ownership of DPH-licensed health care facilities to prior approval by the department. This includes direct ownership changes or changes in the ownership of the business entity that owns, operates, or maintains the facility.

The act does so by eliminating two exemptions from prior law. First, it eliminates the exemption for changes in ownership or beneficial ownership of under 10% of the stock of a corporation that owns, operates, or maintains the facility.

Second, it eliminates the exemption for certain transfers to relatives, including relatives by marriage (specifically parents, spouses, children, siblings, aunts, uncles, nieces, or nephews). Prior law exempted these transfers unless they involved (1) at least 10% of the ownership or beneficial ownership of the entity that owns, operates, or maintains more than one facility; (2) multiple facilities; or (3) a facility that was the subject of a pending complaint, investigation, or licensure action. The act specifies that changes in ownership or beneficial ownership resulting in transfers to relatives of the owners or beneficial owners are subject to prior approval.

As under prior law, the following are not considered to be ownership changes and do not require DPH approval: (1) a change in a licensee's legal form of ownership (e.g., a corporation becoming a limited liability company) that does not change the beneficial ownership or (2) a public stock offering meeting certain requirements (e.g., it cannot result in someone owning 10% or more of the stock).

Additionally, the act provides that, under certain conditions, the change in ownership of, or to, a 501(c)(3) nonprofit business entity licensed as a hospital is not an ownership change requiring approval. This applies if the ownership transfer is exempt from review under the law on nonprofit hospital transfers to for-profit entities. As with the other exemptions above, the owner must give DPH information about the change, as the department requires, to properly identify the current ownership status.

The act also exempts from prior approval requirements transfers of ownership or beneficial ownership of 10% or less of an outpatient surgical facility to a physician, as long as the facility gives DPH information (in a manner the commissioner sets) to update the facility's licensing information.

Application Process

Prior law required at least 120 days' prior notice to DPH before a proposed facility ownership change, but it did not specify the application process.

The act requires the proposed new owner (or current owner, for changes in beneficial ownership) to apply within this same timeframe, in a way the commissioner sets. The application must include the following materials and information:

1. a cover letter identifying the facility by name, address, county, and number and type of licensed beds;
2. a description of the proposed transaction;
3. the names of each current owner and proposed new owner or beneficial owner;
4. the names of each owner of any non-publicly traded parent corporation of each proposed new owner and beneficial owner;
5. if applicable, organizational charts for the (a) current owner (showing the change in beneficial ownership) and (b) proposed new owner, its parent business entity, and its wholly owned subsidiaries;
6. a copy of the sale agreement or other transfer of ownership document and any lease or management agreements;
7. disclosures of whether each proposed new owner was ever convicted or pled guilty to fraud, patient or resident abuse or neglect, or a crime of violence or moral turpitude; and
8. various disclosures for certain other facilities (see below).

Other Facilities. Under the act, the application also must include the name and address of any U.S.-based (including territories) licensed health care facility each proposed new owner or beneficial owner owned, operated, or managed during the prior five years. The act requires several disclosures related to these facilities.

The application must disclose any direct or indirect interest arising from the person's ownership, operation, or management of these facilities. This includes interests in intermediate entities; parent, management, and property companies; and other related entities.

The application must disclose whether each facility is the subject of a pending complaint, investigation, or licensure action by a government authority. Additionally, it must disclose whether each facility has been subject to the following:

1. three or more civil penalties imposed through DPH final orders or civil penalties in other states during the prior two years;
2. Medicare or Medicaid sanctions in any state, other than civil penalties of $20,000 or less;
3. termination or nonrenewal of a Medicare or Medicaid provider agreement;
4. any violations of any state licensing or federal certification standard on inappropriate admission denials or discharges; and
5. any state licensure or federal certification deficiency, during the prior five years, that presented a serious risk to the life, safety, or quality of care of the facility's patients or residents.

Under the act, these serious risks include any deficiency in state licensure or federal certification requirements, including requirements in specified federal regulations, that led to:

1. a state or federal agency action to ban, curtail, or temporarily suspend facility admissions or suspend or revoke its license;
2. a Medicare or Medicare decertification, termination, or exclusion from participation, including denying payment for new admissions solely due to the provider's failure to correct deficiencies or non-compliance with regulatory requirements, imposed by DPH or the federal Centers for Medicare and Medicaid Services (CMS), due to noncompliance with Medicare or Medicaid conditions of participation;
3. a citation of any deficiency that constitutes a pattern or widespread scope of actual harm or immediate jeopardy, or any deficiency causing widespread actual harm, as described in specified CMS regulations (for these purposes, "immediate jeopardy" is a situation where noncompliance with certain CMS requirements caused, or is likely to cause, a resident's or patient's serious injury, harm, impairment, or death);
4. a determination that the facility, on a second revisit, failed to correct cited deficiencies from a prior survey that led to CMS denying payment for new admissions or DPH requiring the facility to curtail admissions; or
5. a determination that the provider is a "poor performer" as defined by CMS based on a finding of substandard quality of care or immediate jeopardy on the current survey and on a survey in either of the two prior years.

Under the act, "substandard quality of care" is the failure to meet specified CMS requirements that constitute either (1) immediate jeopardy to resident health or safety; (2) a pattern of or widespread actual harm that is not immediate jeopardy; or (3) a widespread potential for more than minimal harm, but less than immediate jeopardy, with no actual harm. Generally, these requirements concern long-term care facility (1) admission, transfer, and discharge rights and (2) quality of care in numerous areas (e.g., respiratory care and pain management) (42 C.F.R. §§ 483.15 & 483.25).

Inspection and Compliance With Regulatory Requirements

The act allows DPH, after receiving an application for an ownership change, to inspect the facility to ensure its compliance with applicable laws and regulations. Prior law required an inspection.

As under existing law, the act conditions DPH's approval on the facility showing that it has complied with all applicable requirements of the health care institution statutes, licensure regulations, and other applicable regulations. The act also specifies that approval is conditioned upon the proposed new owner or beneficial owner meeting the act's requirements as to character and competence, quality of care, and an acceptable history of regulatory compliance (see below).

Permissible Waiver

The act allows DPH to waive certain requirements.

For ownership or beneficial ownership changes resulting in a transfer to a person related by blood or marriage to an owner or beneficial owner, the commissioner may waive the requirement to submit specified information on other health care facilities they owned or operated during the past five years (see above).

For ownership or beneficial ownership changes of 5% or less of the ownership of a business entity that is a licensed institution, she may waive the (1) submission of some or all of the information required under the act or (2) determination as to the owner's character, competence, and history of regulatory compliance (see below).

Under the act, the commissioner must develop a waiver application process and the criteria for evaluating waiver requests. When developing the process and criteria, she must consult with long-term care industry representatives.

Grounds to Deny or Stay an Application

The act requires the commissioner, when evaluating an application, to consider whether each proposed new owner and beneficial owner demonstrates character and competence and quality of care. She must also consider whether any licensed facilities they owned, operated, or managed (in the U.S. and its territories) has an acceptable history of compliance in the past five years with (1) state licensure and regulatory requirements and (2) federal requirements.

Under the act, the commissioner may deny an application if these qualities are not demonstrated, as shown by the following:

1. the facility was subject to any adverse action required to be listed in the application (e.g., termination of a Medicare or Medicaid provider agreement or certain licensing or certification deficiencies);
2. the facility had continuing violations, or a pattern of them, of state licensure or federal certification standards; or
3. the applicant's criminal conviction or guilty plea to any crime required to be listed on the application (e.g., patient abuse or neglect).

The act also allows the commissioner to temporarily stay the department's decision on an application if she determines that there are certain pending investigations of the applicant's actions at any facility it operates or manages. This applies when the investigation, if substantiated, would constitute a threat to a patient's or resident's life, safety, or quality of care. She may delay the decision until there is a final determination of the investigation.

Additionally, if the commissioner denies an application, the act prohibits the applicant's relatives from applying to acquire an ownership interest in the facility.

§§ 2 & 3 — NURSING HOME OWNERSHIP INTERESTS

The act requires applicants for a nursing home license to give DPH the names of anyone with a 5% or greater ownership interest in the owner, rather than 10% or greater as under prior law. Under existing law, people listed on the application must sign an affidavit disclosing certain information (e.g., felony convictions or civil judgments for fraud or health care business-related licensure suspension or revocation).

The act makes a related change to the application for a nursing home ownership change. Existing law requires DPH to include on the application a statement notifying the potential nursing home licensee and owner that they (and certain other individuals) may be held civilly or criminally liable, or subject to administrative sanctions, for abuse or neglect of a resident by a nursing home employee. In addition to certain other listed positions, prior law applied this notice provision to anyone having at least a 10% ownership interest in the nursing home or entity that owns it. The act lowers this threshold to 5%.

PA 23-128—sHB 6820
Public Health Committee

AN ACT PREVENTING AN ADVERSE ACTION AGAINST A HEALTH CARE PROVIDER DUE TO AN ADVERSE ACTION TAKEN BY ANOTHER STATE AS A RESULT OF SUCH PROVIDER'S INVOLVEMENT IN PROVIDING REPRODUCTIVE HEALTH CARE SERVICES

SUMMARY: This act generally prevents health care providers from being disciplined or adversely affected by Connecticut licensing agencies, institutional employers, and professional liability insurers due to other states' disciplinary actions against them for certain reproductive health care services. It similarly limits when these employers or insurers can take adverse actions not involving other states' discipline based on these services.

Specifically, the act applies to the alleged providing or receiving of reproductive health care services; assistance in providing or receiving these services; material support for them; or any theory of vicarious, joint, several, or conspiracy liability arising from them (hereinafter, "participation in reproductive health care services"). "Reproductive health care services" include all medical, surgical, counseling, or referral services related to the human reproductive system, including services related to pregnancy, contraception, and pregnancy termination, and all medical care related to gender dysphoria treatment. (PA 23-204 expands this definition (see BACKGROUND).)

In all cases, the act's prohibitions apply (1) only if the services are allowed under Connecticut law and were provided under the applicable standard of care and (2) regardless of whether the patient was a Connecticut resident.

EFFECTIVE DATE: Upon passage

§§ 1 & 2 — LIMITATIONS ON LICENSING ACTIONS

The act generally prohibits, as applicable, the Department of Public Health (DPH), DPH professional licensing boards and commissions, the Department of Consumer Protection (DCP), and the Commission of Pharmacy from denying a credential or disciplining a credentialed provider due to disciplinary actions in other U.S. jurisdictions solely based on the person's alleged participation in reproductive health care services. Specifically, the act restricts what actions they can take based on pending disciplinary actions, unresolved complaints, or disciplinary actions by professional disciplinary agencies in other states; the District of Columbia; or U.S. commonwealths, territories, or possessions.

The act creates an exception to these prohibitions if the person's underlying conduct would be subject to disciplinary action under Connecticut law had the conduct occurred in Connecticut and the person been credentialed here.

DPH and DPH Board and Commission Actions (§ 1)

Under the circumstances noted above, the act generally prohibits DPH from denying an applicant's eligibility for (1) a permit; (2) a license by examination, endorsement, or reciprocity; or (3) license reinstatement, whether the license was voided due to failure to renew, surrendered voluntarily, or not renewed or reinstated by agreement to resolve a disciplinary action.

Similarly, the act generally prohibits DPH and its professional licensing boards and commissions, for the reasons noted above, from disciplining someone who is licensed, certified, or registered under their jurisdiction.

DCP and Commission of Pharmacy Actions (§ 2)

Under the circumstances noted above, the act generally prohibits DCP and the Commission of Pharmacy from (1) denying an applicant's eligibility for a license, permit, or registration under the pharmacy laws or (2) disciplining someone who is licensed, permitted, or registered under these laws.

§ 3 — LIMITATIONS ON HEALTH CARE INSTITUTION ACTIONS

The act generally prohibits DPH-licensed health care institutions from revoking, suspending, or refusing to issue or renew credentials or privileges; issuing a reprimand; penalizing; or taking any other adverse action related to credentialing or privileging (1) based solely on the provider's alleged participation in reproductive health care services or (2) due to pending disciplinary actions, unresolved complaints, or disciplinary actions by professional disciplinary agencies in other U.S. jurisdictions based solely on this alleged participation.

For the prohibition to apply, the provider must have provided these services (1) before starting to work for the institution or (2) outside the scope of his or her employment with the institution.

The act does not prevent health care institutions from taking any of the adverse actions described above against a provider for conduct that does not conform to the standards of care for the provider's profession or is illegal under Connecticut law.

It also does not prevent them from taking these actions against a provider for conduct that violates the institution's policies or rules on the scope of services it provides, if (1) the conduct occurs within the scope of the provider's employment or care delivery at the institution and (2) enforcing the rule or policy is not otherwise prohibited by law or regulation.

Under the act, "credentialing" is the process of assessing and validating the qualifications of a health care provider applying for approval to provide treatment, care, or services in or for a health care institution. "Privileging" is the process of authorizing a provider to provide specific treatment, care, or services at an institution.

§ 4 — LIMITATIONS ON PROFESSIONAL LIABILITY INSURER ACTIONS

The act prohibits professional liability insurers from taking any adverse action against a health care provider, including denying or revoking coverage; imposing sanctions, fines, or penalties; or increasing rates, if the action is based solely on (1) the provider's alleged participation in reproductive health care services or (2) pending disciplinary actions, unresolved complaints, or disciplinary actions by professional disciplinary agencies in other U.S. jurisdictions based solely on this alleged participation.

BACKGROUND

Related Acts

PA 23-31, § 18, rescinds automatic reciprocal discipline against a pharmacist or health care professional licensed in another state or jurisdiction if the discipline in that location was based solely on terminating a pregnancy under conditions that would not violate Connecticut law or regulation.

PA 23-52, § 4, prohibits a pharmacist currently or previously licensed in another state or jurisdiction from being subject to automatic reciprocal discipline in Connecticut for the other jurisdiction's disciplinary action based solely on terminating a pregnancy under conditions that would not violate Connecticut law.

PA 23-204, § 306, (1) expands the definition of "reproductive health care services" used in this act to include gender incongruence and (2) specifies that for purposes of this definition, gender dysphoria is based on the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders."

PA 23-147—sSB 986
Public Health Committee
Appropriations Committee

AN ACT PROTECTING MATERNAL HEALTH

SUMMARY: This act makes various unrelated changes affecting maternal and infant health. Principally, it:

1. creates a new license category administered by the Department of Public Health (DPH) for freestanding birth centers, and starting January 1, 2024, prohibits anyone from establishing or operating a birth center without this license (§§ 1-9);
2. prohibits DPH from issuing or renewing a maternity hospital license starting January 1, 2024, and repeals this licensure program on July 1, 2025 (§§ 7 & 17);
3. establishes an Infant Mortality Relief Program within DPH to review medical records and other data on infant deaths (i.e., those occurring between birth and one year of age) and sets related requirements on record access, information sharing, and confidentiality (§§ 10 & 12);
4. establishes an Infant Mortality Review Committee within DPH to conduct a comprehensive, multidisciplinary review of infant deaths to reduce health care disparities, identify associated factors, and make recommendations to reduce the deaths (§§ 11 & 12);
5. requires DPH, within available resources, to establish an 18-member Doula Advisory Committee to develop recommendations on doula certification requirements and standards for recognizing training programs that meet the certification requirements (§§ 13 & 18);
6. establishes a voluntary doula certification program administered by DPH and, starting October 1, 2023, prohibits an uncertified person from using the title "certified doula" (§ 14);
7. requires the DPH commissioner to create a midwifery working group to study and make recommendations on advancing choices for community birth care (i.e., planned home birth or birth at a birth center) and the role of community midwives in addressing maternal and infant health disparities (§ 15); and
8. requires the Office of Early Childhood (OEC) commissioner, within available appropriations, to develop and implement a statewide universal nurse home visiting services program for all families with newborns living in the state (§ 16).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023, except the provisions on (1) birth center licensure fees, certificate of need exemption, statutory definitions, and nurse-midwives practice take effect January 1, 2024; (2) the doula advisory committee, doula certification, the midwifery working group, and the universal nurse home visiting services program take effect July 1, 2023; and (3) repealing the maternity hospital licensure program take effect July 1, 2025.

§§ 1-9 & 17 — BIRTH CENTER LICENSURE

The act creates a new DPH-administered license category for freestanding birth centers. Starting January 1, 2024, it prohibits a person, entity, firm, partnership, corporation, limited liability company, or association from establishing, conducting, operating, or maintaining a birth center unless it gets this license. The act also expressly prohibits an outpatient

clinic, except in an emergency, from providing birth center services as part of its ambulatory medical services without a birth center license.

Also starting on this date, the act prohibits the DPH commissioner from granting or renewing a maternity hospital license. It then repeals the maternity hospital licensure program on July 1, 2025. (The one facility that currently holds this license will, presumably, transfer to the new birth center license.)

The act also makes various conforming changes, such as authorizing the Office of Health Strategy's Health Planning Unit to collect patient-level outpatient data from birth centers (§ 5) and requiring birth centers to report adverse events to DPH (§ 6).

Definitions

Under the act, a "birth center" is a freestanding DPH-licensed facility that provides perinatal, labor, delivery, and postpartum care during and immediately after delivery to those presenting with a low-risk pregnancy and healthy newborns for generally less than 24 hours. It is not a licensed hospital or attached to or located in a licensed hospital.

A "low-risk pregnancy" is an uncomplicated, single-fetus pregnancy with vertex presentation (i.e., positioned head-first) that is at low risk of developing complications during labor and delivery, as a licensed provider, acting within his or her scope of practice, determines through an evaluation and examination.

The act also makes a conforming change by adding "birth center" to the statutory definition of health care "institution." In doing so, the act extends to these centers statutory requirements for health care institutions on things like workplace safety committees, patient record access, HIV-related information disclosure, and smoking prohibitions.

Licensure Application

Under the act, birth centers must (1) be accredited by the Commission for the Accreditation of Birth Centers on or before the effective date of their licensure and (2) maintain accreditation when they are licensed. If a birth center loses accreditation, it must immediately notify the DPH commissioner and stop providing birth center services to patients until the commissioner authorizes it to reinstate services.

Before issuing a license, the DPH commissioner must review and approve the information the birth center submitted to the Commission for Accreditation of Birth Centers, including information relating to the birth center's (1) plan for ongoing risk assessment and adherence to patient eligibility criteria, as determined by the commission, while delivering birth center services to a patient and (2) policies and procedures for a patient's prenatal, intrapartum, or postpartum transfer if the patient no longer meets the eligibility criteria.

Licensure Fees

Under the act, DPH must license and inspect birth centers every two years. Birth centers must pay an initial and renewal license fee of $940 per site and $7.50 per bed.

Emergency Plan

The act requires birth centers to have a written plan to get services for their patients from a licensed hospital if there is an emergency or other condition that pose a risk to the patient's health and require the patient's transfer to a hospital.

Patient Transfers

If a patient receiving birth center services no longer presents with a low-risk pregnancy, or otherwise fails to meet the Commission for Accreditation of Birth Centers' patient eligibility criteria, the act requires the birth center to ensure the patient's care is transferred to a licensed health care provider capable of providing the patient with the appropriate level of obstetrical care.

The act also requires licensed hospitals with an emergency department, other than a children's hospital, to work cooperatively with birth centers to coordinate care for patients who require services in the event of an emergency or other condition that poses a risk to the patient's health and requires their transfer to a hospital.

Under the act, children's hospitals with an emergency department must work cooperatively with birth centers to coordinate the care of neonatal patients that require the patient's transfer to a children's hospital.

Nurse-Midwife Practice

Prior law required nurse-midwives to practice within a health care system and have a clinical relationship with obstetrician-gynecologists that provide for consultation, collaborative management, or referral as indicated by the patient's health status. The act requires nurse-midwives to instead practice either within a health care system or a birth center in the same manner.

Under existing law, unchanged by the act, nurse-midwives must provide (1) care consistent with the Accreditation Commission for Midwifery Education's standards and (2) information about, or referral to, other providers or services if the patient asks or requires care that is not in the nurse-midwife's scope of practice.

Certificate of Need

The act exempts birth centers enrolled as a Connecticut Medical Assistance Program (i.e., Medicaid and the State Children's Health Insurance Program) provider from the state's certificate of need (CON) requirements until June 30, 2028. By law, health care facilities must generally apply for and receive a CON from the Office of Health Strategy's Health Systems Planning Unit when proposing to (1) establish a new facility or provide new services, (2) change ownership, (3) purchase or acquire certain equipment, or (4) terminate certain services.

The act also requires the Office of Health Strategy (OHS) executive director, in consultation with the DPH commissioner and within available appropriations, to study whether this CON exemption for birth centers should be extended. In conducting the study, the executive director must collect data from birth centers on the following:

1. the number of deliveries performed at each birth center and the number of patient transfers or referrals to other care settings, and the reasons for them;
2. the number and percentages of patients who are self-pay or are covered by private or public insurance (e.g., Medicaid);
3. patient demographic information, including race, ethnicity, and preferred language;
4. geographic locations of birth centers and catchment areas;
5. financial assistance and uncompensated care provided by each birth center; and
6. any other information the executive director deems necessary.

The executive director must report on the study to the Public Health Committee by July 2, 2027.

Regulations

The act requires the DPH commissioner to adopt regulations to implement the licensure, including provisions on facility administration, staffing requirements, infection control protocols, physical plant requirements, accommodating participation of support people the patient chooses, limitations on anesthesia and surgical procedures, operating procedures for determining patients' risk status at admission and during labor, reportable events, medical records, pharmaceutical services, laundry services, emergency planning, and requirements for professional and medical liability insurance for facilities and health care providers.

Under the act, the commissioner may implement policies and procedures to administer the license while adopting them into regulations. However, she may only do this if she notifies her intent to adopt regulations in the eRegulations System within 20 days after the implementation date. These policies and procedures remain in effect until the final regulations are adopted.

§§ 10 & 12 — DPH INFANT MORTALITY REVIEW PROGRAM

The act establishes an Infant Mortality Relief Program within DPH to review medical records and other relevant data on infant deaths. Under the act, this review must include information from birth and death records and medical records from health care providers and facilities to make recommendations on reducing health care disparities and identify gaps in, or problems with, health care or service delivery to reduce infant deaths.

Record Access and Information Sharing

Under the act, pharmacies and health care providers and facilities must give the DPH commissioner or her designee, upon the commissioner's request, access to all medical and other records, including prenatal records, associated with infant death cases under the program's review.

The act allows the commissioner or her designee to give the Infant Mortality Review Committee (see § 11 below)

information she determines it needs to make recommendations on infant death prevention.

Death Certificates

The act requires the Office of the Chief Medical Examiner and funeral directors and licensed embalmers who complete a death certificate for an infant death to report the death to DPH in a way the commissioner sets.

Child Fatality Review Panel

The act requires the DPH commissioner to notify the existing child fatality review panel about an infant death if the program reviews an infant death and determines that it occurred in out-of-home care or due to unexpected or unexplained causes.

The act expressly provides that it does not limit or alter the authority of the Office of the Child Advocate or the child fatality review panel to investigate or make recommendations about a child's death.

By law, the child fatality review panel reviews the death of a child who was placed in out-of-home care or whose death was unexpected or unexplained to (1) develop prevention strategies to address identified trends and risk patterns and (2) improve service coordination for children and families (CGS § 46a-13*l*).

Confidentiality

Under the act, the information the commissioner or her designee obtains for the program and all information DPH gives to the Infant Mortality Review Committee (see § 11 below) (1) is confidential and not subject to disclosure, (2) is not admissible as evidence in a court or agency proceeding, and (3) must be used solely for medical or scientific research purposes (CGS § 19a-25).

§§ 11 & 12 — INFANT MORTALITY REVIEW COMMITTEE

The act creates an Infant Mortality Review Committee within DPH to conduct a comprehensive, multidisciplinary review of infant deaths to reduce health care disparities, identify factors associated with infant deaths, and make recommendations to reduce these deaths.

Members

The act allows the committee's membership to vary, as needed, depending on the infant death under review, but it may include the following members:

1. a licensed physician specializing in obstetrics and gynecology, designated by the American College of Obstetrics and Gynecology's Connecticut chapter;
2. a community health worker, designated by the Commission on Women, Children, Seniors, Equity and Opportunity;
3. a licensed pediatric nurse, designated by the Connecticut Nurses Association;
4. a licensed clinical social worker designated by the National Association of Social Workers' Connecticut chapter;
5. the chief medical examiner, or his designee;
6. a Connecticut Hospital Association member representing a pediatric facility;
7. a representative of the UConn-sponsored Health Disparities Institute;
8. a licensed physician practicing neonatology, designated by the Connecticut Medical Society;
9. a licensed physician assistant (PA) or advanced practice registered nurse (APRN) designated by an association representing PAs or APRNs in Connecticut;
10. the child advocate, or her designee;
11. the commissioners of children and families, early childhood, mental health and addiction services, and social services, or their designees; and
12. any additional members the committee co-chairs determine would be beneficial.

Leadership and Meetings

Under the act, the DPH commissioner, or her designee, and a representative designated by the American Academy of Pediatrics' Connecticut chapter, co-chair the committee. The co-chairs must convene a committee meeting when the

commissioner requests it.

Infant Mortality Reviews

The act allows the committee, when conducting an infant mortality review, to consult with relevant experts to evaluate information and findings it obtains from the Infant Mortality Review Program (see above) and make recommendations on preventing infant deaths.

In its review, the committee must include available infant death reports and recommendations from the existing child fatality review panel to recommend ways to reduce health care disparities and identify gaps in, or problems with, delivering health care and services to reduce infant deaths.

Confidentiality

Under the act, all information DPH gives the committee or an expert with whom the committee consults (1) is confidential and not subject to disclosure, (2) is not admissible as evidence in a court or agency proceeding, and (3) must be used solely for medical or scientific research purposes (CGS § 19a-25).

Report

Within 90 days after completing an infant mortality review, the act requires the committee, in consultation with the Office of the Child Advocate, to report its findings and recommendations to the DPH commissioner in a way that meets the confidentiality requirements.

§§ 13 & 18 — DOULA ADVISORY COMMITTEE

Duties

The act requires the DPH commissioner, within available resources, to establish a Doula Advisory Committee within DPH. The committee must develop recommendations on (1) requirements for initial and renewal doula certification, including training, experience, and continuing education, and (2) standards for recognizing doula training program curricula that satisfy the doula certification requirements.

The advisory committee must also establish a Doula Training Program Review Committee to (1) continuously review doula training programs and (2) give DPH a list of doula training programs in the state that meet the advisory committee's requirements.

Membership

Under the act, the DPH commissioner or her designee is the advisory committee's chairperson. Additional members include (1) the commissioners of early childhood, mental health and addiction services, and social services, or their designees, and (2) 14 members appointed by the DPH commissioner or her designee, as follows:

1. seven doulas actively practicing in the state;
2. one licensed nurse-midwife with experience working with a doula;
3. one acute care hospital representative, appointed in consultation with the Connecticut Hospital Association;
4. one representative of an association representing hospitals and health-related organizations in the state;
5. one licensed health care provider specializing in obstetrics with experience working with a doula;
6. one representative of a community-based doula training organization;
7. one representative of a community-based maternal and child health organization; and
8. one member with expertise in health equity.

Repealer

The act repeals a provision in PA 22-58 that required DPH, within available resources, to establish a similar 18-member Doula Advisory Committee.

§ 14 — DOULA CERTIFICATION

The act establishes a DPH-administered voluntary doula certification program and related requirements. Starting October 1, 2023, it prohibits someone from using the title "certified doula" unless they obtain the certification. But it does not prohibit an uncertified doula from providing doula services, so long as they do not use the title "certified doula."

Under the act, a "doula" is a trained, nonmedical professional who provides physical, emotional, and informational support, virtually or in person, to a pregnant person and any family or friends supporting them, before, during, and after birth.

Doula Advisory Committee and Training Program Review Committee

The act requires DPH's Doula Advisory Committee (see § 13 above) to advise the DPH commissioner or her designee on doula services matters, including (1) access and promotion of education and resources for pregnant persons, and family and friends supporting them; (2) recommendations to improve access to doula care; and (3) furthering interagency efforts to address maternal health disparities.

It also requires the advisory committee's Doula Training Program Review Committee (see § 13 above) to (1) conduct an ongoing review of doula education and training programs and (2) give the commissioner or her designee a list of approved doula education and training programs that meet the advisory committee's certification requirements. This committee must also (1) ensure that its list of approved programs includes training in core doula competencies and (2) make recommendations on certified doula continuing education requirements to the commissioner.

The act requires the advisory committee to annually decide whether to renew or disband in a manner the commissioner or her designee determines.

Certification Application

Under the act, a doula seeking certification must apply to DPH on forms the commissioner sets and pay an application fee of $100.

The application must include the following information:

1. proof that the applicant is at least 18 years old;
2. two reference letters from families or professionals with direct knowledge of the applicant's experience as a doula that verify the applicant's training or experience; and
3. evidence that the applicant (a) completed an approved doula training program or a combination of approved programs or (b) attests that, in the five years preceding the application date, he or she provided doula services to at least three families and trained in at least four core competencies the Doula Training Program Review Committee identified.

The act prohibits the commissioner from issuing a certificate to an applicant with pending professional disciplinary action or an unresolved complaint.

Certification Renewal and Continuing Education

The act requires doulas to renew their certification every three years and pay a $100 renewal fee.

Under the act, DPH must adopt continuing education requirements for certified doulas, which the Doula Training Program Review Committee must provide. Certification renewal applicants must give DPH evidence of meeting the continuing education requirements.

Certification by Endorsement

The act allows the DPH commissioner to grant certification by endorsement to a doula who presents satisfactory evidence that he or she is certified as a doula in another state or jurisdiction with certification requirements substantially similar to Connecticut's requirements for at least two years before the certification application date.

Disciplinary Action

The act authorizes the DPH commissioner to take several disciplinary actions against a certified doula, such as suspending or revoking the doula's certification, limiting his or her practice, and imposing a civil penalty of up to $25,000

(see CGS § 19a-17). The commissioner may take these actions for a certified doula's failure to conform to accepted professional standards, including the following:

1. fraud or deceit in obtaining or seeking reinstatement of certification;
2. engaging in fraud or material deception in his or her professional services or activities;
3. negligent, incompetent, or wrongful conduct in professional activities;
4. aiding or abetting the use of the title "certified doula" by an uncertified person;
5. physical, mental, or emotional illness or disorder resulting in an inability to conform to accepted professional standards; or
6. drug abuse or excessive drug use, including alcohol, narcotics, or chemicals.

Under the act, the commissioner may also order a certified doula to have a reasonable physical or mental examination if the doula's physical or mental capacity to safely practice is the subject of an investigation. The commissioner may also petition the Superior Court in Hartford to enforce an order or action she takes. The act requires the commissioner to give the doula notice and an opportunity to be heard on any contemplated disciplinary action.

§ 15 — MIDWIFERY WORKING GROUP

The act requires the DPH commissioner to create a midwifery working group to study and make recommendations on (1) advancing choices in care for community birth (i.e., planned home birth or birth at a birth center) and (2) direct entry midwives' role in addressing maternal and infant health disparities. Under the act, a "direct entry midwife" is a person trained in planned out-of-hospital births other than a nurse-midwife, including certified midwives, certified professional midwives, community midwives, and traditional midwives. A "certified midwife" is someone with a graduate degree in midwifery who passed a national certification examination administered by the American Midwifery Certification Board.

Under the act, the study must include the following:

1. improvements in birthing care quality and safety, including those addressing racial disparities in maternal and infant health outcomes;
2. regulation, licensure, or certification of direct entry midwives and certified midwives not otherwise licensed to practice midwifery in Connecticut; and
3. advancements of interprofessional coordination of birthing care, including community birth.

The working group must annually decide whether to renew or disband in a manner the DPH commissioner or her designee determines.

Members

The act requires the DPH commissioner to appoint the working group members, which must at least include the following:

1. a DPH commissioner designee and one Department of Social Services (DSS) representative,
2. at least six direct entry midwives practicing in Connecticut,
3. one certified nurse-midwife with experience working with direct entry midwives,
4. one certified midwife representing an entity that certifies midwives,
5. one doula serving communities of color,
6. one representative of families or a community-based organization with an interest in maternity care,
7. one representative of a community organization furthering health equity,
8. representatives of associated maternity care professions, and
9. one representative of the Connecticut Hospital Association.

Report

The act requires the working group, starting by February 1, 2024, to annually report its findings and recommendations to the DPH commissioner and the Public Health Committee.

§ 16 — UNIVERSAL NURSE HOME VISITING PROGRAM

The act requires the OEC commissioner to develop a statewide program offering universal nurse home visiting services to all families with newborns living in the state to support parental health, healthy child development, and strengthen families. She must do this within available appropriations and in collaboration with the DSS and DPH commissioners and the OHS executive director.

When developing the program, the commissioners and executive director must (1) consult with insurers that offer health benefit plans in the state, hospitals, local public health authorities, existing early childhood home visiting programs, community-based organizations, and social service providers and (2) maximize available federal funding.

Under the act, "universal nurse home visiting" is an evidence-based nurse home visiting model in which a licensed registered nurse with specialized training provides in-home services to families with newborns.

Program Services

The program must provide universal nurse home visiting services that are evidenced-based and designed to improve outcomes in one or more of the following areas:

1. child safety or child health and development,
2. family economic self-sufficiency,
3. maternal and parental health,
4. positive parenting or parent-infant bonding,
5. reducing child mistreatment or family violence, and
6. any other appropriate area the commissioners and executive director establish in writing.

Under the act, the program's services must be voluntary and have no negative consequences for a family that does not participate. Services may be offered in every community in the state and to all families with newborns based on the full extent of available provider capacity.

The services must also allow families to choose up to a certain number of additional visits, consistent with an evidence-based model; provide information and referrals to address each family's identified needs; and include the following:

1. an evidence-based assessment of the physical, social, and emotional factors affecting a family receiving these services;
2. at least one visit during a newborn's first three months or other time frame the commissioners and executive director deem appropriate that is consistent with an evidence-based model; and
3. a follow-up visit within three months, or another time frame the model establishes, after the last visit.

Medicaid State Plan Amendment or Waiver

The act authorizes the DSS commissioner to seek federal Centers for Medicare and Medicaid Services approval for a Medicaid state plan amendment or waiver for universal nurse home visiting services coverage. The commissioner must do this in a time frame and manner to ensure that this coverage does not duplicate any other applicable federal funding.

Program Data

The act requires the OEC commissioner, in collaboration with the DSS and DPH commissioners and OHS executive director, to collect and analyze program data to (1) assess the program's effectiveness in meeting its goals and (2) collaborate with other state agencies to develop protocols for sharing the data, including doing so in a timely manner with primary care providers that provide care to families with newborns receiving program services.

PA 23-171—sHB 6669
Public Health Committee
Appropriations Committee
General Law Committee

AN ACT PROTECTING PATIENTS AND PROHIBITING UNNECESSARY HEALTH CARE COSTS

TABLE OF CONTENTS:

Requires the state comptroller to (1) establish a Drug Discount Card Program for state residents and allows him to join with other states and territories or a regional consortium to pool prescription drug purchasing power and (2) study the feasibility of centralizing statewide contracts to consolidate public entities' purchasing of prescription drugs

§ 2 — DCP REPORT ON GENERIC DRUG OUTREACH PROGRAM

Requires DCP to report on a framework for a program to inform physicians about when drug patents expire and generic alternatives exist for drugs with recently expired patents

§§ 3-6 — PHARMACEUTICAL REPRESENTATIVES AND MANUFACTURERS

Requires pharmaceutical manufacturers that employ pharmaceutical sales representatives to register annually with DCP as pharmaceutical marketing firms; requires these firms to annually give DCP a list of their sales representatives and update it more often as necessary, and prohibits representatives not on the list from working in this capacity on the firm's behalf; requires related reporting and disclosures; authorizes DCP to take disciplinary actions for violations

§ 7 — STUDY OF PHARMACY BENEFIT MANAGERS

Requires OHS, in consultation with the Insurance Department, to report on PBMs' prescription drug distribution practices in Connecticut and other states

§ 8 — DRUGS WITH SUBSTANTIAL COST TO THE STATE

Allows a wider range of drugs to be included on OHS's annual list of outpatient drugs that are provided at substantial cost to the state; requires the OHS executive director, before publishing the annual list, to prepare a preliminary list, and gives manufacturers the opportunity, following a public comment period, to show that a drug does not meet inclusion criteria

§ 9 — FACILITY FEES

Makes various changes affecting facility fees, such as (1) starting July 1, 2024, generally prohibiting hospitals and health systems from charging these fees for certain on-campus outpatient procedures that are provided outside of the emergency department; (2) repealing a provision that previously made a violation of facility fee limits an unfair trade practice, and instead generally allowing OHS to impose civil penalties for violations of fee limits starting July 1, 2024; and (3) making related changes to existing reporting requirements

§§ 10-14 — CERTIFICATE OF NEED

Makes various changes to the CON program, such as (1) allowing OHS to issue notices for suspected violations and, following a hearing, issue cease and desist orders; (2) requiring CON applicants to provide additional notice to the public about CON applications and public hearings; (3) allowing OHS to retain independent expert consultants when necessary in the CON review process; and (4) providing for civil penalties for negligent, not just willful, failure to seek CON approval when required or file within set deadlines and extending civil penalties to negligent failure to comply with a settlement agreement

§§ 15 & 16 — 340B PROGRAM

Makes various changes affecting participants in the federal 340B drug pricing program, such as (1) prohibiting certain provisions in contracts between 340B covered entities (including pharmacies) and PBMs, including lower reimbursement rates than for non-participants and (2) requiring DSS to convene a working group to study various issues related to the program

§ 17 — HUSKY HEALTH IMPROVEMENT STRATEGY

Requires DSS, in consultation with other agencies, to develop a strategy to improve health outcomes, community health, and health equity to support HUSKY Health members; requires DSS to submit related recommendations to MAPOC by January 1, 2025

§ 18 — MEDICARE ADVANTAGE PLANS REPORT

Requires the Insurance Department, in consultation with OHS, to report by January 1, 2025, on utilization management and provider payment practices of Medicare Advantage Plans

§ 19 — PROHIBITED HEALTH CARE CONTRACTING PRACTICES

Prohibits all-or-nothing, anti-steering, anti-tiering, and gag clauses in contracts involving health carriers, providers, and health plan administrators

§ 20 — HEALTH CARE NETWORK TIERING PRACTICES

Requires health carriers to disclose how they sort health care providers into tiers

§ 21 — ELECTRONIC NOTIFICATION TO INSUREDS

Requires health carriers to let covered individuals elect to receive coverage documents electronically

§ 22 — TERMINATING HEALTH CARE CONTRACTS

Requires a health carrier and participating provider to give each other at least 90 days' written notice of an intent to terminate or not renew their contract; generally requires the carrier to make a good faith effort to notify affected patients at least 30 days before a termination; extends termination requirements that apply to hospitals to hospital intermediaries

SUMMARY: This act makes various changes in laws related to prescription drugs, health care facilities, health insurance contracting, and related matters.
EFFECTIVE DATE: Various, see below.

§ 1 — DRUG DISCOUNT CARD PROGRAM AND CENTRALIZED DRUG PURCHASE FEASIBILITY STUDY

Requires the state comptroller to (1) establish a Drug Discount Card Program for state residents and allows him to join with other states and territories or a regional consortium to pool prescription drug purchasing power and (2) study the feasibility of centralizing statewide contracts to consolidate public entities' purchasing of prescription drugs

This act requires the state comptroller to establish the Drug Discount Card Program and make it available to all state residents. Through this program, the comptroller may cooperate with other U.S. states and territories or regional consortia to pool prescription drug purchasing power to do the following:

1. lower prescription drug costs;
2. negotiate discounts with drug manufacturers;
3. centralize drug purchasing; and
4. establish volume discount contracting (i.e., a negotiated drug purchase in a large quantity for a lower cost).

The act also requires the comptroller to study the feasibility of centralizing statewide contracts to consolidate the purchasing of prescription and physician-administered drugs by state agencies, state hospitals, state-operated local mental health authorities, and other public entities, as necessary. The study must evaluate (1) the potential cost savings, administrative feasibility, and other benefits and risks of centralizing and consolidating these contracts and (2) what additional staff and resources, if any, the comptroller would need to centrally procure and administer these contracts.

By November 1, 2023, each of these entities procuring these drugs must provide the comptroller, in a form and manner he sets, with information on the drug types, amount, and cost. By February 1, 2024, the comptroller must submit the study's findings to the governor and legislature.
EFFECTIVE DATE: October 1, 2023

§ 2 — DCP REPORT ON GENERIC DRUG OUTREACH PROGRAM

Requires DCP to report on a framework for a program to inform physicians about when drug patents expire and generic alternatives exist for drugs with recently expired patents

The act requires the Department of Consumer Protection (DCP) commissioner to report to the Public Health Committee on recommendations for a framework to establish an outreach and education program to inform physicians when (1) drug patents will expire and become available in generic form and (2) generic alternatives exist for drugs with recently expired patents. The commissioner must report by January 1, 2025, and in consultation with UConn's School of Pharmacy.
EFFECTIVE DATE: Upon passage

§§ 3-6 — PHARMACEUTICAL REPRESENTATIVES AND MANUFACTURERS

Requires pharmaceutical manufacturers that employ pharmaceutical sales representatives to register annually with DCP as pharmaceutical marketing firms; requires these firms to annually give DCP a list of their sales representatives and update it more often as necessary, and prohibits representatives not on the list from working in this capacity on the firm's behalf; requires related reporting and disclosures; authorizes DCP to take disciplinary actions for violations

Starting October 1, 2023, the act requires pharmaceutical manufacturers that employ pharmaceutical sales representatives to register annually with DCP as "pharmaceutical marketing firms." The act also makes several related changes.

Under the act, a "pharmaceutical representative" is anyone, such as a sales representative, who is employed or compensated by a pharmaceutical manufacturer and who markets, promotes, or gives information on legend (i.e., prescription) drugs intended for humans to prescribing practitioners.

A "pharmaceutical manufacturer" is anyone who directly or indirectly produces, prepares, cultivates, grows, propagates, compounds, converts, or processes drugs, devices, or cosmetics by natural substance extraction, chemical synthesis, or a combination, or packages, repackages, labels, or relabels a container under the person's own or any other trademark or label, or a drug, device, or cosmetic, to sell these items. This applies whether the person is located in Connecticut or elsewhere.

A "pharmaceutical manufacturer" also includes a sterile compounding pharmacy that dispenses sterile pharmaceuticals without a prescription or a patient-specific medical order intended for human use.

The act specifies that "a virtual manufacturer" is considered to be a pharmaceutical manufacturer for these purposes. Generally, existing law defines a "virtual manufacturer" as anyone who (1) through a contract with a manufacturing organization, manufactures drugs, devices, or cosmetics for which the person owns certain rights but (2) is not involved in the physical manufacturing and does not physically possess the items at any time (CGS § 20-571).

EFFECTIVE DATE: October 1, 2023

Registration and Renewals (§ 4)

Under the act, starting October 1, 2023, a pharmaceutical manufacturer that employs people to work as pharmaceutical sales representatives must register annually with DCP as a pharmaceutical marketing firm, in a form and manner the commissioner sets. If a manufacturer fails to register, they are prohibited from authorizing anyone to perform duties as a sales representative on their behalf.

The initial registration and annual renewal fees are each $150, and these fees are nonrefundable. Registrations expire annually on June 30. Late and lapsed registrations are subject to an additional $100 late fee per year.

List of Sales Representatives (§ 4)

The act requires pharmaceutical marketing firms, upon their initial registration and annually after that, to give DCP a list of their pharmaceutical sales representatives. These firms also must notify DCP, in a form and manner the commissioner sets, within two weeks after (1) hiring a pharmaceutical sales representative or (2) a representative stops working for them. The act prohibits anyone who is not on the list, or identified to the department after being hired, from working as a pharmaceutical sales representative on the firm's behalf for any prescribing practitioner in the state.

Under the act, DCP must prominently post on its website the most recent list provided by each pharmaceutical marketing firm of its pharmaceutical sales representatives.

Annual Reporting Requirement (§ 4)

The act requires pharmaceutical marketing firms, starting by July 1, 2024, to annually report specified information to DCP for the previous calendar year regarding their sales representatives, in a form and manner set by the commissioner. Specifically, they must provide information on:

1. the total number of contacts (see below) each sales representative had with prescribing practitioners and pharmacists;
2. the specialties of these prescribing practitioners and pharmacists;
3. whether product samples, materials, or gifts of any value were given to prescribing practitioners or staff in their offices or to pharmacists; and
4. an aggregate report of all free samples, by drug name and strength, in a form and manner set by the commissioner.

For this purpose, a "contact" is any in-person, phone, email, text, or other electronic communication between a pharmaceutical representative and a prescribing practitioner or pharmacist to promote or provide information about a legend drug.

DCP must annually analyze the information it receives and compile a report on the activities of pharmaceutical sales representatives in the state. Starting by December 1, 2024, the department must annually post the report on its website and submit it to the Office of Policy and Management (OPM) secretary.

Required Disclosures to Prescribers and Pharmacists (§ 5)

The act requires pharmaceutical representatives marketing legend drugs in Connecticut to disclose certain written information to prescribing practitioners or pharmacists at the time of each contact with them. Specifically, they must disclose the following information related to these drugs:

1. when providing information about a drug to prescribing practitioners or pharmacists, the drug's list price, based on its dose and quantity as described in the medication package insert; and
2. information, if available, on whether the drug's effectiveness varies for different racial and ethnic groups.

Disciplinary Actions (§ 6)

The act allows the DCP commissioner to take the following actions for each violation of the above provisions:

1. refuse to issue or renew a registration;
2. revoke, suspend, or place conditions on a registration; or
3. assess a penalty of up to $1,000.

DCP may also take other actions authorized by law if the applicant or registrant fails to comply with the act's requirements, such as issuing a letter of reprimand.

The act allows the DCP commissioner to adopt regulations implementing these provisions on disciplinary action.

§ 7 — STUDY OF PHARMACY BENEFIT MANAGERS

Requires OHS, in consultation with the Insurance Department, to report on PBMs' prescription drug distribution practices in Connecticut and other states

The act requires the Office of Health Strategy (OHS), in consultation with the Insurance Department, to report to the Insurance and Real Estate Committee by January 1, 2025, on its analysis of pharmacy benefit managers' (PBMs) prescription drug distribution practices. This includes (1) spread pricing arrangements, manufacturing rebates and transparency, fees, and financial incentives to add drugs to insurance formularies and (2) an evaluation of PBMs' prescription drug distribution practices in other states. The report must include recommendations to reduce consumers' prescription drug costs and regulate in-state PBMs.

EFFECTIVE DATE: Upon passage

§ 8 — DRUGS WITH SUBSTANTIAL COST TO THE STATE

Allows a wider range of drugs to be included on OHS's annual list of outpatient drugs that are provided at substantial cost to the state; requires the OHS executive director, before publishing the annual list, to prepare a preliminary list, and gives manufacturers the opportunity, following a public comment period, to show that a drug does not meet inclusion criteria

Existing law requires the OHS executive director, in consultation with the comptroller and the commissioners of public health and social services, to annually identify up to 10 outpatient prescription drugs that are provided at substantial state cost, considering their net cost, or critical to public health. Manufacturers of identified drugs must give OHS certain information on the (1) factors that led to an increase in the drug's wholesale acquisition cost and (2) company's research and development costs and other capital costs.

Prior law established certain parameters for what drugs could be included on this list, requiring both a minimum wholesale (1) cost increase percentage in prior years and (2) total cost for a specified supply or course of treatment. As shown in the table below, the act lowers the minimum required cost increase and total cost that qualifies for inclusion.

Minimum Requirements for List of Outpatient Prescription Drugs

	Prior Law	*The Act*
Cost Increase	At least 20% during the prior year or 50% during the prior three years	At least 16% cumulatively during the prior two years
Cost for Course of Treatment	At least $60 for a 30-day supply or shorter course of treatment	At least $40 for a course of treatment (of unspecified duration)

As under existing law, drugs are evaluated based on their wholesale acquisition cost, minus all associated rebates paid to the state during the prior year.

The act requires the OHS executive director, before publishing the annual list, to prepare a preliminary list and make it available for public comment for at least 30 days. During that period, the manufacturer of any drug on the preliminary list may give OHS documentation, as allowed by federal law, showing that the drug's wholesale acquisition cost, less all rebates paid to the state for it during the prior calendar year, did not exceed the act's limits shown in the table above. If this documentation establishes this to the executive director's satisfaction, then she must remove the drug from the list before publishing the annual list. She must remove it within 15 days after the comment period closes.

EFFECTIVE DATE: October 1, 2023

§ 9 — FACILITY FEES

Makes various changes affecting facility fees, such as (1) starting July 1, 2024, generally prohibiting hospitals and health systems from charging these fees for certain on-campus outpatient procedures that are provided outside of the emergency department; (2) repealing a provision that previously made a violation of facility fee limits an unfair trade practice, and instead generally allowing OHS to impose civil penalties for violations of fee limits starting July 1, 2024; and (3) making related changes to existing reporting requirements

Existing law limits when hospitals, health systems, and hospital-based facilities may charge facility fees for outpatient services provided off-site from a hospital campus. Starting July 1, 2024, the act also prohibits hospitals or health systems from charging facility fees for certain on-campus outpatient procedures that are not provided in the emergency department. It repeals a provision that made it an unfair trade practice to violate facility fee limits, and instead allows OHS to impose civil penalties of up to $1,000 for certain violations of these limits.

Among other related changes, the act also modifies certain facility fee-related reporting requirements to (1) change the deadline for the next report and (2) expand the scope of the reporting to also include facility fees charged on the hospital campus.

EFFECTIVE DATE: July 1, 2023

Facility Fee Limits

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 and distinct from the provider's professional fee.

Existing law limits when hospitals, health systems, and hospital-based facilities may charge facility fees for outpatient services provided off-site from a hospital campus. Among other thing, this includes a general prohibition on charging these fees for these services that use a current procedural terminology evaluation and management (CPT E/M) code or CPT assessment and management (CPT A/M) code.

Starting July 1, 2024, the act also sets limits on hospital or health system facility fees for outpatient services provided on the hospital campus. It generally prohibits them from charging facility fees for these services that use a CPT E/M or CPT A/M code.

This new limit does not apply to emergency departments located on the hospital campus. It also does not apply to observation stays on a hospital campus and CPT E/M and CPT A/M codes when billed for wound care, orthopedics, anticoagulation, oncology, obstetrics, and solid organ transplant. For this purpose, the act defines "observation" as services a hospital provides on its campus, regardless of length of stay, including use of a bed and periodic monitoring by nursing or other staff to evaluate an outpatient's condition or determine the need for inpatient admission.

Existing law allowed hospitals or health systems to continue to collect insurance reimbursement for otherwise-prohibited facility fees if an insurance contract in effect on July 1, 2016, reimbursed these fees. They could continue to do

so until the earlier of the contract's expiration, renewal, or amendment. In relation to the act's new limit on certain on-campus fees, the act extends this provision to insurance contracts in effect on July 1, 2024.

As under existing law, the act's facility fee limits do not apply to Medicare and Medicaid patients, patients receiving services under a workers' compensation plan, or freestanding emergency departments.

Penalties for Violating Fee Limits

The act repeals a prior provision that made it an unfair trade practice to violate the law's facility fee limits. Instead, starting July 1, 2024, it provides a process for OHS to issue civil penalties of up to $1,000 and cease and desist orders for violations.

Starting on that date, the act allows the OHS executive director to issue a notice to any hospital, health system, or hospital-based facility (collectively, "facility") if she has received information and reasonably believes (after evaluating that information) that the facility has charged facility fees in violation of the law or related rules or regulations. This does not apply if the facility only charged the fees through isolated clerical or electronic billing errors.

She must notify the facility by first-class mail or personal service. The notice must include the following:

1. a reference to the laws, regulations, or rules allegedly violated;
2. a short and plain language statement of the matter;
3. a description of the activity that the facility must cease;
4. the amount of the penalty; and
5. a statement on the facility's right to a hearing and the deadline to request one.

Under the act, the facility has 10 business days after receiving the violation notice to request a hearing. To do so, they must apply in writing to OHS. The hearing must be conducted under the Uniform Administrative Procedure Act (UAPA).

OHS must issue a cease and desist order or civil penalty if the facility does not request a hearing by the deadline. OHS must also issue a final cease and desist order, in addition to any civil penalty it orders, if the office finds, by a preponderance of the evidence after the hearing, that the violation occurred or is occurring.

Annual Reporting Requirements

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. The act expands this reporting requirement to include facility fees billed on a hospital campus. It makes related changes by requiring that the reports:

1. indicate whether each facility the hospital or health system owns or operates and that charges facility fees is located on or off a hospital campus and
2. disaggregate certain information on facility fee revenue and patient volume by on-campus and off-campus.

Under existing law, these reports are due annually by July 1. The act extends the deadline of the next report from July 1, 2023, to October 1, 2023, and after that requires annual reports by July 1.

§§ 10-14 — CERTIFICATE OF NEED

Makes various changes to the CON program, such as (1) allowing OHS to issue notices for suspected violations and, following a hearing, issue cease and desist orders; (2) requiring CON applicants to provide additional notice to the public about CON applications and public hearings; (3) allowing OHS to retain independent expert consultants when necessary in the CON review process; and (4) providing for civil penalties for negligent, not just willful, failure to seek CON approval when required or file within set deadlines and extending civil penalties to negligent failure to comply with a settlement agreement

Generally, existing law requires certain health care facilities to apply for and receive a certificate of need (CON) from OHS's Health Systems Planning Unit when proposing to (1) establish a new facility or provide new services, (2) change ownership, (3) purchase or acquire certain equipment, or (4) terminate certain services. The act makes various changes to this process, as described below.

EFFECTIVE DATE: October 1, 2023

Cease and Desist Orders (§ 10)

The act allows the OHS executive director, or her agent, to issue a notice to any person, health care facility, or institution ("person or facility") if she or her agent has received information and reasonably believes that the person or facility has

violated or is violating the CON law, other related laws, or the Health Systems Planning Unit's regulations or orders.

The unit must notify the person or facility by first-class mail or personal service. The notice must include the following:

1. a reference to the laws, regulations, or orders allegedly violated;
2. a short and plain language statement of the matter;
3. a description of the activity alleged to have violated a law or regulation; and
4. a statement on the person's or facility's right to a hearing and the deadline and way to request one.

Under the act, the person or facility has 10 business days after receiving the violation notice to request a hearing. To do so, they must apply in writing to the Health Systems Planning Unit. At the hearing, the person or facility may attempt to demonstrate that (1) the violation did not occur, (2) a CON was not required, or (3) the required CON was obtained. The hearing must be conducted as a contested case proceeding under the UAPA.

The unit must issue a cease and desist order if (1) the person or facility does not request a hearing by the deadline or (2) after the hearing, the unit finds, by a preponderance of the evidence, that the violation occurred or is occurring. The order is a final decision and may be appealed to Superior Court under the UAPA. The attorney general may go to court to enforce the order.

Deadline for CON Determination Letter (§§ 11 & 13)

Under existing law, if any person, health care facility, or institution is unsure whether a CON is required, they must request a determination from the Health Systems Planning Unit. A health care facility subject to the CON law must also request this determination if it plans to relocate.

The act sets a 30-day deadline for the unit to issue this determination after receiving the request.

Replacement Scanners and Other Equipment (§ 11)

Existing law exempts from CON requirements the acquisition of MRI, CT, PET, and PET/CT scanners if they are replacements for scanners (1) previously approved through the CON process or (2) for which there was a determination that CON approval was not needed. The act specifies that this includes replacement scanners with dual modalities or functionalities if the applicant already offers similar imaging services for each of the scanner's modalities or functionalities.

The act additionally exempts from CON requirements the acquisition of nonhospital based linear accelerators if they are replacing accelerators that were previously approved (by receiving a CON or a determination that it was not required).

The act makes a corresponding change to an existing provision on CON exemptions for replacing certain equipment, specifying that this applies to the scanners listed above as well as nonhospital based linear accelerators. As under prior law, the act requires the health care facility, provider, physician, or other person acquiring this equipment to notify the unit of the date on which the equipment is replaced and how they disposed of the replaced equipment.

Application and Public Hearing Notices (§ 12)

Application Notice. Under existing law, before filing a CON application, the applicant must give public notice in a newspaper with substantial circulation in the area. The applicant must publish the notice for at least three consecutive days, no later than 20 days before applying. The act specifies that the final date of publishing this notice must be no later than 20 days before the application is filed.

The act also requires an applicant to:

1. publish notice of the impending application on its website, in a clear and conspicuous location that is easily accessed by the public;
2. request that the notice be published (a) in at least two sites in the affected community that are commonly accessed by the public, such as a town hall or library, and (b) on any existing website of the municipality or local health department; and
3. submit the notice to the Health Systems Planning Unit for posting on its website.

The act specifies that (1) the notice must remain posted in the affected community and on the applicant's website until the decision on the application is made but (2) the unit cannot invalidate any notice due to changes or removal from a community website that the applicant does not control.

By law, within five days after receiving a properly filed CON application, the unit must publish notice of the application on its website.

Hearing Notice. By law, the Health Systems Planning Unit must hold a public hearing for CON applications in certain circumstances; the unit has the discretion to hold hearings in other cases. Existing law requires the unit to give the applicant at least two weeks' notice before the hearing and publish a related newspaper notice. Similar to the application notice, the

act requires the applicant to post the hearing notice on its website and request that it be published in the other places noted above (i.e., two sites within the affected community and certain local websites). The act also prohibits the unit from invalidating any notice due to changes or removal from a community website that the applicant does not control.

Requests for Additional Information and Deeming Application Complete (§ 12)

By law, the Health Systems Planning Unit, within 30 days after a CON application is filed, may request additional information from the applicant as necessary. The applicant has 60 days to provide the requested information.

The act requires the unit to (1) make reasonable efforts to limit requests for additional information to two requests and (2) in all cases, not request additional information later than six months after receiving the application.

By law, the unit must notify the applicant when it considers the application to be complete and post the notice on its website. The act sets a five-day deadline for the unit to notify the applicant and post the notice.

Independent Consultants (§ 12)

The act allows the unit, for CON applications submitted on or after October 1, 2023, to retain an independent consultant for assistance if it cannot reasonably review and analyze the application without the expertise of an industry analyst or other actuarial consultant. The consultant must have expertise in the specific health care area under review.

If the unit retains a consultant, it must bill the applicant for the person's services, and the applicant must pay within 30 days after receipt. These bills must be a reasonable amount per application.

The act specifies that these retainer agreements are not subject to specified existing laws on (1) the Department of Administrative Services, (2) consultant and personal service agreements, and (3) methods for awarding state contracts.

Civil Penalties (§ 14)

Prior law imposed a civil penalty of up to $1,000 per day for any person, health care facility, or institution ("person or facility") that willfully failed to (1) seek CON approval when required or (2) timely file required data or information under the CON law, other laws (such as those on nonprofit hospital conversions or various required filings with OHS), and related regulations and orders. The act eliminates the prior condition that the failure must be willful for the penalty to apply, instead imposing the penalty for negligent failures to meet these requirements.

It also extends the penalty to any person or facility that has agreed to resolve a CON application through a settlement and negligently fails to comply with any of the agreement's terms or conditions. It extends existing procedures (and related deadlines) to these penalties, such as prior notice, the right to a hearing, and the right to appeal. It similarly extends an existing provision that makes failing to pay the penalty after the final assessment grounds for deducting Medicaid payments.

§§ 15 & 16 — 340B PROGRAM

Makes various changes affecting participants in the federal 340B drug pricing program, such as (1) prohibiting certain provisions in contracts between 340B covered entities (including pharmacies) and PBMs, including lower reimbursement rates than for non-participants and (2) requiring DSS to convene a working group to study various issues related to the program

Section 340B of the federal Public Health Service Act (i.e., the 340B Drug Pricing Program) requires drug manufacturers participating in Medicaid to sell certain outpatient prescription drugs at discounted prices to health care organizations that care for uninsured and low-income patients. These organizations include federally qualified health centers (FQHCs), children's hospitals, hospitals that serve a disproportionate number of low-income patients, and other safety net providers. Under the act, "340B covered entities" are those entities authorized to participate in the program, including pharmacies under contract to dispense drugs on their behalf.

Starting January 1, 2024, the act prohibits certain provisions in contracts between 340B covered entities and PBMs (including PBM subsidiaries). For example, it prohibits these contracts from providing lower reimbursement rates for prescription drugs than the rate paid to pharmacies that are not 340B covered entities.

The act also prohibits PBMs from:

1. considering whether an entity is a 340B covered entity when determining reimbursement rates, except to the extent allowed by law; and
2. retaliating against a 340B covered entity because it exercises a right or remedy under these provisions.

For contracts between PBMs and 340B covered entities, the act makes any contract provisions that violate the above

provisions void and unenforceable. This applies to contracts entered into, amended, or renewed after January 1, 2024. The act also authorizes the insurance commissioner to adopt regulations to implement the above provisions.

Lastly, the act requires the Department of Social Services (DSS) commissioner to convene a working group to evaluate various issues related to the 340B program.

EFFECTIVE DATE: October 1, 2023, except the working group provisions take effect upon passage.

Prohibited Contract Provisions

Starting January 1, 2024, the act prohibits contracts between 340B covered entities and PBMs from containing any of the following provisions:

1. a lower prescription drug reimbursement rate than the rate paid to pharmacies that are not 340B covered entities;
2. a fee or adjustment that is not imposed on providers or pharmacies that are not 340B covered entities, or is higher than the fee imposed on these other entities;
3. any provision that prevents or interferes with a patient's choice to receive a prescription drug from a 340B covered entity, including the drug's administration; and
4. any provision that excludes a 340B covered entity from PBM networks based on the entity's participation in the 340B program.

Working Group

The act requires the DSS commissioner to convene a working group to evaluate the following:

1. the current status of the 340B program;
2. national efforts to strengthen and sustain it; and
3. how the state can protect FQHCs' 340B revenue from unfair administrative barriers or unnecessary conditions based on these centers' status as 340B covered entities.

The evaluation must consider (1) the ability of and any legal precedent for states to regulate the conduct of drug manufacturers and PBMs, (2) opportunities to establish on-site pharmacies at FQHCs and facilitate patient access to these pharmacies, and (3) national trends to sustain the program.

By January 31, 2024, the DSS commissioner must report on the working group's findings and recommendations to the Human Services, Insurance and Real Estate, and Public Health committees.

§ 17 — HUSKY HEALTH IMPROVEMENT STRATEGY

Requires DSS, in consultation with other agencies, to develop a strategy to improve health outcomes, community health, and health equity to support HUSKY Health members; requires DSS to submit related recommendations to MAPOC by January 1, 2025

The act requires the DSS commissioner, in consultation with the OHS executive director, OPM secretary, and other agencies as appropriate, to develop a strategy to improve health care outcomes, community health, and health equity to support HUSKY Health members (i.e., people covered by Medicaid or the Children's Health Insurance Program). In addition, DSS must consult with an association of in-state hospitals, Connecticut acute care and children's hospitals, and other community health care providers and stakeholders to inform community-based prevention policies and wellness, care delivery, and financing strategies.

By January 1, 2025, the DSS commissioner must submit recommendations for reform to the Medical Assistance Program Oversight Council (MAPOC).

EFFECTIVE DATE: Upon passage

Strategy Components and Goals

Under the act, the required strategy must address improved health equity by identifying barriers and influences impacting health and health care outcomes for HUSKY Health members. The strategy must also include options to achieve the following goals:

1. improving health care access and outcomes;
2. increasing adoption of interventions to support improved access to preventive care services;
3. identifying and addressing social, economic, and environmental drivers of health to advance long-term preventive health and health care outcomes;

4. exploring innovative financing reforms that support high quality care, promote integration of primary, preventive, and behavioral health care, and address health-related social needs and long-term preventive outcomes;
5. improving collaboration and coordination among health care providers and cross-sector community partners; and
6. improving Medicaid reimbursement and performance to achieve a sustainable health care delivery system and make health care more affordable for everyone.

The strategy must include approaches designed to improve performance in prevention measures, clinical outcomes, improved access to preventative services, and health equity measures recommended by the Connecticut Medicaid Transparency Advisory Board established through the governor's Executive Order 6 (2020). In that executive order, among other things, the governor directed the DSS commissioner to (1) develop and report on a public transparency strategy for Medicaid cost and quality reporting and (2) convene an advisory board to provide advice and input on the content, metrics, and goals of this reporting.

Submission of Recommendations

The act requires the DSS commissioner, by January 1, 2025, to submit recommendations for reform to MAPOC. This must at least include recommendations for filing any state plan amendments or federal waivers with the Centers for Medicare and Medicaid Services to achieve the goals identified above and agreed upon through the strategy developed under the act. Through the end of 2024, the commissioner may give the council updates and other status reports on the department's progress toward the strategic work on these goals.

§ 18 — MEDICARE ADVANTAGE PLANS REPORT

Requires the Insurance Department, in consultation with OHS, to report by January 1, 2025, on utilization management and provider payment practices of Medicare Advantage Plans

Medicare Advantage Plans are managed care plans administered by federally approved private insurers. These plans must cover all services covered by traditional Medicare; some offer additional benefits.

The act requires the Insurance Department, by January 1, 2025, and in consultation with OHS, to report to the Insurance and Real Estate Committee on (1) an analysis of Medicare Advantage plans' utilization management and provider payment practices and (2) related recommendations.

The act allows the Insurance Department, as the commissioner deems necessary, to engage the services of third-party professionals and specialists to help meet these requirements, with any costs paid from the General Fund within available appropriations.

EFFECTIVE DATE: Upon passage

Required Analysis and Recommendations

Under the act, the Insurance Department, consulting with OHS, must report on an analysis of Medicare Advantage plans' utilization management and provider payment practices. The act specifically requires the report to cover the following topics:

1. how these practices impact the delivery of hospital outpatient and inpatient services, including patient placement, discharges, transfers, and other clinical care plans;
2. the costs to hospitals and plan members associated with these practices;
3. how these practices affect commercial, non-Medicare payment rates and access to services, including behavioral health services; and
4. a comparison of claims denials, modifications, and reversals on appeal among Medicare Advantage plans and with traditional Medicare, Medicaid, and commercial non-Medicare product lines.

If applicable, the report must indicate the extent to which information and data are unavailable to support specified areas of this analysis.

Based on the findings of the analysis, the report must provide recommendations on the following:

1. improving care quality, access, and timely delivery;
2. reducing provider administrative costs associated with utilization management;
3. addressing payment practices that inappropriately reduce provider payments;
4. improving any identified practices contributing to unwarranted changes to clinical care plans;
5. considering quarterly monitoring of prior authorization requests, service denials, and payment denials by Medicare Advantage plans and comparing this data to commercial plans and Medicaid;

6. addressing the broad effect of Medicare Advantage plan practices on the health care delivery system, including costs borne by non-Medicare Advantage consumers and plan sponsors;
7. reducing consumers' costs; and
8. the extent to which states can regulate Medicare Advantage plans.

The report must indicate the extent to which the analysis does not support recommendations in any of these areas.

§ 19 — PROHIBITED HEALTH CARE CONTRACTING PRACTICES

Prohibits all-or-nothing, anti-steering, anti-tiering, and gag clauses in contracts involving health carriers, providers, and health plan administrators

The act prohibits health care providers, health carriers (e.g., insurers or HMOs), health plan administrators, and any agent or entity contracting on their behalf from offering, soliciting, requesting, amending, renewing, or entering a health care contract on or after July 1, 2024, that includes an all-or-nothing clause, anti-steering clause, anti-tiering clause, or gag clause.

The act makes null and void any of these clauses in a health care contract, written policy or procedure, or agreement entered into, renewed, or amended on or after July 1, 2024. However, it specifies that (1) all remaining clauses remain in effect for the contract's duration and (2) it does not modify, reduce, or eliminate any existing privacy protections and standards under the federal Health Insurance Portability and Accountability, Genetic Information Nondiscrimination, or Americans with Disabilities acts.

EFFECTIVE DATE: July 1, 2024

Prohibited Clauses

The act defines an "all-or-nothing clause" as a health care contract provision requiring health carriers or health plan administrators to (1) include all members of a health care provider in a network plan or (2) contract with a provider's affiliate as a condition of contracting with the provider. An "anti-steering clause" restricts a carrier or administrator from encouraging an enrollee to get health care services from a competing hospital or health system, including by offering incentives for enrollees to use specific health care providers (such as centers of excellence or other pay-for-performance programs).

An "anti-tiering clause" (1) restricts health carriers from introducing or modifying a tiered network plan or assigning providers to tiers or (2) requires a health carrier to assign all health care provider members to the same tier. A "gag clause" restricts a health care provider, carrier, or administrator from disclosing (1) out-of-pocket costs to enrollees or (2) certain information to a government entity (or its contractors or agents), enrollee or their treating provider, plan sponsor, or potential eligible enrollees. The information is any price or quality information, including allowed amounts, negotiated rates or discounts, fees for services, or other claim-related financial obligations.

Applicability to Health Care Providers

The act defines a health care provider as a:

1. physician group with (a) eight or more members or (b) less than eight members that are employed by or are an affiliate of a hospital, medical foundation, or insurance company or
2. for-profit or nonprofit entity, corporation, or organization, parent corporation, member, affiliate, subsidy, or entity under common ownership that is authorized by Connecticut to furnish or bill or receive payment for health care services in the normal course of business, including hospitals, hospital-based facilities, health systems, freestanding emergency departments, imaging centers, and urgent care centers.

§ 20 — HEALTH CARE NETWORK TIERING PRACTICES

Requires health carriers to disclose how they sort health care providers into tiers

The act requires health carriers to disclose how they select providers for different tiers and evaluate providers within each tier. In practice, tiers determine different benefit levels within a health insurance plan. By law, health carriers must develop standards for selecting and tiering participating providers and health care provider specialties. The act requires these standards to remain in effect for at least a year. It also requires carriers to:

1. provide at least 90 days' written notice to each participating provider before changing the standards and measures

and

2. establish a grievance process for providers to appeal their tiering decisions and performance measures.

The act requires contracts involving a tiered network entered into, renewed, or amended on or after July 1, 2024, between a health carrier and participating provider to require the carrier to give the provider, upon request, his or her calculated score, any available related data, and a description of the standards used for selecting and tiering providers. This includes:

1. definitions and specifications related to quality, cost, efficiency, satisfaction, and any other factors used to develop standards and measure performance, including delineating any inclusions or exclusions under each measure;
2. a defined time period of at least one year to measure performance based on the standards; and
3. a summary of the grievance process.

By law, carriers must make the standards for tiers publicly available in plain language, including on their websites, as well as to the insurance commissioner for review. The act specifies that these disclosures must include (1) all measures and corresponding definitions and specifications used to tier participating providers and evaluate performance within each tier and (2) the grievance process for a health care provider to appeal a health carrier's tiering decision or performance measure.
EFFECTIVE DATE: July 1, 2024

§ 21 — ELECTRONIC NOTIFICATION TO INSUREDS

Requires health carriers to let covered individuals elect to receive coverage documents electronically

The act requires health carriers (e.g., insurers and HMOs) that deliver, issue, renew, amend, or continue health insurance policies to allow insured individuals who are legally capable of consenting to a policy's covered benefits to elect, in writing, to receive insurance coverage documents electronically. When providing documents electronically, the carriers must comply with all applicable federal and state data security laws.
EFFECTIVE DATE: October 1, 2023

§ 22 — TERMINATING HEALTH CARE CONTRACTS

Requires a health carrier and participating provider to give each other at least 90 days' written notice of an intent to terminate or not renew their contract; generally requires the carrier to make a good faith effort to notify affected patients at least 30 days before a termination; extends termination requirements that apply to hospitals to hospital intermediaries

The act requires that health carriers and providers participating in their network (i.e., participating providers) give each other at least 90 days' written notice of an intent to terminate a contract before the proposed termination date or, if a nonrenewal, the end of the contract period. The act also requires that the carrier make a good faith effort to notify all insured individuals who are regular patients of the participating provider at least 30 days before the proposed termination date or, if a nonrenewal, the end of the contract period. (Prior law imposed these requirements if a provider was being removed from or leaving a network.) Under the act, patient notification is not required if the carrier and participating provider agree in writing to extend the contract up to one year. The act also eliminates a requirement that a provider leaving or removed from a network give the carrier a list of its covered patients.

By law, when a contract between a health carrier and a participating hospital or its parent corporation is terminated or not renewed, the carrier and hospital must continue to abide by the contract for an additional 60 days. For contracts entered into, renewed, amended, or continued on or after July 1, 2023, the act (1) applies this requirement to hospital intermediaries and (2) specifically requires the parties to continue abiding by the contract's reimbursement terms for all health care services during this 60-day period. (As under existing law, these provisions do not apply if the carrier and hospital agree in writing to the contract termination and make the notices described above.)
EFFECTIVE DATE: Upon passage

PA 23-174—sSB 1075
Public Health Committee
Appropriations Committee

AN ACT CONCERNING HOSPICE AND PALLIATIVE CARE

SUMMARY: This act makes several changes related to the provision of hospice care services, including:

1. requiring the Department of Public Health (DPH), by January 1, 2024, to establish a Hospice Hospital at Home pilot program to provide in-home hospice care to patients through in-person visits and telehealth (§ 1);
2. allowing the Department of Social Services (DSS) commissioner to apply for a Medicaid Section 1115 waiver to provide Medicaid reimbursement for hospice services delivered under the act's pilot program, to the same level DSS reimburses for Medicaid hospital-based hospice services (§ 5);
3. allowing (a) an advanced practice registered nurse (APRN) who provides hospice care through a DPH-licensed hospice home care agency to administer fluids or medications intravenously (IV), including by infusion or IV push and (b) a registered nurse (RN) to do so under physician supervision (§ 2); and
4. requiring certain individual and group health insurance policies to cover in-home hospice services provided by a DPH-licensed hospice home care agency to the same extent they cover hospital in-patient hospice services (§§ 3 & 4).

EFFECTIVE DATE: July 1, 2023, for the pilot program provision (§ 1); upon passage for the provision on the DSS Medicaid 1115 waiver (§ 5); October 1, 2023, for the provision allowing hospice home care agency APRNs and RNs to administer IV fluids and medications (§ 2); and January 1, 2024, for the provisions on insurance coverage for in-home hospice care services (§§ 3 & 4).

HOSPICE HOSPITAL AT HOME PILOT PROGRAM

The act requires DPH, by January 1, 2024, to collaborate with DSS and a hospital in the state to establish a Hospice Hospital at Home pilot program. The pilot program must provide in-home hospice care to patients through a combination of in-person visits and telehealth. Specifically, it must provide patients the following:

1. a daily telehealth visit by a physician or an APRN that the patient can attend using a computer or mobile device or, if the patient does not have one, a tablet the program provides;
2. in-person visits by an RN at least twice daily or more, as the patient's treating physician or APRN determines;
3. a 24-hour per day personal emergency response system (i.e., electronic alarm system);
4. remote patient monitoring by physicians, APRNs, and RNs participating in the pilot program, if the patient and those living with the patient consent to it; and
5. telephone access to an on-call physician or APRN if the patient, the patient's caregiver, or anyone living with the patient has immediate questions or concerns about the patient's condition.

Under the act, telehealth is a way to deliver health care or other health services via information and communication technologies to facilitate diagnosis, consultation, treatment, education, care management, and self-management of a patient's physical and mental health. It includes:

1. interaction between the patient at the originating site and the telehealth provider at a distant site and
2. synchronous (i.e., real time) interactions, asynchronous (i.e., not in real time) store and forward transfers, or remote patient monitoring.

It does not include faxing, audio-only telephone, texting, or email.

INSURANCE COVERAGE FOR IN-HOME HOSPICE SERVICES

The act generally establishes insurance coverage parity for in-home and hospital in-patient hospice care services. Specifically, it requires certain individual and group health insurance policies to cover in-home hospice services provided to an insured by a DPH-licensed hospice home care agency, to the same extent they cover hospital in-patient hospice services. Under the act, this coverage is subject to the same terms and conditions that apply to all other benefits under the policy.

The act prohibits policies from excluding coverage for a hospice service solely because it is provided in the home and not at a hospital, as long as the home service is appropriate for the insured.

It also specifies that the coverage requirement does not prohibit or limit a health insurer, HMO, hospital or medical service corporation, or other entity from conducting utilization review for in-home hospice services, as long as it is done in the same way and uses the same clinical review criteria as for the same hospice services provided in a hospital.

The act's requirements apply to individual and group insurance policies issued, delivered, 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 Employment Retirement Income Security Act, state insurance benefit mandates do not apply to self-insured benefit plans. (Even though the state employee health insurance plan is self-insured, in practice it adopts these mandates.)

PA 23-195—HB 6835
Public Health Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

SUMMARY: This act makes various unrelated changes in the public health statutes. Principally, it:

1. prohibits outpatient surgical facilities and certain hospitals from employing a person to provide surgical technology services unless the person meets specified training or experience requirements (§ 1);
2. enters Connecticut into the Counseling Compact, which provides a process authorizing professional counselors licensed in one member state to practice across state boundaries, without requiring licensure in each state (§§ 12 & 13);
3. authorizes hospitals to appoint their medical staff or individual medical staff members every two or three years (§ 14);
4. generally requires hospitals to give the mother of a stillborn child written notification about the child's burial and cremation arrangement options within 24 hours after the stillbirth, and requires the mother to tell the hospital about her decision on the disposition before her discharge from the facility (§ 15);
5. declares homelessness a public health crisis that will continue until the right of homeless individuals to receive emergency medical care is adequately safeguarded and protected (§ 16);
6. modifies marital and family therapist (MFT) associate licensure requirements and allows licenses to be renewed multiple times, instead of only once as under prior law (§ 17); and
7. authorizes the Department of Public Health (DPH), starting February 1, 2024, to issue one-year, non-renewable temporary permits to applicants for licensure as a doctoral-level psychologist if they meet certain requirements (§ 18).

The act also makes various technical changes in statutes related to, among other things, opioid patient treatment agreements, collaborative care models, social worker licensure examinations, maternal mental health day, and regional behavioral health action organizations (§§ 2-11).

EFFECTIVE DATE: October 1, 2023, except that the provisions on (1) the Counseling Compact, stillbirths, and MFT associate licensure take effect July 1, 2023, and (2) medical staff appointments and declaring homelessness a public health crisis take effect upon passage.

§ 1 — SURGICAL TECHNOLOGISTS

The act prohibits outpatient surgical facilities and hospitals (excluding chronic disease hospitals) from employing, or otherwise retaining, a person to perform surgical technology services unless the person:

1. successfully completed a nationally accredited surgical technology program and maintains a surgical technologist certification from a DPH-recognized national certifying body;
2. successfully completed a nationally accredited surgical technologist program and, on the date of hire, does not have the surgical technologist certification, but gets it within 18 months after completing the program;
3. worked as a surgical technologist in a hospital or outpatient surgical facility on or before October 1, 2023, as long as the facility or hospital gets proof from the person about his or her prior surgical technologist experience and makes it available to DPH, upon request;
4. successfully completed a surgical technology training program in the U.S. armed forces, National Guard, or U.S. Public Health Services; or
5. has been designated by the facility or hospital as competent to perform surgical technology services based on specialized training or specific experience, including as a phlebotomist, nuclear medicine technologist, ultrasound technologist, or central service technician, if it keeps a list of these designations.

The act exempts from the above requirements a person performing surgical technology services who is (1) acting within the scope of his or her license, certification, registration, permit, or designation or (2) a student or intern under a health care provider's direct supervision.

It requires these facilities or hospitals that employ or retain surgical technologists to submit to DPH, upon request, documentation showing that the technologists comply with the act's requirements.

Under the act, "surgical technology services" are surgical patient care services, such as the following:

1. preparing an operating room and the sterile operating field for surgical procedures by (a) ensuring that surgical equipment is functioning properly and safely and (b) using sterile techniques to prepare surgical supplies, instruments, and equipment;

2. anticipating and responding to surgeons' and other surgical team members' needs during surgery by monitoring the sterile operating field in an operating room and providing the required instruments or supplies; and
3. performing tasks at the sterile operating field, as directed, in an operating room setting, including (a) passing surgical supplies, instruments, and equipment directly to a health care provider; (b) sponging or suctioning an operative site; (c) preparing and cutting suture material; (d) transferring and irrigating with fluids; (e) transferring, but not administering, drugs within a sterile field; and (f) handling surgical specimens.

§ 12 — COUNSELING COMPACT

The act enters Connecticut into the Counseling Compact. The compact creates a process authorizing professional counselors who are licensed in one member state to practice across state boundaries (including by telehealth) without requiring licensure in each state. Member states must grant the "privilege to practice" (i.e., the authority to practice in the state) to professional counselors holding a valid, unencumbered license who otherwise meet the compact's eligibility requirements. Generally, Connecticut retains broad authority to license and regulate professional counselors, but must grant qualifying professional counselors a privilege to practice in Connecticut.

The compact is administered by the Counseling Compact Commission, which Connecticut joins under the act.

Among various other provisions, the compact:

1. sets eligibility criteria for states to join the compact and for professional counselors to practice under it;
2. addresses several matters related to disciplinary actions for licensees practicing under the compact, such as information sharing among member states and removal of the privilege to practice under the compact;
3. allows the commission to levy an annual assessment on member states to cover the cost of its operations;
4. only allows amendments to the compact to take effect if all member states adopt them into law; and
5. has a process for states to withdraw from the compact.

In practice, the commission has begun meeting, but the compact is not yet fully implemented. Applications for the compact's privilege to practice are expected to open in early 2024.

A broad overview of the compact appears below.

Compact Overview

The Counseling Compact creates a process authorizing professional counselors to work in multiple states (including by telehealth) if they are licensed in one member state. A "licensee" is someone who currently holds state authorization to practice as a licensed professional counselor.

Under the compact, a "state" is a U.S. state, commonwealth, district, or territory that regulates professional counseling. A "member state" is a state that has joined the compact. A "home state" is the member state that is the licensee's primary state of residence. A "remote state" is a member state, other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice.

"Privilege to practice" is a legal authorization, equivalent to a license, allowing the practice of professional counseling in a remote state. The compact specifies that the practice of professional counseling occurs in the state where the client is located.

State Eligibility (§ 12(3))

To participate in the compact, a state must currently do the following:

1. license and regulate licensed professional counselors (states are not required to use that title);
2. require licensees to pass a nationally recognized exam the commission approves;
3. require licensees to have a 60 semester hour (or 90 quarter hour) master's degree in counseling or this many hours of graduate course work in specified related topics (e.g., professional counseling orientation and ethical practice, social and cultural diversity, and human growth and development);
4. require licensees to complete a supervised postgraduate professional experience as defined by the commission; and
5. have a mechanism to receive and investigate complaints about licensees.

Member states must also do the following:

1. participate fully in the commission's licensee data system, including using the commission's unique identifier;
2. notify the commission, in compliance with the compact's terms and rules, about any adverse action (e.g., disciplinary action against a license) or the availability of investigative information about a licensee;
3. comply with the commission's rules;

4. require applicants to be licensed in the home state and meet the home state's qualification for licensure or licensure renewal, as well as other applicable state laws; and
5. provide for the state's commission member to attend the commission's meetings.

The act requires Connecticut, as a condition of membership in the compact, to implement or use procedures to consider an applicant's criminal history when reviewing their initial privilege to practice.

Under the compact, the procedures for considering applicants' criminal history must include submitting fingerprints or other biometric-based information to obtain these records from the FBI and the state agency that maintains criminal records. Member states must fully implement the background check requirement, within a time frame established by rule, by receiving the FBI results and using them in making licensure decisions. The act correspondingly requires all applicants for a professional counselor license to submit to a background check (see § 13).

Communications between a member state and the commission, or among member states, regarding the verification of licensure eligibility must not include information received from the FBI on federal criminal records checks performed by a member state under specified federal law.

Nonresident Licenses (§ 12(3))

The compact specifies that people who do not live in a member state can still apply for a single state license in that state under its laws, but this license does not grant a privilege to practice in other member states.

Privilege to Practice (§ 12(3) & (4))

The compact requires member states to grant the compact's privilege to practice to a licensee holding a valid, unencumbered license in another member state, under the compact's terms and rules. Member states may charge a fee for granting the privilege.

To exercise the privilege to practice under the compact, a licensee must meet the following requirements:

1. be licensed in the home state;
2. have a valid U.S. Social Security number or national practitioner identifier;
3. be eligible for a privilege to practice in any member state, under the compact's provisions on remote states' authority to remove that privilege (see *Respective States' Authority and Adverse Actions* below);
4. have no encumbrance or restriction against any license or privilege to practice within the prior two years;
5. notify the commission that the licensee is seeking the privilege to practice in a remote state;
6. pay any state fees or other applicable fees for the privilege;
7. meet the home state's continuing competence or education requirements, if any;
8. meet any applicable remote states' jurisprudence requirements (i.e., assessment of knowledge as to professional counseling practice laws and rules for that state); and
9. report to the commission within 30 days after being subject to any adverse action, encumbrance, or license restriction by any nonmember state.

Under the compact, the privilege is valid until the home license expires. The licensee must comply with the above requirements to maintain the privilege in the remote state.

Obtaining a New Home State License Based on a Privilege to Practice (§ 12(5))

Under the compact, a licensed professional counselor may hold a home state license, allowing for a privilege to practice in other member states, in only one member state at a time.

The compact sets a process for professional counselors who change their primary residence from one member state to another to obtain a new home state license and convert the former license to a privilege to practice (e.g., paying applicable licensure fees and verification by the new home state that the counselor meets specified requirements).

For counselors who change their primary state of residence from a member state to a nonmember state or vice versa, the new state's criteria apply to issue a license.

The compact specifies that licensees may be licensed in multiple states, but must have only one home state license for purposes of the compact.

Active Duty Military Personnel or Their Spouses (§ 12(6))

The compact requires active duty military personnel, or their spouse, to designate a home state where the person has a current license in good standing. The person may keep this designation while the service member is on active duty. To

change this designation, the person must apply for licensure in the new state or follow the process outlined above (see § 12(5)).

Compact Privilege to Practice Telehealth (§ 12(7))

Member states must recognize licensed professional counselors' right to practice via telehealth in any member state under a privilege to practice, as provided under the compact and the commission's rules. The licensee must be licensed in the home state under the compact and rules.

Licensees providing services in a remote state under the privilege must follow that state's laws and regulations.

Respective States' Authority and Adverse Actions (§ 12(4), (8) & (15))

The compact addresses several matters related to states' authority to investigate and discipline professional counselors practicing under its procedures. Broadly, the compact maintains the home state's authority to regulate the home state license and authorizes the remote state to regulate the compact privilege to practice in that state, each according to its own regulatory structure. For taking adverse action, a licensee's home state must give the same priority to conduct reported from other member states as it would to conduct within the home state.

The following are examples of the regulatory structure under the compact:

1. a home state has exclusive authority to impose adverse action against a home state license, but a remote state may remove a licensee's privilege to practice, investigate and issue subpoenas, impose fines, and take other necessary action;
2. if allowed by their law, member states may recover from the licensee the investigation and disposition costs for cases leading to adverse actions;
3. if a licensee's home state license is encumbered, he or she loses the privilege to practice in any remote state until (a) the encumbrance is lifted, (b) two years have passed without any encumbrance or restriction against a license or privilege to practice, and (c) the licensee otherwise meets the compact's eligibility requirements;
4. if a licensee's remote state privilege to practice is removed, he or she may lose the privilege in all other remote states until (a) the removal period passes, (b) all fines have been paid, (c) two years have passed without any encumbrance or restriction against a license or privilege to practice, and (d) the licensee otherwise meets the compact's eligibility requirements; and
5. member states may allow licensees to participate in an alternative program for impaired practitioners rather than imposing an adverse action.

Compact Database (§ 12(10))

Member states must submit specified information on licensees for inclusion in a database the compact creates, and the commission must promptly notify all member states about any adverse action against licensees or licensure applicants. Adverse action and investigative information about a licensee in any member state is available to other member states. Member states that contribute information to the data system may designate information that may not be shared publicly without the state's express permission.

Counseling Compact Commission (§ 12(9) & (11))

The compact is administered by the Counseling Compact Commission, which consists of one voting member appointed by each member state's professional counselor licensing board. The compact sets several powers, duties, and procedures for the commission. For example, the commission:

1. may make rules that are binding to the extent and in the manner provided for in the compact (a rule has no effect if a majority of the member states' legislatures reject it within four years of the rule's adoption),
2. may levy and collect an annual assessment from each member state or impose fees on other parties to cover the costs of its operations, and
3. must have its receipts and disbursements audited yearly and the audit report included in the commission's annual report.

The compact addresses several other matters regarding the commission and its operations, such as setting conditions under which its officers and employees are immune from civil liability. By adopting the compact, Connecticut joins the commission.

Compact Oversight, Enforcement, Member Withdrawal, and Related Matters (§ 12(12)-(15))

Among other related provisions, the compact:

1. requires each member state's executive, legislative, and judicial branches to enforce the compact and take necessary steps to carry out its purposes;
2. requires the commission to take specified steps if a member state defaults on its obligations under the compact, and after all other means of securing compliance have been exhausted, allows a defaulting state to be terminated from the compact upon a majority vote of the member states;
3. requires the commission, upon a member state's request, to attempt to resolve a compact-related dispute among member states or between member and non-member states;
4. requires the commission to enforce the compact and rules and allows it to bring legal action against a member state in default upon a majority vote (the case may be brought in the U.S. District Court for the District of Columbia or the federal district where the commission's principal offices are located);
5. allows a member state to withdraw from the compact by repealing the enabling legislation, but withdrawal does not take effect until six months after the repealing statute's enactment;
6. allows member states to amend the compact, but no amendment takes effect until all member states enact it into law;
7. makes its provisions severable and requires that they be liberally construed to carry out its purposes, and if the compact is held to violate a member state's constitution, it remains in effect in the remaining member states; and
8. supersedes any conflicting laws in member states, to the extent of the conflict.

§ 13 — BACKGROUND CHECKS FOR PROFESSIONAL COUNSELOR LICENSURE

Under the act, the DPH commissioner must require anyone applying for professional counselor licensure to submit to a state and national fingerprint-based criminal history records check.

§ 14 — HOSPITAL MEDICAL STAFF APPOINTMENTS

The act authorizes hospitals to appoint their medical staff or individual medical staff members every two or three years. Appointments must be consistent with the (1) conditions and standards for participating in Medicare and (2) requirements of federally approved national accreditation organizations.

It also permits the DPH commissioner to amend existing regulations as needed to implement these requirements.

§ 15 — STILLBIRTHS

The act requires hospitals to give the mother of a stillborn child written notification about the child's burial and cremation arrangement options. Hospitals must do this (1) if practicable, when the mother is admitted to the hospital and expects to deliver a stillborn child or (2) if it is not practicable, or the mother did not expect to deliver a stillborn child, within 24 hours after the stillbirth, so long as the health care provider responsible for the mother's care agrees it is appropriate to do so.

Under the act, mothers who receive the notification, and any other known parent, must inform the hospital in writing about their decision on the stillborn child's disposition. They may do so at any time during their hospitalization but before they are discharged, as long as the mother and other parent have at least 24 hours after receiving the hospital's written notification to do so.

The act's provisions do not prohibit a health care provider or hospital from (1) giving the written notification to the mother's family member or friend, consistent with federal HIPAA privacy protections, or (2) referring the mother and other known parent to a licensed funeral director for additional information on disposition options.

§ 16 — DECLARING HOMELESSNESS A PUBLIC HEALTH CRISIS

The act declares homelessness a public health crisis in Connecticut that will continue until the right of homeless people to receive emergency medical care, as guaranteed by the homeless person's bill of rights, is adequately safeguarded and protected.

Generally, under the homeless person's bill of rights, a homeless person or family (1) has no fixed, regular, adequate nighttime residence; (2) has a primary residence that is not designed for regular accommodation (e.g., a car, abandoned building, or park); (3) resides in a temporary shelter; or (4) is in danger of immediately losing their housing (42 U.S.C. §

11302).

§ 17 — MARITAL AND FAMILY THERAPIST ASSOCIATES

By law, people that meet certain educational and clinical training requirements can apply to DPH for an MFT associate license that allows them to practice under professional supervision while pursing full MFT licensure.

For initial associate licensure, the act eliminates prior law's requirement that an applicant provide DPH verification from a supervising licensed MFT that the applicant is working toward completing the postgraduate experience requirements for full licensure as an MFT.

Under existing law, an MFT associate license is valid for two years and may be renewed during the applicant's birth month. The act allows the license to be renewed multiple times, instead of only once as under prior law.

It also eliminates the requirement that licensure renewal applicants give DPH satisfactory evidence (1) that they are working toward completing the postgraduate experience required for full licensure and (2) of the potential for them to do so before their license renewal expires. It instead requires applicants to give DPH evidence that they completed the continuing education requirements for full licensure (i.e., at least 15 hours during each one-year period the license has been renewed).

§ 18 — PSYCHOLOGIST TEMPORARY PERMITS

The act authorizes DPH, starting February 1, 2024, to issue a temporary permit to an applicant for licensure as a doctoral-level psychologist if the applicant (1) has a doctoral degree in psychology or its equivalent from a program approved by the Board of Examiners of Psychologists, with DPH's consent, and (2) has not yet completed the supervised work experience or examination required for licensure. The permit authorizes the person to practice under the supervision of a licensed psychologist.

The act sets a $100 fee for the temporary permits, which are non-renewable and valid for one year after the date applicants completed their doctoral degree, or its equivalent. The permit is void and cannot be reissued if an applicant fails the licensure examination.

Under the act, a "doctoral-level psychology provider" is a postdoctoral resident or fellow who provides psychology services.

PA 23-24—sSB 970
Public Safety and Security Committee
Appropriations Committee

AN ACT CONCERNING A DOMESTIC TERRORISM PREVENTION PLAN ANNEX IN LOCAL EMERGENCY OPERATIONS PLANS

SUMMARY: This act requires local emergency operations plans submitted on or after January 1, 2025, to include a domestic terrorism prevention strategy. The strategy must be described in a domestic terrorist prevention plan annex (i.e., supplemental report), based on standards provided by the Department of Emergency Services and Public Protection's (DESPP) Division of Emergency Management and Homeland Security. The act prohibits the DESPP commissioner from approving plans that do not include these components.

By law, every town must have a current emergency operations plan, approved by the DESPP commissioner every two years, to be eligible for certain state or federal emergency management benefits. The local emergency management director and chief executive must approve the plan before the town submits it to the commissioner. If the previously submitted plan has not changed, the town may submit it with a notice to that effect.
EFFECTIVE DATE: October 1, 2023

PA 23-25—SB 973
Public Safety and Security Committee

AN ACT AUTHORIZING ACCESS TO JUVENILE DELINQUENCY RECORDS TO EVALUATE A PROPOSED TRANSFER OF A FIREARM TO A PERSON UNDER AGE TWENTY-ONE

SUMMARY: This act gives municipal, state, and federal agency employees and authorized agents access to juvenile delinquency case records if they are involved in evaluating a proposed firearm transfer to someone under age 21, as the federal Bipartisan Safer Communities Act requires. By law, juvenile delinquency case records are generally confidential and for the juvenile court's use, with specific exceptions.
EFFECTIVE DATE: July 1, 2023

BACKGROUND

Bipartisan Safer Communities Act (BSCA)

The BSCA amends the Gun Control Act of 1968 to prohibit firearm transfers to people who have potentially disqualifying juvenile records (P.L. 117-159, § 12001). It also extends National Instant Criminal Background Check System (NICS) background check procedures to those ages 18 to 21 to screen for disqualifying juvenile or mental health records and gives authorities up to 10 business days to make eligibility determinations. Under this law, NICS must immediately contact three possible sources of disqualifying juvenile records for people under age 21 in the jurisdiction where they reside, including state repositories of juvenile justice information and local law enforcement agencies.

PA 23-54—sSB 971
Public Safety and Security Committee

AN ACT REVISING VARIOUS GAMING STATUTES

SUMMARY: PA 21-23 established new frameworks for legalizing and regulating in-person and online sports wagering and online casino gaming, among other things. It also assigned several regulatory responsibilities to the Department of Consumer Protection (DCP), including establishing and maintaining multiple new gaming licenses and investigating and enforcing the act's provisions.

This act creates a new license class ("live game employee") under which certain people associated with live online casino gaming must be licensed. It also makes several changes for "key employees," including (1) specifying that the term, for licensure purposes, includes certain chief information and data security officers and (2) waiving other licensing requirements that may apply to their positions.

Additionally, the act expands what is a "sporting event" for sports wagering purposes to include any sporting or athletic event where two or more people participate, individually or on a team, and may be eligible to receive more compensation than their actual expenses for participating (rather than, as under prior law, requiring that the participants had actually received more compensation than their expenses) (§ 1).

The act also expands the jurisdiction of certain DCP investigators appointed by the Department of Emergency Services and Public Protection commissioner to act as special police officers. It specifically allows them to investigate and make arrests for any offense arising from operating "retail sports wagering" (i.e., in-person sports wagering done in connection with the Connecticut Lottery Corporation (CLC)), which is in addition to their authority under existing law over the off-track betting system and lottery games (§ 8).

Lastly, the act makes conforming and technical changes.

EFFECTIVE DATE: Upon passage

§§ 1-3 — LIVE GAME EMPLOYEES

Definitions (§ 1)

Under the act, "live game employees" are those who work for certain entities with particular responsibilities. Specifically, they work as an employee of a master wagering licensee, a licensed online gaming operator, or an online gaming service provider that is operating live online casino gaming (see BACKGROUND). They must be (1) responsible for, in a live online casino authorized under state law, (a) handling consumables or (b) presenting live online casino gaming; or (2) a direct manager of those responsible employees.

"Consumables" are nondurable items, including dice, playing cards, and roulette balls used in live online casino gaming. "Handling consumables" is physical contact with, or supervisory oversight over the acceptance, inventory, storage, or destruction of, consumables, as well as being responsible for card inspection, counting, and shuffling.

Licensure (§§ 2 & 3)

Before starting their employment, the act requires live game employees, other than key employee license holders, to get a live game employee license if they will be directly or substantially involved in operating live online casino gaming in a way that impacts its integrity.

The act allows the DCP commissioner to determine the application process and forms for the live game employee license. However, under the act, the license application form must require an applicant to do the following:

1. submit to a (a) fingerprint-based state and national criminal history records check done by the State Police under 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 or (b) DCP-acceptable third-party local and national criminal background check and other background screening the DCP commissioner may require;
2. give information about their other business affiliations; and
3. give, or allow DCP to get, any other information the department determines is consistent with the act's other requirements for determining their fitness to hold the license.

Under the act, a third-party local and national criminal background check must include a multistate and multijurisdictional criminal record locator or other similar commercial nationwide database with validation. This check must also be done 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 act requires live game employee licenses to be renewed every two years. It sets the initial license application fee at $200 and the renewal fee at $100. However, the initial fee must be waived for live game employees who hold active DCP-issued occupational employee licenses (see BACKGROUND). The act makes licensees responsible for paying any fees incurred for the criminal background check associated with their license renewals.

The act prohibits DCP from requiring that licensed live game employees get occupational employee licenses. It also requires the department to transfer the licensing fees for live game employees of the Mashantucket Pequot and Mohegan tribes, and of the tribes' affiliated online gaming operators and online gaming service providers, to the State Sports Wagering and Online Gaming Regulatory Fund.

Upon the expiration of a tribe's master wagering license, existing law 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. The act adds licenses for live game employees to this list.

§§ 1 & 4 — KEY EMPLOYEES

Definition (§ 1)

By law, a "key employee" is generally someone with a specified position (e.g., president, chief officer, financial manager, or compliance manager) or an equivalent title with specified responsibilities who is associated with a master wagering licensee or a licensed online gaming service provider, online gaming operator, or sports wagering retailer. The act additionally includes someone with the following position or an equivalent title: (1) chief information officer, who is the person generally responsible for establishing policies or procedures on, or making management decisions related to, information systems; and (2) chief data security officer, who is the person generally responsible for establishing policies or procedures on, or making management decisions related to, technical systems.

Prior law further provided three other types of people that were included as "key employees." The act eliminates two of these types: individuals who exercise (1) control over technical systems and (2) enough control in, or over, a licensee as to require licensure in the DCP commissioner's judgment. The act instead includes, as a "key employee," an individual who is responsible for establishing the policies or procedures on, or making management decisions related to, wagering structures or outcomes for a licensee.

Licensure (§ 4)

As part of a key employee license application, the act requires, rather than authorizes, the DCP commissioner to require applicants to:

1. submit to a state and national criminal history records check done through the State Police under 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. give information related to other business affiliations; and
3. give, or allow DCP to get, other information in order to determine the applicant's fitness to hold the license.

It also specifies that the records check through the State Police must be fingerprint-based. Though, by law, the DCP commissioner may accept certain third-party local and national criminal background checks instead.

Under existing law, the initial application fee for a key employee license is waived for any key employee who holds an active occupational employee license issued by DCP. The act extends this waiver to key employees who hold an active live game employee license.

The act also prohibits DCP from requiring that licensed key employees get a live game employee or occupational employee license.

§§ 5-7 — CONFORMING AND MINOR CHANGES AFFECTING LIVE GAME AND KEY EMPLOYEES

The act makes conforming changes to the gaming laws that apply to the Mashantucket Pequot and Mohegan tribes and their affiliates and employees by:

1. extending to their live game employees the existing law barring certain key and occupational employees from raising the defense of sovereign immunity for actions brought against them in their employee capacities (§ 5);
2. including the cost of regulating their live game employees in the calculation for DCP's annual regulatory assessments on the tribes (§ 7); and
3. allowing the tribes to reduce their DCP regulatory assessments by the amounts paid for their live game employee fees, just as existing law allows for their other licensing fees paid (§ 7).

The act also extends to live game employee licenses existing law that authorizes the DCP commissioner to issue suspensions and fines and impose other penalties when there is sufficient cause found. By law, sufficient cause includes, among other things, failure to properly license occupational employees. The act adds failure to properly license key employees and live game employees as a type of sufficient cause (§ 6).

Additionally, the act extends to live game employee licensees existing law's notice and hearing procedures when the DCP commissioner refuses to issue or renew a license. It also applies to live game employee licensees a prohibition on anyone whose license has been revoked from applying for another license issued under the act for at least one year after the date of the revocation (§ 6).

BACKGROUND

Additional Definitions

By law and under the act, a "master wagering licensee" is generally the Mashantucket Pequot or Mohegan tribes or the CLC.

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 "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.

"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.

An "occupational employee" is an employee of a master wagering licensee, licensed online gaming service provider, online gaming operator, or sports wagering retailer.

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.

PA 23-59—HB 6622
Public Safety and Security Committee

AN ACT CONCERNING CERTIFICATION OR ACCREDITATION REQUIREMENT DEADLINES FOR A LAW ENFORCEMENT UNIT THAT SERVES A MUNICIPALITY AND CONSISTS SOLELY OF CONSTABLES OR RESIDENT STATE TROOPERS

SUMMARY: PA 22-119 made several changes to the minimum standards and practices for administering and managing law enforcement units (see BACKGROUND), including requiring that they be divided into three state-accreditation tiers. Units must generally be certified for each tier by certain dates culminating in, by 2026, either (1) being certified as meeting the requirements for all three state-accreditation tiers or (2) meeting a higher level of accreditation standards from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).

This act changes the certification deadlines for units that serve a municipality and consist solely of constables or resident state troopers. It generally extends the deadline for them to be certified for tier one by one year and delays the deadlines to be certified for tiers two and three each by one year.
EFFECTIVE DATE: Upon passage

ADJUSTED MINIMUM STANDARDS AND PRACTICES

By law, the Police Officer Standards and Training Council (POST) and the Department of Emergency Services and Public Protection (DESPP) must jointly develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units. Among other things, PA 22-119 further required POST, within available appropriations, to divide the minimum standards and practices into three state-accreditation tiers by January 1, 2023. This change effectively codified POST's three-tiered accreditation structure that already existed before the act.

Prior law required law enforcement units to continue to adopt and maintain through December 31, 2022, (1) POST-DESPP's minimum standards and practices or (2) a higher level of accreditation standards developed by POST or CALEA. Afterwards, as described in the table below, it set different minimum standards and practices for each state-accreditation tier and dates by which units had to generally be certified for each tier.

The act creates a different schedule for units that serve a municipality and consist solely of constables or resident state troopers by extending each of the required certification dates by one year. These covered units must instead adopt and maintain through December 31, 2023, (1) POST-DESPP's minimum standards and practices or (2) a higher level of accreditation standards developed by POST or CALEA. Afterwards, as described in the table below, the act sets different minimum standards and practices for each state-accreditation tier and dates by which these units must generally be certified for each tier.

Minimum Standards & Practices Tiers Schedule

	Tier I	*Tier II*	*Tier III*
Minimum Standards & Practices Description	Minimum standards and practices designed to protect law enforcement units from liability, enhance service delivery, and improve public confidence in units	Minimum standards and practices for administering, managing, and operating law enforcement units	Higher minimum standards and practices for administering, managing, and operating law enforcement units
Prior Law's Required Certification Dates for All Units	By January 1, 2023, and until December 31, 2023	By January 1, 2024, and until December 31, 2025	By January 1, 2026, and after
Act's Required Certification Dates for Covered Units	By January 1, 2024, and until December 31, 2024	By January 1, 2025, and until December 31, 2026	By January 1, 2027, and after

By law, during the above tier schedules, units may alternatively meet higher accreditation standards developed by CALEA that are otherwise acceptable for each tier. Additionally, as units progress up the tier scale, they must maintain certification with the prior tier or tiers (e.g., at the tier three stage, they must ultimately be tiers one, two, and three certified).

BACKGROUND

Minimum Standards and Practices

The current version of the POST-DESPP minimum standards and practices appears to be published within POST General Notice 20-04, which existed prior to PA 22-119. By law, they must be based on CALEA standards and include standards and practices for specified matters including bias-based policing, use of force, response to family violence crimes, body camera use, and police pursuits, among others.

Law Enforcement Units

By law, a "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a(8)).

PA 23-69—sHB 5360
Public Safety and Security Committee

AN ACT CONCERNING FIREARM INCIDENT REPORTS AND A TASK FORCE ON RECRUITMENT AND RETENTION OF POLICE OFFICERS

SUMMARY: Starting October 1, 2023, this act requires that police officers responding to an alleged crime or fatality involving the use of a firearm complete a firearm incident report, whether or not an arrest is made. It requires law enforcement units to send these reports to the Department of Emergency Services and Public Protection (DESPP) commissioner and, in cases where an arrest was made, forward copies of them to the state's attorney for the appropriate judicial district. (By law, and under the act, a "firearm" is a sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, loaded or unloaded, from which a shot may be discharged (CGS § 53a-3).)

DESPP must create a form for these firearm incident reports by October 1, 2023, to establish accurate data on the extent and severity of firearm incidents in the state. Under the act, (1) each incident reported to the police counts as an offense and (2) a zero must be reported if no incidents occurred during the reporting periods. Starting by January 1, 2026, DESPP must

annually tabulate and compile data from these incident reports and report its findings to the governor and the Public Safety and Security Committee. The commissioner must also annually publish the compiled data in its statutorily required annual report on crime in Connecticut.

Additionally, the act establishes a nine-member task force to study police recruitment and retention in Connecticut, make recommendations, and report to the legislature by January 1, 2024.

EFFECTIVE DATE: July 1, 2023, except the task force provision is effective upon passage.

FIREARM INCIDENT REPORTS

Under the act, DESPP's form for these reports must include the following information:

1. the name of the person or people involved in the alleged crime or fatality;
2. the incident's location, time, and date;
3. the number and identification of any firearm involved;
4. whether the alleged crime was committed, or fatality caused, by someone with a prior conviction that prohibited him or her from legally possessing a firearm;
5. whether the alleged crime was committed with, or fatality caused by, an illegally possessed or unregistered firearm; and
6. any other data necessary for a complete analysis of the circumstances of firearm incidents in the state.

POLICE RECRUITMENT AND RETENTION TASK FORCE

Under the act, the task force is composed of the DESPP commissioner, or his designee, and eight appointees, one appointed by each of the top six legislative leaders and two appointed by the governor. Appointing authorities must make their initial appointments by July 26, 2023, and fill any vacancies. The legislative leaders' appointees may be legislators.

The House speaker and Senate president pro tempore must choose the task force's chairpersons from its members. The chairpersons must schedule and hold the first meeting by August 25, 2023.

The Public Safety and Security Committee's administrative staff serves as the task force's administrative staff. The task force terminates when it submits its report or January 1, 2024, whichever is later.

PA 23-73—HB 6653
Public Safety and Security Committee

AN ACT PERMITTING EMAIL NOTICES OF THE EXPIRATION OF CERTAIN FIREARM PERMITS AND CERTIFICATES AND SECURITY OFFICER LICENSES

SUMMARY: This act allows anyone holding a handgun permit or eligibility certificate, long gun eligibility certificate, or security officer license to opt to receive the expiration notices for these credentials by first class mail or email. It correspondingly authorizes the Department of Emergency Services and Public Protection (DESPP) to send these expiration notices and the related renewal forms by email. Prior law required DESPP to send these notices and forms by first class mail.

EFFECTIVE DATE: July 1, 2023

PA 23-81—sHB 6722
Public Safety and Security Committee

AN ACT CONCERNING POLICE ASSISTANCE AGREEMENTS AND REQUESTS FOR AID

SUMMARY: Existing law allows any municipality, with the approval of its chief executive officer (CEO) and, its governing body if required by charter or ordinance, to enter into an agreement with any other municipality or municipalities on requesting and supplying police assistance and reimbursing or receiving reimbursement for the same. This act establishes terms that these agreements must include if entered into, renewed, or amended on and after July 1, 2023. Specifically, they must (1) allow each municipality's police chief, or the chief's designee, to request and provide police assistance and (2) require those who do so to inform their municipality's CEO about the actions taken. The act's requirements also apply to the same agreements that municipalities may have with (1) CEOs at the state's public universities and colleges with special

police forces; (2) the State Capitol Police chief; (3) CEOs of towns, cities, or boroughs that solely use constables for police protection; and (4) CEOs of the Mashantucket Pequot and Mohegan tribes.

Regardless of a prior agreement, prior law had a process for a municipality to request police assistance from another municipality and for the responding municipality to be reimbursed for its aid. The act makes several changes to this process, including authorizing the municipality's police chief to make the request instead of its CEO, narrowing the circumstances when a request may be made, decreasing the amount of time assistance may be provided, and generally transferring responsibility for costs incurred from the requesting municipality to the one supplying the assistance.

By law and under the act, any police officer who provides police assistance by agreement or request has the same powers, duties, privileges, and immunities as the police officers of the municipality requesting assistance.

EFFECTIVE DATE: July 1, 2023

POLICE ASSISTANCE REQUESTS

Prior law allowed a municipality's CEO, or the CEO's designee, to request police assistance from another municipality whenever he or she determined it was needed to protect the requesting municipality's safety or well-being. The CEO of the municipality receiving the request, or its police chief or board of police commissioners (or other CEO-approved duly constituted authority), could, regardless of any state or local law, reassign as many of its municipal police officers to the requester's commanding officer as he or she deemed consistent with the municipality's safety and well-being. Unless waived in writing by the CEO of the municipality supplying assistance, the requesting municipality had to reimburse the other for all expenditures incurred, including payments for death, disability, or injury of employees and losses or damages to supplies or equipment incurred in providing the assistance.

The act instead allows a municipality's police chief, or the chief's designee, to request police assistance from another municipality for a period up to 24 hours when needed to respond to an emergency situation. The police chief of the municipality receiving the request, or the chief's designee, may, regardless of any state or local law or prior assistance agreement, reassign as many of its municipal police officers to the requester's commanding officer as he or she deems consistent with the municipality's safety and well-being. This police chief or his or her designee must notify the municipality's CEO about the request received and any assistance provided.

Unless otherwise provided in a written agreement between the two police chiefs or their designees, the act requires that the municipality supplying the assistance bear the costs for all expenditures incurred in doing so (e.g., payments for death, disability, or injury of employees and losses or damages to supplies or equipment).

PA 23-85—sHB 6795
Public Safety and Security Committee

AN ACT MAKING TECHNICAL CORRECTIONS TO PUBLIC SAFETY STATUTES AND REPEALING AN OBSOLETE STATUTE

SUMMARY: This act changes the committee to which the veterans affairs commissioner must send his annual report on veterans benefits from the Public Safety and Security Committee to the Veterans' and Military Affairs Committee. It also makes technical changes and eliminates an obsolete statute on the suspension of Powerball ticket sales during certain emergencies.

EFFECTIVE DATE: October 1, 2023

PA 23-86—sHB 6840
Public Safety and Security Committee

AN ACT EXPANDING MEMBERSHIP OF THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL

SUMMARY: Beginning January 1, 2024, this act increases the membership of the Police Officer Standards and Training Council (POST) from 21 members to 23 by adding two new members, one appointed by the Public Safety and Security Committee chairs and one by the Senate and House minority leaders. The appointees must be sworn police officers who are not in command positions within their law enforcement units.

Police officers under the act are (1) sworn members of an organized local police department or the State Police; (2)

appointed constables who perform criminal law enforcement duties; (3) special police officers appointed under law (e.g., public assistance fraud investigators); or (4) any members of a law enforcement unit who perform police duties (CGS § 7-294a(9)). A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a(8)).

Under existing law, unchanged by the act, the other 21 council members are: 11 gubernatorial appointments, six legislative appointments, and four serving ex-officio (the Department of Emergency Services and Public Protection commissioner and FBI special agent-in-charge for Connecticut, or their designees, the chief state's attorney, and the Connecticut State Police Academy's commanding officer).

As under existing law, appointed members serve at the pleasure of their appointing authority for a term coterminous with their appointing authority (CGS § 4-1a). The law additionally deems a member to have resigned from POST if he or she misses three consecutive meetings or 50% of the meetings held during any calendar year.

EFFECTIVE DATE: January 1, 2024

PA 23-95—sSB 1022
Public Safety and Security Committee

AN ACT REQUIRING POLICE OFFICERS TO INFORM DRIVERS OF THE PURPOSE OF A TRAFFIC STOP

SUMMARY: The Alvin W. Penn Racial Profiling Prohibition Act requires police officers to record the statutory reason for stopping a vehicle for every stop (CGS § 54-1m). This act further requires them to verbally tell the vehicle's driver the purpose for the stop before it is completed. The traffic stop-related record-keeping requirement under existing law applies to police officers of municipal police departments, the Department of Emergency Services and Public Protection, and any other department authorized to conduct a traffic stop.

Police officers under the act are (1) sworn members of an organized local police department or the State Police; (2) appointed constables who perform criminal law enforcement duties; (3) special police officers appointed under law (e.g., public assistance fraud investigators); or (4) any members of a law enforcement unit who perform police duties (CGS § 7-294a (9)). A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a (8)).

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 23-9 makes several changes to the Alvin W. Penn Racial Profiling Prohibition Act including broadening its definition of "racial profiling" and specifying that police officers seeking to apprehend a specific suspect may take certain actions based on the description of the suspect's status (e.g., race or ethnicity) if used in combination with other information.

PA 23-104—SB 972
Public Safety and Security Committee

AN ACT CONCERNING CRISIS INTERVENTION TRAINING FOR POLICE OFFICERS AND COLLABORATION BETWEEN POLICE OFFICERS AND SOCIAL WORKERS

SUMMARY: Under existing law, each police basic or review training program conducted or administered by the Police Officer Standards and Training Council (POST), the State Police, or a municipal police department must include POST-developed curricula for police officers on interacting with people who (1) have mental or physical disabilities and (2) are deaf, hard of hearing, or deaf-blind. This act requires POST, by July 1, 2024, to add crisis intervention strategies to these curricula for police officers to use when interacting with people with mental illness in crisis.

The act also builds off social worker feasibility evaluations required under existing law. By January 31, 2021, the Department of Emergency Services and Public Protection and each municipal police department had to submit to POST an

evaluation of the feasibility and potential impact of social workers responding to calls for assistance (either remotely or in person) or joining a police officer on calls where a social worker's experience and training could provide help (PA 20-1, July Special Session, § 18). The act requires POST, by January 1, 2024, to (1) examine these evaluations and any programs and strategies used in Connecticut or other jurisdictions on police officer and social worker collaborations and (2) issue guidance to law enforcement units with recommendations on how police officers may collaborate with social workers.
EFFECTIVE DATE: July 1, 2023

PA 23-105—SB 968
Public Safety and Security Committee

AN ACT REQUIRING BACKGROUND CHECKS FOR RENEWAL OF A SECURITY OFFICER LICENSE

SUMMARY: By law, applicants for a security officer license must submit to a state and national criminal history records check. These are done through the State Police and applicants are fingerprinted and charged fees by the Department of Emergency Services and Public Protection (DESPP) and FBI for performing the checks (CGS § 29-17a).

This act requires licensed officers to also submit to these checks when renewing their licenses (i.e., every five years); however, for renewals it waives (1) the requirement that they submit fingerprints and (2) DESPP's fee for conducting the state criminal history records check (i.e., $75 (CGS § 29-11(c))). It also makes technical changes.
EFFECTIVE DATE: July 1, 2023

BACKGROUND

Related Act

PA 23-73, § 4, allows for DESPP to send expiration notices and renewal applications by email for security officer licenses, instead of only by first class mail as prior law required.

PA 23-112—SB 1036
Public Safety and Security Committee
Appropriations Committee

AN ACT ESTABLISHING A GREATER HARTFORD REGIONAL LAW ENFORCEMENT TASK FORCE TO COMBAT ILLEGAL ROADWAY TRAFFIC ACTIVITY

SUMMARY: This act requires the Department of Emergency Services and Public Protection (DESPP) commissioner to establish a regional task force to combat illegal traffic activities in the Greater Hartford area committed by organized groups riding motor vehicles, motorcycles, all-terrain vehicles, and other vehicles. Under the act, this Greater Hartford Regional Law Enforcement Task Force to Combat Illegal Roadway Traffic Activity comprises state and local law enforcement officers in the Greater Hartford area.

The task force may ask for and receive from any federal, state, or local agency cooperation and help, including temporarily assigning any necessary personnel. The DESPP commissioner may also, within available appropriations, appoint a commanding officer and other personnel that he finds necessary.
EFFECTIVE DATE: July 1, 2023

PA 23-130—sHB 6839
Public Safety and Security Committee

AN ACT CONCERNING TEMPORARY STATE PERMITS TO CARRY A PISTOL OR REVOLVER ISSUED BY TRIBAL POLICE DEPARTMENTS

SUMMARY: PA 22-102 authorized the chief executive officer (CEO) of any municipality (i.e., town, city, consolidated town and city, borough, or consolidated town and borough) without a police chief to perform various firearms permitting

and administrative functions or designate the resident state trooper or relevant state police officer to do so. (Prior to PA 22-102, only a town's first selectman or borough's warden could perform these functions.) This act (PA 23-130) defines a municipal CEO for these purposes as the (1) first selectman; (2) chief administrative officer appointed by the board of selectmen or mayor; (3) mayor; (4) borough warden; or (5) appointed town, city, or borough manager (CGS § 7-193).

Under PA 22-102, the police chiefs of the federally recognized Native American tribes with law enforcement units in the state (i.e., the Mohegan and Mashantucket Pequot police chiefs) may issue temporary state handgun permits under the statutory permit approval process to applicants who are bona fide permanent residents of tribal reservations in the state. PA 23-130 makes numerous conforming changes throughout the firearm permitting statutes to extend the statutory permit approval process to these police chiefs, including provisions on the following:

1. supplying permit application forms and notifying applicants about their permit's approval or denial within specified timeframes;
2. requiring applicants to submit to fingerprinting, positive identification procedures, and state and national criminal history records checks;
3. denying permits if they have reason to believe that (a) the applicant has ever been convicted of a felony or (b) any other condition exists for which state or federal law prohibits issuing a handgun permit;
4. retaining a portion of the handgun permit fee and forwarding sufficient funds to the Department of Emergency Services and Public Protection (DESPP) commissioner to pay for the national criminal history check;
5. receiving notifications from the DESPP commissioner (a) about reasons that would prohibit applicants from possessing a handgun or (b) that an applicant is ineligible for a long gun; and
6. receiving copies of receipts for handgun and long gun sales and transfers.

The act also repeals a provision allowing the handgun permit issuing authority to forgo taking an applicant's fingerprints if (1) they determine that the applicant's fingerprints were already taken and (2) the applicant presents identification that they determine is valid.

Lastly, the act makes technical changes.

EFFECTIVE DATE: July 1, 2023

PA 23-146—sSB 1162
Public Safety and Security Committee
Appropriations Committee

AN ACT REQUIRING COMMUNITY ROUNDTABLES

SUMMARY: This act requires, by October 1, 2023, and on a quarterly basis afterward, each municipal law enforcement unit to hold a public meeting with stakeholders who also serve the municipality to work towards reducing gun violence and crime. Under the act, units may decide to hold meetings more often than quarterly or not at all if a unit's chief, the municipality's chief executive officer, and the municipality's civilian police review board, if any, agree a meeting is unnecessary.

For stakeholder meetings, a municipal law enforcement unit must invite at least one prosecutor who serves in the judicial district that includes the municipality and representatives from (1) social services and mental health agencies and organizations serving the municipality, (2) organizations combatting gun violence in the municipality, and (3) the judicial branch.

Under the act, the meetings must seek to do the following:

1. encourage data collection and information sharing among meeting participants,
2. improve the law enforcement unit's responsiveness and accountability to municipal residents, and
3. develop partnerships and coordinated strategies among participants and improve the responsiveness and provision of services by participants towards reducing gun violence and crime in the municipality.

EFFECTIVE DATE: Upon passage

PA 23-164—sHB 6580
Public Safety and Security Committee

AN ACT REVISING REQUIREMENTS FOR THE AFFIDAVIT RELATED TO SMOKE AND CARBON MONOXIDE DETECTORS IN RESIDENTIAL BUILDINGS

SUMMARY: This act makes several changes to the smoke and carbon monoxide detector disclosure law for residential buildings.

Under prior law, the transferor (e.g., seller) of a one- or two-family residence had to generally give the transferee (e.g., buyer) an affidavit certifying certain conditions about the detectors or credit the transferee with $250 at the closing. The act eliminates the credit option and extends the affidavit requirement to all transfers of units in residential common interest communities. (The law previously applied to common interest community residential units located in single-family buildings and duplexes; the act's extension presumably applies to units in buildings designed to be occupied by more than two families.)

The act changes when the affidavit must be given and its contents, such as the details about the condition of the residence's detectors. It also expands the exemptions from the law's requirements by exempting transfers of property acquired by a judgment of strict foreclosure or by foreclosure by sale.

Additionally, the act requires the State Fire Marshal's Office to create a (1) model form that may be used for the affidavit and (2) guide outlining smoke detector requirements to help transferors complete the affidavit. The office must consult with an association representing fire marshals' interests for the model form and guide, as well as with a bar association and an association representing realtors' interests for the model form.
EFFECTIVE DATE: October 1, 2023

AFFIDAVIT CHANGES

Under prior law, the affidavit had to be given before transferring title and certify that the residence:

1. has smoke detection and warning equipment (i.e., smoke detectors) that satisfy specified conditions in the law, the Fire Safety Code, the State Fire Prevention Code, and the State Building Code and
2. either (a) has carbon monoxide detection and warning equipment (i.e., carbon monoxide detectors) that satisfy the law's conditions or (b) does not pose a risk of carbon monoxide poisoning because it does not have a fuel-burning appliance, fireplace, or attached garage.

The act instead requires it to be (1) given at the time of the transaction's closing and (2) signed and dated by the transferor. It also requires the transferor to state, rather than certify, that the equipment satisfies the law's conditions, except the act changes several of them, eliminating the requirement that the smoke detectors satisfy the above fire and building codes, and requiring specific disclosures about any smoke detectors (see below). By law, nothing in the affidavit constitutes a warranty beyond the transfer of title.

SMOKE DETECTOR CONDITIONS

Under prior law, the residence's smoke detectors had to be:

1. able to sense visible or invisible smoke particles;
2. installed following the manufacturer's instructions and in the immediate vicinity of each bedroom;
3. able to give an alarm suitable to warn occupants when activated;
4. powered by the household electrical service, unless the residence was issued a new occupancy building permit before October 1, 1976 (in which case, it may have battery-operated detectors);
5. for residences issued a new occupancy building permit on or after October 16, 1989, interconnected so that activating one smoke detector alarm causes all the alarms for all detectors to activate; and
6. for residences issued a new occupancy building permit on or after May 1, 1999, in all sleeping areas.

The act eliminates most of these required conditions. Under the act, the residence's smoke detectors must be installed in or in the immediate vicinity of each bedroom and produce an audible alarm when the equipment's test button is depressed.

SMOKE DETECTOR DISCLOSURES

Under the act, the required affidavits must specify, if applicable and to the best of the transferor's knowledge, whether the smoke detectors:

1. are battery powered or powered by the household electrical service;

2. are in or in the immediate vicinity of each bedroom;
3. are interconnected in a way that the alarm activation on any detector in the residence or unit causes the alarms on all the residence's or unit's detectors to activate; and
4. have the following statement: "State law requires that all properties have operable smoke and carbon monoxide detection and warning equipment. This law is to save lives—your life, and the lives of your family members and your pets—as well as to protect your property.".

However, for any residence or unit built before January 1, 1990, the act allows a transferor to specify on the affidavit that the conditions about interconnectivity are not applicable to the residence or unit.

CARBON MONOXIDE DETECTOR CONDITIONS

Under prior law, the carbon monoxide detectors had to be able to (1) sense the amount of carbon monoxide present in parts per million and (2) give an alarm suitable to warn occupants when activated. Prior law also required them to be installed according to the manufacturer's instructions. The act instead requires them to produce an audible alarm when the detectors' test buttons are depressed. By law, unchanged by the act, the detectors may be battery-operated.

EXEMPTIONS

Existing law exempts transferors from the affidavit requirements during the following transfers:

1. from one co-owner to another;
2. to the transferor's spouse, parent, sibling, child, grandparent, or grandchild where no consideration is paid;
3. under a court order or by executors, administrators, trustees, or conservators;
4. by the federal government or any of its political subdivisions;
5. by deed in lieu of foreclosure;
6. involving refinancing of an existing mortgage debt; or
7. by mortgage deed or other instrument to secure a debt where the transferor's title to the property is subject to a preexisting mortgage debt.

The act additionally exempts properties transferred through a judgment of strict foreclosure or by foreclosure by sale.

PA 23-193—sSB 969
Public Safety and Security Committee

AN ACT CONCERNING VERIFICATION OF THE RESIDENTIAL ADDRESS OF A REGISTERED SEX OFFENDER

SUMMARY: By law, the Department of Emergency Services and Public Protection generally must verify each registered sex offender's residential address every 90 days after his or her initial registration by mailing a verification form to his or her last reported address. This act allows registrants to return the form by fax or email, in addition to by mail as the law allows. By law, they must return the form within 10 days after the date it was mailed to them.

The act also requires the local police department or state police troop in whose jurisdiction the registrant resides to verify a registrant's residential address in person every 90 days if he or she resides at an address where there is no residential mail delivery. It also makes technical changes.

EFFECTIVE DATE: October 1, 2023

PA 23-40—sSB 994
Transportation Committee
Judiciary Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF MOTOR VEHICLES, STUDYING AN EMERGENCY CONTACT INFORMATION DATABASE OR REVISIONS TO MOTOR VEHICLE RECORDS AND CONCERNING THE SAFETY DRIVING COURSE, MOTOR VEHICLE DEALERS AND REPAIRERS, MOTOR VEHICLE SAFETY RECALLS, THE KNOWLEDGE TEST FOR AN OPERATOR'S LICENSE, RECIPROCAL RECOGNITION OF DRIVER TRAINING REQUIREMENTS, TRESPASS ON WATERSHED LAND, EMERGENCY LIGHTS, REMOVABLE WINDSHIELD PLACARDS, SCHOOL BUSES, REGISTRATION CERTIFICATES AND MINOR REVISIONS TO MOTOR VEHICLE STATUTES

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Eliminates the fee for duplicate registration certificates provided online, conforming to existing agency practice

§§ 41 & 42 — TECHNICAL CHANGES

Makes two technical corrections

SUMMARY: This act makes several changes in the motor vehicle statutes, including the following:

1. delays the date by which the Department of Motor Vehicles (DMV) must begin checking the federal Drug and Alcohol Clearinghouse before processing commercial driver's license (CDL) transactions;
2. eliminates the separate license for limited repairers, instead requiring these businesses to get repairer's licenses;
3. creates an Accessible Parking Advisory Council and charges it with developing a strategy to deter, detect, and prevent fraud and misuse related to issuing and using placards, among other things;
4. requires the knowledge test for a class D license to be offered in 26 additional languages;
5. requires repairers, certain businesses, and emissions inspectors to check whether a vehicle is subject to an open safety recall when they provide services for the vehicle and give the vehicle owner written notice about the recall;
6. allows the court to cancel the fine for a first-time violator of the state's car seat law if he or she shows proof of getting an appropriate car seat; and
7. requires DMV to study establishing and maintaining an emergency contacts database or modifying the driver record to include this information.

EFFECTIVE DATE: Various, see below.

§ 1 — DRUG AND ALCOHOL CLEARINGHOUSE CHECKS

Delays the deadline for DMV to begin requesting a commercial driver's record from the Drug and Alcohol Clearinghouse and makes other related changes conforming with federal law

The act makes several changes related to the Drug and Alcohol Clearinghouse to conform to federal law. The clearinghouse is an online database maintained by the Federal Motor Carrier Safety Administration (FMCSA) that gives employers and government agencies access to information about CDL and commercial learner's permit (CLP) holders' drug and alcohol program violations (e.g., positive drug or alcohol test results and test refusals).

The act delays, from January 6, 2023, to November 18, 2024, the start date for DMV to begin complying with FMCSA regulations requiring state licensing agencies to request a driver's record from the Drug and Alcohol Clearinghouse anytime the driver applies for, renews, transfers, or upgrades a CDL. The delay conforms to FMCSA's extended compliance date (86 Fed. Reg. 55718).

The act also requires DMV to request records from the clearinghouse when a driver applies for, renews, transfers, or upgrades a CLP and incorporates provisions from federal law on the actions the commissioner must take when he receives information from the clearinghouse that a CDL or CLP holder or applicant is prohibited from operating a commercial vehicle. Specifically, the commissioner must refuse to issue, renew, or upgrade the CDL or CLP, downgrade the CDL to a class D license, or cancel the CLP, as applicable. Anyone subject to these actions must be given opportunity for a hearing under the Uniform Administrative Procedure Act.

EFFECTIVE DATE: Upon passage

§§ 2-5 & 7-13 — LIMITED REPAIRER LICENSE ELIMINATION

Beginning January 1, 2024, eliminates the separate license for limited repairers, instead requiring these businesses to get repairer's licenses; requires previously issued licenses to remain valid until they expire; requires DMV to notify licensed limited repairers of these changes

Prior law required businesses seeking to repair motor vehicles to obtain either a repairer's or limited repairer's license, depending on the type of work performed. It generally defined "limited repairer" as anyone in the business of making minor repairs to motor vehicles, including cooling, electrical, fuel, and exhaust system repairs or replacements; brake adjustments, relining, and repairs; wheel alignment and balancing; and shock absorber repair and replacement.

Beginning January 1, 2024, the act eliminates the separate license for limited repairers, instead requiring that people engaging in the above listed activities have a repairer's license. It correspondingly expands the definition of "repairer" to

explicitly include any person or business making the minor motor vehicle repairs described above. The act specifies that all valid limited repairer licenses issued before that date (1) remain valid, according to their terms, until they expire and (2) authorize the businesses to continue their business of making minor repairs. By July 12, 2023, DMV must notify, in writing, each licensed limited repairer (1) that the limited repairer's license will not be renewed as of January 1, 2024, and (2) how to get a repairer's license.

By law, unchanged by the act, applicants for a repairer license must provide a $25,000 surety bond. Prior law required applicants for a limited repairer license to provide a $10,000 surety bond.

By law, unchanged by the act, lubricating motor vehicles, adding or changing oil or other fluids, changing tires and tubes (including wheel balancing), or installing batteries, light bulbs, windshield wiper blades, or drive belts is not considered repairing motor vehicles and does not require a license.

EFFECTIVE DATE: January 1, 2024, except that the provision requiring DMV to notify limited repairers is effective upon passage.

§ 6 — DEALER AND REPAIRER PLATES

Allows the DMV commissioner to issue dealer and repairer plates at his discretion, rather than based on the dealers' and repairers' sales transactions and annual limits

Under existing law, rather than requiring car dealers and repairers to register each vehicle they own or temporarily possess, DMV issues them a general distinguishing number and mark and registration certificates and license plates containing the general mark (i.e., dealer and repairer plates).

The act allows the DMV commissioner to issue these registrations to dealers and repairers as he deems necessary. Prior law generally limited new car dealers to one registration per year for every 10 sales transactions and used car dealers, repairers, and limited repairers to three registrations per year, but allowed them to apply for additional registrations, which the DMV commissioner could issue as he deemed necessary.

EFFECTIVE DATE: January 1, 2024

§ 14 — DRIVING SCHOOL LICENSEE RENEWALS

Specifically requires driving school licensees to be fingerprinted and undergo background checks when renewing their license

The act specifically requires that driving school licensees be fingerprinted and undergo a state and national criminal records check and a review of the state child abuse and neglect registry when renewing their license, in addition to when they initially apply as existing law requires.

EFFECTIVE DATE: July 1, 2023

§ 15 — CAR SEAT VIOLATION FINE CANCELLATION

Allows the court to waive the fine on a first-time violator of the state's car seat law if the person shows proof of getting an appropriate car seat for the child he or she transports

Existing law requires people transporting children to secure them as the law requires (e.g., in a car seat or booster seat) and makes a first violation an infraction.

The act allows the court, within 14 days after the violation but before imposing the fine, to waive the fine for a first-time violator if he or she shows proof of acquiring, renting, or buying a car seat or booster seat appropriate for the age and weight of the child he or she transports.

Existing law, unchanged by the act, requires the DMV commissioner to require first- and second-time violators to attend a car seat safety course.

EFFECTIVE DATE: October 1, 2023

§§ 16-18 & 20-22 — PENALTIES FOR CRIMES AND VIOLATIONS RELATED TO DRIVER'S LICENSES, REGISTRATIONS, AND LICENSE PLATES

Increases the penalty for selling a state-issued driver's license to a class D misdemeanor; lowers, to an infraction, the penalty for using someone else's driver's license or using a registration on a vehicle other than the one for which it was issued; increases the maximum fine for certain other violations by classifying them as class D misdemeanors

The act makes changes to penalties for the unlawful use or transfer or counterfeiting of license plates, registrations, and driver's licenses.

It increases the maximum penalty for selling a DMV-issued driver's license by making it a class D misdemeanor (see Table on Penalties). Previously, it was punishable by a fine of up to $100.

The act also lowers the maximum penalties for (1) using a registration or driver's license that was issued to someone else or (2) using a registration on a vehicle other than the one for which the registration was issued. Under prior law, violators faced a fine of up to $500, up to 30 days in prison, or both. Under the act, a violation is an infraction.

Under prior law, certain violations related to counterfeiting or altering a credential were punishable by a fine of up to $200, up to 30 days in prison, or both. The act classifies these violations as class D misdemeanors. The specific counterfeiting or altering offenses are:

1. counterfeiting a license plate or making any substitute or temporary marker;
2. counterfeiting or altering a driver's license or registration; and
3. giving, loaning, or selling an altered or counterfeit license plate, marker, registration, or driver's license.

Lastly, the act makes a minor change classifying the following violations as infractions, conforming to current practice: (1) illegally selling or loaning a DMV-issued license plate, marker, or registration and (2) loaning a DMV-issued license for use by another person. The act also makes numerous technical and conforming changes (§§ 17-18 & 20-22). As under existing law, a person convicted of loaning or selling a DMV-issued driver's license, license plate, marker, or registration is subject to license suspension of at least 90 days for a first violation and at least five years for a second violation.

EFFECTIVE DATE: October 1, 2023

§ 19 — EMERGENCY CONTACT STUDY

Requires DMV and DESPP to study and report to the legislature on the feasibility of establishing and maintaining an emergency contact information database or revising motor vehicle records to add emergency contact information

The act requires the DMV and Department of Emergency Services and Public Protection (DESPP) commissioners to study the feasibility of establishing and maintaining an emergency contact information database or, alternatively, revising motor vehicle records to add emergency contact information. The database or revised motor vehicle record must do the following:

1. give a Connecticut driver's license, instruction permit, or identity card holder the opportunity to provide and update information (name, address, phone number, and relationship) for at least one contact person who the holder wants notified if he or she dies, is seriously injured, or is rendered unconscious and unable to communicate with the contact person and
2. be accessible to police officers to notify the contact person if the holder is involved in a motor vehicle accident or an emergency situation.

The commissioners must submit the study's results and recommendations on implementing a database or revised motor vehicle records, to the Transportation, Public Safety and Security, and Appropriations committees by February 1, 2024.

EFFECTIVE DATE: Upon passage

§ 23 — DEALER ELECTRONIC REGISTRATION FILING

Extends the electronic registration filing requirement to dealers that file an average of five, rather than seven, applications per month

The act potentially increases the number of car dealers who must file applications for permanent vehicle registrations electronically. It does so by extending the electronic filing requirement to dealers who file, on average, at least five applications monthly, rather than at least seven, as under prior law.

Existing law, unchanged by the act, allows dealers to request an exemption from electronic filing due to hardship (e.g., lacking access to a device capable of communicating electronically).

EFFECTIVE DATE: July 1, 2023

§§ 24-26 — NOTICE OF SAFETY RECALLS

Requires repairers, certain businesses, and emissions inspectors to check whether a vehicle is subject to an open safety recall when they provide services for the vehicle and give the vehicle owner written notice about the recall

The act requires the following people to determine whether a motor vehicle is subject to an open recall:

1. a licensed repairer or a person, firm, or corporation engaged in the business of changing a vehicle's oil or tires and tubes, when performing repair work or changing the oil or tires and tubes of a vehicle, and
2. an authorized emissions inspector when doing an inspection.

The repairer, business, or inspector must do so by checking information provided by the manufacturer or another known and readily available source, such as the National Highway Traffic Safety Administration. If the vehicle is subject to one or more open recalls, the repairer, business, or inspector must give the vehicle owner written notice, including a description of each recall and a statement that it may be repaired or modified by a manufacturer-approved dealer at no cost to the owner, unless federal law provides a different remedy.

The act specifies that it does not alter the liability under common law of any motor vehicle manufacturer or dealer approved by the manufacturer to repair or modify a vehicle subject to an open recall. Repairers, businesses, independent contractor-inspectors, and their employees are not liable for any act or omission related to the act's notice requirements.

Under the act, an "open recall" is a safety-related recall for which a manufacturer has provided notice under federal law and that requires an authorized dealer to repair or modify a vehicle. It does not include a recall (1) related to defects or noncompliance with labeling or notice requirements in an owner's manual or (2) where the remedy is for the manufacturer to buy back the vehicle or otherwise give financial compensation to the vehicle owner.

EFFECTIVE DATE: October 1, 2023

§ 27 — CANNABIS EDUCATION IN EIGHT-HOUR SAFE DRIVING COURSE

Specifically requires that cannabis be covered in the eight-hour safe driving practices course for youth instruction permit holders and requires that the course include a video presentation specific to cannabis's impact on drivers

By law, adult and youth instruction permit holders must complete an eight-hour safe driving practices course before getting a driver's license. The course must include at least four hours on (1) the nature and the medical, biological, and physiological effects of alcohol and drugs; (2) how they impact a driver; (3) the dangers associated with driving after consuming alcohol or drugs; (4) the problems of alcohol and drug abuse; and (5) the penalties for alcohol and drug-related motor vehicle violations.

For youth instruction permit holders, the act (1) specifically requires that the drugs covered include cannabis and (2) requires that the course include a video presentation specific to cannabis's impact on drivers and how ingesting cannabis can impair motor function, reaction time, perception, and peripheral vision.

EFFECTIVE DATE: October 1, 2023

§§ 27 & 28 — KNOWLEDGE TEST LANGUAGES

Requires the knowledge test for a class D license to be administered in at least 26 additional languages that the DMV commissioner, in consultation with specified groups, determines are responsive to the state's emerging immigrant and refugee populations; requires the commissioner to report certain information on these tests to the legislature

Language Requirements

By law, the class D driver's license knowledge test must be offered in English, Spanish, and any language spoken at home by at least 1% of the state's population, based on the most recent U.S. decennial census. Under prior law, the test could be administered in the form the commissioner deemed appropriate, including audio, electronic, or written testing. The act instead requires that the test be offered in electronic and audio format and any other format the commissioner deems appropriate, conforming to agency practice.

The act additionally requires that the test be administered, electronically or in writing, in at least 26 other languages that the DMV commissioner determines are responsive to the language needs of the state's emerging immigrant and refugee populations. In making this determination, the commissioner must consult with organizations advocating for or assisting

immigrants, refugees, or other English language learners. Knowledge tests offered in these other languages must be reviewed by a fluent speaker and may also be offered in audio format as the commissioner deems appropriate.

By law, unchanged by the act, the commissioner must require a driver's license applicant to have sufficient understanding of English to interpret traffic control signs.

Report

By February 1, 2024, the DMV commissioner must report to the Transportation Committee on administering the knowledge test in different languages. The report must do the following:

1. identify the languages that the commissioner determined were responsive to the linguistic needs of the emerging immigrant and refugee populations;
2. state the number of requests the department received for a test in a specific language from April 1, 2023, to January 1, 2024; and
3. recommend which languages, if any, should be administered in electronic or audio format and the level of funding the department needs to do so.

EFFECTIVE DATE: October 1, 2023, except the report provision is effective upon passage.

§ 29 — DRIVER TRAINING RECIPROCITY WITH TAIWAN

Requires the DMV commissioner to give the Transportation Committee a status report about a reciprocal agreement with Taiwan for recognizing driver training requirements

By February 1, 2024, the act requires the DMV commissioner to submit a status report to the Transportation Committee about a reciprocal agreement with Taiwan for recognizing driver training requirements.

EFFECTIVE DATE: Upon passage

§ 30 — DEALER AND REPAIRER CERTIFICATES OF APPROVAL

Transfers authority to issue motor vehicle dealer and repairer certificates of approval from a municipality's zoning board of appeals to its zoning enforcement official

With limited exceptions, the law requires a business applying to the DMV for a motor vehicle dealer's or repairer's license to submit a certificate of approval from the municipality where the business intends to locate. (These certificates indicate the municipality has determined the location is suitable and has been approved by the local building official and fire marshal.) The act transfers authority to issue certificates of approval from the municipality's zoning board of appeals (or if the municipality does not have one, the entity designated by local law) to its zoning enforcement official.

Under the act, the zoning enforcement official must determine whether the proposed location and use complies with the municipality's zoning regulations. Prior law specified no criteria for the zoning board of appeals, or other designated municipal entity, to consider when reviewing these applications (see *Background — Certificate of Approval Suitability Criteria*).

By law, unchanged by the act, individuals aggrieved by decisions on certificates of approval may appeal to the Superior Court after exhausting all administrative remedies (CGS §§ 14-57 & 4-183).

EFFECTIVE DATE: July 1, 2023

Background — Certificate of Approval Suitability Criteria

Prior to 2003, state law required specific suitability criteria to be considered when reviewing certificate of approval applications. These criteria included, among other things, the proposed location's relation to schools, churches, and traffic conditions, and its effect on public traffic (CGS § 14-55, repealed by PA 03-184; see also *One Elmcroft, LLC* v. *Stamford Zoning Board of Appeals*, 337 Conn. 806 (2021)).

§ 31 — SIMPLE TRESPASS ON WATERSHED LAND

Establishes a separate, specific infraction for simple trespass of public water supply watershed land that is owned, controlled, or managed by a water company

By law, a person is guilty of simple trespass when, knowing that he or she is not authorized to do so, he or she enters or remains on any premises without intent to harm it (CGS §53a-110a). Simple trespass is an infraction (see Table on Penalties) subject to a $50 fine plus surcharges.

The act establishes a separate, specific violation for simple trespass of public water supply watershed land that is owned, controlled, or managed by a "water company" (i.e., an individual, municipality, or other entity that owns, maintains, operates, manages, controls, or employs any pond, lake, reservoir, well, stream, or distribution plant or system that supplies water to two or more consumers or at least 25 people on a regular basis). Under the act, a person is guilty of this violation when, knowing that he or she is not authorized to, he or she enters or remains on the land without lawful authority or the water company's consent. Violators commit an infraction and are subject to a $90 fine.

EFFECTIVE DATE: October 1, 2023

§ 32 — "MOVE OVER" LAW EXPANSION

Requires drivers, when approaching a stationary or slow-moving emergency vehicle on a two-lane road, to slow down until they have safely passed the vehicle; extends the existing enhanced penalties for violations causing an emergency vehicle driver's injury or death to include violations causing an emergency vehicle occupant's death or injury

The state's "move over" law requires drivers, when approaching slow or stationary emergency vehicles in the shoulder, lane, or breakdown lane, to (1) immediately slow down to a speed reasonably below the speed limit and (2) if traveling in the lane adjacent to the shoulder or lane with the emergency vehicle, move over one lane unless it would be unsafe to do so.

Previously, the move over law applied only on public roads with at least two travel lanes going in the same direction. The act extends the law to two-lane roads (i.e., those with two lanes of undivided traffic proceeding in opposite directions), requiring drivers approaching an emergency vehicle that is stationary or moving slowly in the shoulder, lane, or breakdown lane to immediately slow down to a reasonable speed below the speed limit until they are safely clear of the emergency vehicle.

By law, violations of the "move over" law are generally infractions (see Table on Penalties). However, violators are subject to higher fines if the violation results in an emergency vehicle driver's injury (up to $2,500) or death (up to $10,000). The act additionally applies these enhanced penalties to violations that result in the death or injury of an emergency vehicle occupant.

EFFECTIVE DATE: October 1, 2023

§§ 33 & 34 — ACCESSIBLE PARKING PERMIT

Requires placards used by people with certain disabilities or blindness to bear the words "Accessibility Parking Permit" and prohibits them from bearing the words "parking permit for persons with disabilities"

The act requires placards used by people with certain disabilities or blindness to bear the words "Accessibility Parking Permit" and, beginning October 1, 2023, prohibits any issued placard from bearing the words "parking permit for persons with disabilities." However, under the act, any otherwise valid placard issued before this date is valid until it expires.

EFFECTIVE DATE: October 1, 2023

§ 35 — DEATH REGISTRY CHECKS

Requires the DMV commissioner to check the Department of Public Health's state death registry at least monthly, rather than periodically, conforming to existing DMV practice

The act requires the DMV commissioner to check the Department of Public Health's state death registry at least monthly, rather than periodically as prior law required, and cancel placards issued to deceased people identified in the registry. This change conforms to existing DMV practice.

EFFECTIVE DATE: October 1, 2023

§ 36 — ACCESSIBLE PARKING ADVISORY COUNCIL

Creates an Accessible Parking Advisory Council and charges it with developing a strategy to deter, detect, and prevent fraud and misuse related to windshield placards for people with disabilities, among other things

The act creates an Accessible Parking Advisory Council within DMV for administrative purposes only and tasks the council with the following:

1. developing a strategy to deter, detect, and prevent fraud and misuse related to issuing and using placards;
2. reviewing other states' laws on placard use and issuance;
3. recommending best practices for policies and regulations on placard application, issuance, and use and enforcement of them through fines;
4. identifying and making recommendations on streetscape issues that interfere with the ability of a person with disabilities or blindness to access accessible parking;
5. making educational material available to medical professionals, police officers, and the public on the proper issuance and use of placards; and
6. reviewing the status of lifetime placards (which were issued before January 1, 2010).

Membership and Governance

Under the act, the council consists of nine specified members (see table below) and any other members the council decides to include. Initial appointments must be made by September 1, 2023. Appointed members serve two year terms but may continue serving after the term expires until a successor is appointed. Vacancies must be filled by the appointing authority.

Advisory Council Membership

Description	*Appointing Authority*
DMV commissioner or designee	N/A
Department of Aging and Disability Services (ADS) commissioner or designee	N/A
Two licensed physicians, physician assistants, or advanced practice registered nurses who certify placard applications in the course of their employment	DMV commissioner
Representative of an advocacy organization for people with physical disabilities	ADS commissioner
Municipal planner	Transportation Committee House chairperson
Two accessible parking users or advocates	Transportation Committee Senate chairperson and House ranking member (one each)
Municipal police officer	Transportation Committee Senate ranking member

The DMV commissioner, or his designee, serves as the council's chairperson. The council must meet as it determines is necessary and may make rules governing its internal procedures.

Reporting

Starting in 2025, the act requires the council to annually report to the Transportation Committee by January 1 on the strategy it developed, its findings, and any legislative recommendations.
EFFECTIVE DATE: Upon passage

§ 37 — GPS USE ON SCHOOL BUSES

Allows school bus drivers to use certain DMV-approved mobile electronic devices for navigation

The act creates an exception to the distracted driving law for school bus drivers using certain mobile devices for navigation. Prior law generally prohibited school bus drivers from using any mobile electronic device, including hands-free devices, except in an emergency. By law, a "mobile electronic device" is any handheld or portable electronic equipment that can provide data communication between two or more people, but excludes certain devices installed in a motor vehicle (e.g., navigation devices).

Under the act, drivers may use a mobile electronic device with a video display if it is (1) used as a global positioning system (GPS) or for navigation, (2) securely attached inside the school bus near the driver, and (3) approved by DMV.
EFFECTIVE DATE: July 1, 2023

§ 38 — SCHOOL BUS DRIVER ROAD TESTS

Requires DMV to prioritize scheduling road tests for people seeking or renewing a public passenger endorsement to drive a school bus

The act requires DMV to prioritize scheduling road tests for people seeking or renewing a public passenger endorsement to drive a school bus.
EFFECTIVE DATE: July 1, 2023

§ 39 — SCHOOL BUS DRIVER SHORTAGE STUDY

Requires the DMV commissioner to study and make recommendations on policies or initiatives to respond to the nationwide school bus driver shortage

The act requires the DMV commissioner to study and make recommendations on policies or initiatives to respond to the nationwide school bus driver shortage. The study must at least consider increasing CDL validity from four to five years and streamlining the licensing and renewal processes for a public passenger endorsement to operate a school bus. The commissioner must submit the study's results and recommendations to the Transportation Committee by February 1, 2024.
EFFECTIVE DATE: Upon passage

§ 40 — DUPLICATE REGISTRATION FEE

Eliminates the fee for duplicate registration certificates provided online, conforming to existing agency practice

The act limits the application of the $20 fee for a duplicate registration certificate to those provided at a DMV office or by a contractor. In doing so, it eliminates the fee for duplicate certificates provided online, conforming to existing agency practice.
EFFECTIVE DATE: Upon passage

§§ 41 & 42 — TECHNICAL CHANGES

Makes two technical corrections

The act makes two technical changes to correct statutes on (1) the Connecticut Hydrogen and Electric Automobile Purchase Rebate Advisory Board and (2) extensions of time for emissions compliance.
EFFECTIVE DATE: July 1, 2023

PA 23-51—HB 6746
Transportation Committee

AN ACT CONCERNING WRONG-WAY DRIVING DETECTION AND PREVENTION

SUMMARY: This act requires the Department of Transportation (DOT) to expand its efforts to implement wrong-way driving countermeasures. These efforts must include the following:

1. installing wrong-way driving detection and notification systems (i.e., systems capable of alerting drivers with flashing lights when they are going the wrong way and notifying law enforcement upon detecting a wrong-way driver) on at least 120 highway exit ramps that DOT determines are high-risk for wrong-way drivers;
2. establishing a pilot program at high-risk exit ramps that the department determines are appropriate for testing systems that also broadcast alerts about a wrong-way driver's presence on electronic highway message boards (i.e., "wrong-way driving detection, notification, and broadcasting systems"); and
3. giving a grant, from available resources for implementing wrong-way driving countermeasures, to UConn to test

and analyze the use of directional rumble strips to alert a driver through vibration and sound that he or she is driving the wrong way.

The act requires DOT, by January 1, 2025, to submit reports to the Transportation Committee on (1) the pilot program's results and recommendations for the broader use of wrong-way driving detection, notification, and broadcasting systems and (2) UConn's analysis results and recommendations on installing directional rumble strips.

Additionally, the act addresses wrong-way driving public awareness and education by requiring that information on ways to reduce wrong-way driving incidents and information on actions drivers should take when encountering a wrong-way driver be included in (1) a DOT public awareness campaign and (2) driver education program curriculum. The Department of Motor Vehicles must include this information in its regulations on driving school instructional standards.
EFFECTIVE DATE: October 1, 2023, except the pilot program and UConn grant provisions are effective upon passage.

BACKGROUND

Related Act

PA 23-205, §§ 40 & 46 authorizes $20 million in special tax obligation bonds in each of FYs 24 and 25 for DOT to purchase, install, and implement advanced wrong-way driving technology and other wrong-way driving countermeasures.

PA 23-116—sHB 5917
Transportation Committee
Appropriations Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE VISION ZERO COUNCIL

TABLE OF CONTENTS:

§ 9 — DOT FIVE-YEAR CAPITAL PLAN AND EQUITY PROPOSALS

Requires DOT, when developing its next five-year capital plan, to examine proposals from the Vision Zero Council's equity subcommittee and consider infrastructure that specifically protects vulnerable highway users

§§ 10-14 & 16-18 — AUTOMATED TRAFFIC ENFORCEMENT

Allows municipalities to use speed cameras and red light cameras pursuant to an ordinance meeting the act's requirements and a plan approved by DOT every three years; requires DOT to provide guidance to municipalities developing plans and selecting locations; includes provisions on public participation and notice, camera operation, fine revenue use, violation enforcement, and data privacy, among others

§ 15 — SEAT BELT PROMOTION

Requires DOT, in collaboration with specified agencies, to establish a program promoting seat belt use among vulnerable communities that are less likely to wear a seat belt

§ 19 — TECHNICAL CHANGE

Makes a technical change

SUMMARY: This act allows municipalities to authorize the use of speed and red light cameras in school zones, pedestrian safety zones, and other locations meeting specified criteria, subject to oversight by the Department of Transportation (DOT) and under various other conditions the act sets. It also enacts various other policies related to traffic safety.
EFFECTIVE DATE: Various, see below.

§ 1 — "IDAHO STOP" AND NO RIGHT TURN ON RED STUDY

Requires DOT to study (1) allowing a bicycle rider to treat a stop sign as a yield sign and red light as a stop sign (the "Idaho Stop") and (2) prohibiting right turns on red

Under the act, the DOT commissioner must study (1) allowing bicyclists to treat a stop sign as a yield sign and red light as a stop sign (known as the "Idaho Stop") and (2) prohibiting right turns at red lights. By February 1, 2024, the commissioner must report to the Transportation Committee on the study's results and recommend whether these changes to the law are advisable.
EFFECTIVE DATE: Upon passage

§ 2 — INTERSECTION CONTROL EVALUATION POLICY

Requires DOT to adopt and revise, as needed, an intersection control evaluation policy to use when evaluating new and existing intersections

Starting July 1, 2024, the act requires DOT to adopt, and revise as needed, an intersection control evaluation policy to use when it evaluates new intersection construction and modifications to existing intersections. The policy must (1) have a decision-making framework with specific, performance-based criteria to screen intersection alternatives and identify an optimal solution and (2) require consistent documentation of each intersection evaluation.
EFFECTIVE DATE: Upon passage

§ 3 — VISION ZERO PROGRAM DISTINCTION FOR SCHOOL PROGRAMS

Requires DOT to award an exemplary "Vision Zero" program distinction to local and regional boards of education offering programs to students in grades 6 to 12 about safe driving habits, pedestrian safety skills, and the mission of the Vision Zero Council

The act requires DOT, in consultation with the State Board of Education and Department of Motor Vehicles (DMV), to award an exemplary "Vision Zero" program distinction to local and regional boards of education offering programs that give students in grades 6 to 12 opportunities to learn about the importance of safe driving habits, pedestrian safety skills,

and the Vision Zero Council's mission (see BACKGROUND). These opportunities may include classes, extracurricular activities, presentations, symposiums, peer-to-peer education, parent involvement, and parenting education and outreach.

DOT must award this distinction upon a school board's request, which a board may submit to DOT with details about its program, when and how DOT prescribes. DOT must also put information about the distinction on its website.
EFFECTIVE DATE: Upon passage

§ 4 — SAFETY COURSE AFTER TRAFFIC VIOLATIONS

Allows prosecutorial officials to require people who contest infractions and certain violations to attend an approved driving safety course as a condition for resolving the ticket before a hearing

By law, people charged with motor vehicle infractions and specified violations that are processed by the Centralized Infractions Bureau may either (1) pay the fine and any additional fees, which is considered a plea of no contest (nolo contendere), or (2) plead not guilty and be scheduled for a hearing.

If a person pleads not guilty and is scheduled for a hearing, the person may, at a subsequent Superior Court proceeding, reach an agreement with a prosecutorial official on the fine amount and elect to pay the fine without appearing before a judicial authority. The act allows the prosecutorial official, as a part of this agreement, to require that the person attend a driving safety course. Any course required must address the nature of the violation or infraction and be offered or approved by the chief state's attorney.
EFFECTIVE DATE: October 1, 2023

§§ 5-7 — SAFETY VIDEO AND MATERIALS AT LICENSE RENEWAL AND ISSUANCE TO NEW RESIDENTS

Requires DMV to (1) develop a safety video and require people to watch it every other license renewal and when transferring a license from another jurisdiction and (2) provide other safety materials to people transferring a license from another jurisdiction

The act requires the DMV commissioner to develop, and revise as needed, a video presentation about (1) state laws impacting drivers, pedestrians, and bicyclists and (2) ways to drive safely and reduce transportation-related fatalities and severe injuries. When developing the video, the commissioner may use materials and videos developed by a governmental entity, independent contractor, or other party.

Under the act, DMV must require people to watch the video every other time they renew their license before issuing the renewed license. (By law, the DMV commissioner may issue a renewed license for a period he determines, up to eight years. In practice, DMV is currently phasing in eight-year licenses.) DMV must also (1) require anyone transferring a license from another jurisdiction to Connecticut to watch the video and (2) give them other safe driving training materials.
EFFECTIVE DATE: January 1, 2024, except a technical change (§ 6) is effective July 1, 2023.

§ 8 — PUBLIC AWARENESS CAMPAIGN ON DRUG IMPAIRED DRIVING

Requires DOT to conduct a public awareness campaign about the dangers of driving while under the influence of certain over-the-counter drugs and prescription drugs, with an emphasis on opioids and cannabis

Under the act, DOT must conduct a public awareness campaign about the dangers of driving while under the influence of certain over-the-counter drugs and prescription drugs, with an emphasis on opioids and cannabis. DOT must (1) collaborate with the Department of Public Health (DPH) and local health departments or district departments of health when conducting the campaign and (2) include outreach to pharmacies; hospitals; substance abuse treatment facilities; and cannabis dispensary facilities, hybrid retailers, and retailers that can communicate information about these dangers to drivers who are receiving or purchasing these drugs.
EFFECTIVE DATE: Upon passage

§ 9 — DOT FIVE-YEAR CAPITAL PLAN AND EQUITY PROPOSALS

Requires DOT, when developing its next five-year capital plan, to examine proposals from the Vision Zero Council's equity subcommittee and consider infrastructure that specifically protects vulnerable highway users

The act requires DOT, when developing its next five-year capital plan, to examine proposals from the Vision Zero Council's equity subcommittee (see BACKGROUND) and consider infrastructure that specifically protects vulnerable highway users, including pedestrians, bicyclists, and people with disabilities.
EFFECTIVE DATE: Upon passage

§§ 10-14 & 16-18 — AUTOMATED TRAFFIC ENFORCEMENT

Allows municipalities to use speed cameras and red light cameras under an ordinance meeting the act's requirements and a plan approved by DOT every three years; requires DOT to issue guidance to municipalities for developing plans and selecting locations; includes provisions on public participation and notice, camera operation, fine revenue use, violation enforcement, and data privacy, among others

The act allows municipalities to use speed cameras and red light cameras (which the act calls "automated traffic enforcement safety devices") if they (1) adopt an ordinance meeting the act's requirements and (2) get a speed and red light camera plan approved by DOT every three years. Under prior law, the only authorized automated traffic enforcement was DOT's work zone speed camera pilot program (CGS § 13a-261 et seq.).

Under the act, an "automated traffic enforcement safety device" is a device designed to detect and collect evidence of alleged violations of ordinances adopted under the act by recording images that capture the license plate, date, time, and location of a vehicle that (1) exceeds the posted speed limit by 10 miles per hour or more or (2) runs a red light.

The act allows municipalities to enter into agreements with vendors to design, install, operate, and maintain speed and red light cameras, but the vendor's fee may not depend on the number of citations issued or fines paid. A "vendor" is someone who (1) provides camera-related services; (2) operates, maintains, leases, or licenses speed or red light cameras; or (3) reviews and assembles images the cameras record and forwards them to the municipality.
EFFECTIVE DATE: October 1, 2023, except that the provision on DOT guidelines is effective upon passage.

DOT Guidance for Plan Development and Location Selection and for Camera Evaluation (§ 16)

The act requires DOT to develop, and revise as needed, two sets of guidance for municipalities developing speed and red light camera plans and seeking DOT approval: one for the initial plan development and location selection and another for camera evaluation and subsequent plan approval. DOT must post the guidance on its website.

By January 1, 2024, DOT must issue the first set of written guidance, which must cover plan development and submission and the criteria DOT will use when evaluating plans for approval. The guidance must be consistent with the goals of (1) installing speed and red light cameras in locations where they are likely to improve traffic safety and (2) ensuring that the cameras' distribution is "equitable" (i.e., it is intended to (a) ensure that intentional or unintentional patterns of discrimination and disparities of race, ethnicity, and socioeconomic status are not reinforced or perpetuated and (b) prevent foreseeable future patterns of discrimination or these disparities).

This initial guidance must list the factors that municipalities must consider when selecting locations for inclusion in a plan. The factors must include the following:

1. the history of traffic crashes caused by speeding or failing to obey a traffic control sign or signal at the location;
2. the history of traffic crashes that resulted in a person's death or serious injury at the location;
3. the municipality's poverty rate and the percent of occupied housing units with vehicles, as determined by the five-year estimates of the U.S. Census Bureau's most recent American Community Survey;
4. the average daily traffic at the location;
5. the history of traffic stops conducted in the municipality and reported to the Office of Policy and Management under the Alvin W. Penn Racial Profiling Prohibition Act;
6. the location's roadway geometry; and
7. any other information or data DOT requires.

By January 1, 2026, DOT must issue written guidance to municipalities on (1) evaluating speed and red light camera effectiveness and (2) submitting subsequent plans for approval with supporting documentation. The guidance must include factors to consider when determining whether a speed or red light camera improved traffic safety at its location.

Municipal Plan Submission and DOT Review and Approval (§§ 17 & 18)

The act specifically prohibits a municipality from using, installing, or operating a speed or red light camera unless they do so in compliance with a DOT-approved speed and red light camera plan that has not yet expired.

Initial Plan. Under the act, a municipality's speed and red light camera plan must identify the proposed camera

locations and include documentation showing that the proposed locations comply with, and consider the factors included in, the DOT-issued guidance on initial plan development and location selection (see § 16 above).

Before submitting a plan to DOT for approval, the municipality must hold a public hearing on it. The plan's submission must be approved by a vote of the (1) municipality's legislative body or (2) board of selectman in municipalities where the legislative body is a town meeting. Municipalities must then submit the plan to DOT in the way the department prescribes.

Within 60 days after receiving a plan, DOT must (1) determine whether the (a) plan is likely to improve traffic safety at the proposed locations and (b) cameras' distribution throughout the municipality is equitable and (2) approve or reject it in whole or in part. If the department rejects the plan or any part of it, the department must explain its reasoning in writing and provide guidance for revising the plan for resubmission. Municipalities may submit a revised plan if the plan is rejected.

Plan Term. A municipality's approved initial speed and red light camera plan is valid for three years after the first camera begins operating in the municipality. After that, subsequent plans are valid for three years after DOT approves them.

Modifications Before Plan Expiration. Municipalities operating cameras under a plan that has not expired may submit a plan modification to DOT for approval to use cameras at additional locations. As with the full plan, the modification must identify camera locations, comply with DOT guidance, and go through a hearing and vote; DOT must approve or reject it in the same manner as it does the full plan. Approval for any modifications expires when the approved plan expires.

Subsequent Plans. The act requires municipalities to submit a subsequent plan for DOT approval if they want to continue using speed and red light cameras after a DOT-approved plan expires. The subsequent plan may include some or all of the previously approved camera locations and may propose new locations.

As with the initial plan, municipalities must hold public hearings on subsequent speed and red light camera plans and submit them to DOT by vote of the legislative body or board of selectman in municipalities where the legislative body is a town meeting. The municipality must also submit supporting documentation as required in DOT guidance on camera evaluation and subsequent plan approval. The documentation must at least include (1) evidence that the municipality's camera locations under the prior plan improved traffic safety, (2) a description of how any newly proposed locations comply with DOT guidance on initial plan development and location selection, and (3) records showing that the municipality spent fine revenue as the act requires (see § 11(d) below).

Within 60 days after DOT receives a subsequent plan and supporting documentation, it must determine (1) whether the plan will likely improve traffic safety at the proposed locations; (2) in the case of locations where cameras were operated under a prior plan, whether using the cameras improved traffic safety; and (3) whether the cameras' distribution throughout the municipality is equitable. Within the same timeframe, DOT must approve or reject the plan in whole or in part. The act specifically prohibits DOT from approving any location in the subsequent plan that was previously equipped with a camera unless it determines that using the camera improved traffic safety at the location.

DOT Report to Legislature. Starting in 2024, the act requires DOT to annually report, by February 1, to the Transportation Committee on the status of plans municipalities have submitted to DOT. The report must at least list the municipalities that submitted plans in the prior year, indicate whether they were approved or rejected, and state the reason for any rejections.

Ordinance Requirements and Other Conditions (§ 11(c) & (e))

Before operating cameras, municipalities must adopt an ordinance authorizing cameras and establishing a municipal violation for vehicles that the cameras capture speeding or running red lights. Specifically, the ordinance must include the following provisions:

1. Speed and red light cameras must be operated by a person trained and certified to operate them (i.e., an "automated traffic enforcement safety device operator").
2. A motor vehicle's owner violates the ordinance if a camera detects the vehicle's driver (a) exceeding the posted speed limit by 10 mph or more or (b) running a red light.
3. The cameras must be used only for identifying ordinance violations.
4. For the first 30 days after the cameras begin operating at a given location, a vehicle owner that is detected violating the ordinance must receive a written warning instead of a citation.
5. Fines and fees may be paid electronically.
6. A municipal police officer, municipal police department employee, or municipal employee who the local traffic authority designates must review and approve the recorded images before a citation is mailed to a vehicle owner.
7. The defenses available to motor vehicle owners, which must at least include the defenses outlined in the act (see § 11(j) below).

The act requires municipalities that adopt ordinances authorizing cameras to also adopt a (1) municipal citation hearing procedure meeting requirements set in existing law (CGS § 7-152c, as amended by the act; see below) and (2) comprehensive safety action plan to ensure the municipality's streets safely and conveniently serve users of all ages and

abilities, including pedestrians, transit users, bicyclists, wheelchair or assistive device users, and drivers. Traffic control signs and signals at locations equipped, or proposed to be equipped, with cameras must comply with all Office of the State Traffic Administration orders or regulations (e.g., on yellow light timing).

Citation Hearing Procedure (§ 14). Existing law allows municipalities to establish by ordinance a hearing procedure for citations they issue and authorizes the Superior Court to enforce fines and judgements imposed through the citation hearing procedure. Among other things, the law generally requires (1) the municipal chief executive officer to appoint citation hearing officers; (2) municipalities to inform the person to whom a citation was issued of his or her right to contest the citation at a hearing; (3) the issuing police officer or official to attend the hearing if the violator requests it; and (4) the hearing officer to conduct the hearing in the manner and with methods of proof he or she deems fair and appropriate. The law also allows people found liable for a penalty through the citation hearing procedure to appeal to the Superior Court. The act extends these provisions to citations issued under a municipal ordinance authorizing speed and red light cameras and makes other technical changes.

Fines and Revenue Use (§ 11(d))

The act allows the municipal ordinance authorizing cameras to include a fine to be imposed on owners of vehicles violating it, capped at (1) $50 for first violations and (2) $75 for subsequent violations. The ordinance may also impose a reasonable fee, up to $15, for electronic payment processing costs.

The act requires that any fine revenue the municipality collects be used to improve transportation mobility, invest in transportation infrastructure, or pay costs associated with the cameras. Municipalities must submit records showing that fine revenue was used for these purposes when it applies for approval of any subsequent plan (see above).

Public Notice of Camera Locations (§ 11(f))

The act requires municipalities to notify people about speed and red light cameras in several ways.

At least 30 days before the first speed or red light camera begins operating in a municipality, the municipality must implement a public awareness campaign to educate the public about the importance of obeying speed limits and traffic signals and that speed or red light cameras will soon be used in the municipality at locations identified in the DOT-approved plan (see above).

Additionally, before operating a camera at a location, a municipality must (1) install at least two clearly visible signs notifying drivers about the camera at a reasonable distance ahead of its location and in accordance with the federal Manual on Uniform Traffic Control Devices and (2) submit information on the camera's location to entities operating mobile applications used for navigation or real-time traffic information. DOT must designate which entities must be notified and provide technical guidance to municipalities on how to do it.

Camera Training and Calibration (§ 11(g) & (h))

The act requires camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the camera's set up, testing, and operation. Upon completion, the manufacturer or its representative must issue a signed certificate to the operator, which must be admitted as evidence in any municipal citation hearing.

The act also requires municipalities to make sure that cameras they use have an annual calibration check performed at a calibration laboratory. After the check, the laboratory must issue a signed certificate of calibration, which must be kept on file and admitted as evidence in any municipal citation hearing.

Image Review and Ticket Issuance (§ 11(i))

Under the act, when a speed or red light camera detects and produces images of a vehicle allegedly violating the ordinance adopted under the act, the images must be reviewed by a municipal police officer, municipal police department employee, or a municipal employee whom the local traffic authority designates. If the officer or employee determines there are reasonable grounds to believe a violation of the municipal ordinance occurred, he or she may issue a citation to the vehicle owner. The citation must include the following:

1. the motor vehicle owner's name and address,
2. the vehicle's license plate,
3. the violation charged,
4. the camera location and the date and time of the violation,
5. a copy of the recorded images or information on how to view them electronically,

6. a statement or electronically generated affirmation by the officer or employee who reviewed the images and determined that the vehicle violated the ordinance,
7. the date of the most recent calibration check and verification that the camera was operating correctly during the alleged violation,
8. the fine imposed and how to pay it, and
9. the right to contest the violation and request a hearing.

For vehicles registered in Connecticut, the act requires the citation to be sent by first class mail to the address on file with DMV within 30 days after the vehicle owner's identity is determined. For vehicles registered elsewhere, the citation must be similarly sent to the address on file with the issuing jurisdiction within 30 days after determining the owner's identity. However, the act makes citations invalid if they are mailed later than 60 days after an alleged violation. Manual or automatic records of mailing prepared by the municipality's police department are prima facie evidence of mailing and are admissible in any municipal hearing as to facts the citation contains.

Available Defenses (§ 11(c) & (j))

The act makes the following defenses available to a vehicle owner alleged to have violated an ordinance adopted under the act:

1. the operator was driving an emergency vehicle and was speeding or running a red light as permitted by law;
2. the traffic signal was not working, and this is observable in the images;
3. the violation was necessary to comply with an order from a law enforcement officer or to allow an emergency vehicle to pass, which is observable in the images;
4. the violation took place when the vehicle had been reported as stolen and had not yet been recovered; or
5. the camera did not have a calibration check as the act requires.

The act requires that ordinances adopted under the act specify the defenses available to a vehicle owner, which must at least include the above defenses.

Privacy (§§ 11(e), 12 & 16)

Under the act, DOT must include in its initial guidance (see § 16 above) a model privacy policy and protocol on (1) the privacy, security, collection, and destruction of "personally identifiable information" and other information and data collected from speed and red light cameras and (2) establishing internal audit requirements to ensure compliance with the policy and protocol. "Personally identifiable information" is information a municipality or 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; and the date, time, location, or direction of travel on a highway.

The act requires municipalities seeking to operate cameras to adopt a written policy that meets or exceeds the standards of DOT's model privacy policy. It also generally prohibits municipalities and vendors from storing or retaining personally identifiable information or from disclosing it to any person or entity, including any law enforcement unit. But they may do so if the storage, retention, or disclosure is done to charge, collect, and enforce fines imposed under an ordinance.

The act requires a municipality or vendor to destroy personally identifiable information and other data specifically identifying a motor vehicle and relating to an alleged violation within 30 days after a fine is collected or a hearing is resolved, whichever is later.

The act also specifies that any other data is subject to disclosure under the Freedom of Information Act, except for personally identifiable information.

Reporting (§ 13)

The act requires municipalities to submit an initial and annual report on specified camera data to DOT and the Transportation Committee. It also requires DOT to post the reports it receives on its website.

Initial Report. Within 18 months after a speed or red light camera starts operating in a municipality, the municipality must report the following information:

1. the number of speeding and red light camera violations that occurred at places with cameras before the cameras started operating;
2. the number of speeding (10 mph over the limit or more) and red light violations that the camera captured;
3. if available, the number and type of related traffic violations and crashes that occurred at each location with cameras (a) before their installation and (b) during their use;
4. the number of speeding and red light violations and related traffic violations and crashes that occurred at (a)

locations where the cameras were used and (b) similar locations where they were not used;
5. a description of situations where recorded images could not be used or were not used;
6. the number of leased vehicles, rented vehicles, out-of-state vehicles, or other vehicles, including trucks, for which enforcement efforts were unsuccessful;
7. the fine and fee revenue collected; and
8. the municipality's costs for using the cameras.

Annual Report. Starting a year after submitting their initial report, the act requires municipalities to annually report the following data until speed or red light cameras are no longer operating in the municipality:

1. the number of vehicles subject to one citation, two citations, three citations, and four or more citations;
2. the number of citations at each red light camera location that were issued to vehicles making a right turn, proceeding through the intersection, and making a left turn;
3. a list of engineering and education measures the municipality undertook to improve safety at camera locations; and
4. data on how many citations were issued, how many hearings were requested, and the results of any hearings.

§ 15 — SEAT BELT PROMOTION

Requires DOT, in collaboration with specified agencies, to establish a program promoting seat belt use among vulnerable communities that are less likely to wear a seat belt

Under the act, DOT must collaborate with the Motor Vehicles, Public Health, Education, Social Services, and Veterans Affairs departments to establish a program promoting seatbelt use among vulnerable communities that DOT identifies as less likely to wear a seat belt. The program may include things like peer-to-peer education and outreach to parents and community organizations.

EFFECTIVE DATE: Upon passage

§ 19 — TECHNICAL CHANGE

Makes a technical change

The act makes a technical change to correct an obsolete reference to the State Traffic Commission.

EFFECTIVE DATE: July 1, 2023

BACKGROUND

Vision Zero Council

PA 21-28, § 2, established the Vision Zero Council and charged it with developing a statewide policy and interagency approach to eliminating 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.

By law, the council is composed of the DOT, DPH, and Department of Emergency Services and Public Protection commissioners and any other agency commissioners they invite. The council may establish committees to advise it in carrying out its duties.

PA 23-135—sSB 904
Transportation Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION AND CONCERNING STATE PARKWAYS, THE CONNECTICUT AIRPORT AUTHORITY, A TRANSPORTATION CARBON DIOXIDE REDUCTION TARGET, A TREE AND VEGETATION MANAGEMENT PLAN, MOTOR VEHICLE NOISE, THE ZERO-EMISSION TRUCK VOUCHER PROGRAM, STREET RACING, EMERGENCY LIGHTS AND THE NAMING OF CERTAIN ROADS AND BRIDGES

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Requires DOT to develop, and revise as needed, guidelines on tree and vegetation management, removal, and replacement along state highways for its employees and contractors to use for maintenance and construction projects

§ 34 — NOISE BARRIER STUDY

Requires DOT to study noise barriers for Type II projects (i.e., retrofit) and establish a project priority list

§§ 35-37 — DECIBEL LEVEL TESTING

Extends deadlines for DMV's decibel testing implementation plan and submission of maximum decibel regulations; requires DMV to implement a pilot program to test methods for inspecting a vehicle's maximum decibel level at emissions inspection stations

§ 38 — MEDIUM- AND HEAVY-DUTY TRUCK VOUCHER PROGRAM

Delays, from January 1, 2023, to January 1, 2024, the date on and after which DEEP may establish a voucher program to support the use of zero-emission medium- and heavy-duty vehicles; modifies program eligibility criteria

§ 39 — ILLEGAL STREET RACING AND OTHER PROHIBITED MOTOR VEHICLE RELATED CONDUCT

Extends to parking lots a prohibition on motor vehicle street races, contests, and demonstrations; expressly prohibits motor vehicle stunts and "street takeovers;" prohibits certain related conduct assisting with them; changes the penalties for related prohibited conduct

§ 40 — EMERGENCY LIGHTS

Allows vehicles operated by volunteer ambulance associations' or companies' active members to use flashing blue lights or flashing green lights, rather than just green lights, while on the way to or at the scene of an emergency; authorizes DMV to issue permits for appointed or elected constables to use flashing red lights on a stationary vehicle as a warning signal during traffic directing operations

§§ 41-51 — BRIDGE AND ROAD NAMING

Names 10 roads and bridges

§ 52 — MUNICIPAL APPROVAL OF CAA AIRPORT PURCHASE

Subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located

SUMMARY: This act makes various changes in laws affecting the Department of Transportation (DOT), Department of Motor Vehicles (DMV), the Connecticut Airport Authority (CAA), highways, public transit, aviation, carbon emissions, noise pollution, and public safety. It also makes various minor, technical, and conforming changes.
EFFECTIVE DATE: Various, see below.

§§ 1 & 2 — TRAFFIC CONTROL SIGNALS AND PEDESTRIAN CONTROL SIGNALS

Requires OSTA approval before a municipality may revise a traffic control signal, conforms pedestrian control signal laws to federal standards, and modifies a driver's duty to yield under certain circumstances

Existing law requires approval by the Office of the State Traffic Administration (OSTA) before a town, city, or borough may install a traffic control signal light. The act expands this provision to also require OSTA approval before a signal light is revised.

It also explicitly permits the use of symbols (i.e., of a walking person to represent "Walk" and an upraised hand to represent "Don't Walk"), rather than only words, on pedestrian control signals. This conforms to the federal Manual on

Uniform Traffic Control Devices (MUTCD).

The act also changes a driver's duty to yield to pedestrians and other traffic at signal-controlled intersections. Under the act, a driver must yield to any (1) pedestrians in a crosswalk when the driver is turning right on red or proceeding according to a green arrow or (2) pedestrians and other traffic in a crosswalk or intersection when the driver is proceeding through the intersection on a circular green light. Under prior law, this requirement applied only when the pedestrians and traffic were lawfully present in the intersection or crosswalk.

EFFECTIVE DATE: July 1, 2023

§§ 3 & 4 — MAJOR TRAFFIC GENERATOR CERTIFICATES

Prohibits local building officials from issuing a certificate of occupancy for major traffic generating developments until conditions of the OSTA certificate have been met

By law, entities building, expanding, or establishing a major traffic-generating development (i.e., one with at least 100,000 square feet of floor area or at least 200 parking spaces; see Conn. Agencies Reg., § 14-312-1) generally must get an OSTA certificate, and local building officials may not issue a building permit to them until they show their certificate. The act additionally prohibits local building officials from issuing a certificate of occupancy (CO) for these developments until the OSTA certificate's conditions have been met. By law, OSTA (1) must order entities who have not met conditions listed in the certificate to stop development (or operations) or meet the conditions within a reasonable time period it specifies and (2) may bring action in court if the entity does not stop work or the conditions are not met by the end of this time period.

The act also makes a conforming change similarly prohibiting local building officials from issuing a CO for traffic-generating developments that consist of separately owned parcels until the OSTA certificate's conditions have been met. It extends to these multi-parcel developments existing law's requirement for all entities who must apply for a certificate to attend a meeting with OSTA and DOT before applying (§ 4).

Additionally, the act specifies that OSTA may allow local building officials to issue building permits or COs to major traffic-generating developments that do not yet have a certificate or have not satisfied the conditions.

EFFECTIVE DATE: July 1, 2023

§ 5 — LOCAL TRAFFIC AUTHORITY TRAINING

Requires (1) LTAs to annually complete one training and (2) UConn to offer the training at least three times per year

The act requires UConn's Connecticut Training and Technical Assistance Center to provide mandatory training for local traffic authorities (LTAs) at least three times per year. The training must cover LTA powers and responsibilities, traffic control device installation, and applicable statutes and OSTA regulations. Starting by January 1, 2024, each LTA or its appointed representative must annually complete one training. The act requires the center to maintain records of training completion for each traffic authority.

EFFECTIVE DATE: Upon passage

§ 6 — LIMITED ACCESS HIGHWAY SPEED LIMITS

Gives OSTA discretion in setting speed limits on limited-access highways by eliminating the requirement that the speed limit be 65 mph on suitable multi-lane, limited access highways; instead allows the office to set speed limits up to 65 mph

The act gives OSTA more discretion in setting speed limits on limited access highways. Prior law required OSTA to establish a 65 mph speed limit on any multi-lane, limited access highways that are suitable for this speed limit, considering factors including design, area population, and traffic flow. The act instead requires the office to set speed limits that are suitable for each of these highways, up to 65 mph, taking into account the same relevant factors.

EFFECTIVE DATE: October 1, 2023

§§ 7-9 — CONNECTICUT PUBLIC TRANSPORTATION COUNCIL

Renames the Commuter Rail Council as the Connecticut Public Transportation Council and modifies its composition and charge to include public transit user representation and consideration

Organization

Under prior law, the 15-member Commuter Rail Council generally consisted of (1) commuters who regularly use the New Haven commuter rail line or Shore Line East rail line and (2) residents living in a municipality with a proposed new rail line or rail line commencing operation after July 1, 2013 (i.e., the Hartford line).

The act renames the council as the Connecticut Public Transportation Council, with the same number of members, all of whom must be residents who regularly use the New Haven, Shore Line East, or Hartford rail lines or state-funded public transit. The table below shows the act's changes to the additional specific member qualifications. The act also reduces the number of appointees for the Senate president pro tempore and House speaker from three to two each and adds one appointment each for the Senate majority leader and the House majority leader.

Council Membership

Appointing Authority	*Appointments and Qualifications Under Prior Law*	*Appointments and Qualifications Under the Act*
Senate president pro tempore	Three meeting the general qualification (i.e., certain rail commuters and residents; see above)	Two, including one resident who regularly uses state-funded public transit services and one who regularly uses the New Haven rail line
Senate majority leader	None	One meeting the general qualification (i.e., resident who regularly uses rail or state-funded public transit; see above)
House speaker	Three meeting the general qualification	Two, including one resident who regularly uses state-funded public transit services and one who regularly uses the Hartford rail line
House majority leader	None	One meeting the general qualification
Senate minority leader	One meeting the general qualification	One meeting the general qualification
House minority leader	One meeting the general qualification	One meeting the general qualification
Governor	Four, including three meeting the general qualification and one chief elected official of a municipality located on an operating or proposed new rail line	Four meeting the general qualification
Transportation Committee co-chair	One resident of a municipality in which the DOT commissioner has proposed a new rail line or a rail line that has commenced operation after July 1, 2013	One resident who regularly uses state-funded public transit services
Transportation Committee co-chair	One resident of a municipality in which a Shoreline East rail line station is located	One resident who regularly uses the Shore Line East rail line
Transportation Committee ranking members	One resident of a municipality served by the Danbury or Waterbury branches of the New Haven commuter rail line	One resident who regularly uses state-funded public transit services

The act requires all initial appointments to the new council to be made by August 1, 2023, for four-year terms beginning on this date. But all existing rail council members appointed before July 1, 2023, and serving on June 30, 2023, are deemed appointed and may continue serving until their term expires and a successor has qualified. The act eliminates prior law's requirement that council appointments be approved by the General Assembly. The council chairperson must notify the relevant appointing authority within 10 days after a vacancy occurs on the new council or a member resigns.

Prior law charged the rail council with studying and investigating all aspects of state commuter rail lines' daily operation, monitoring their performance, and recommending changes to improve their efficiency and quality of service. To enable it to carry out these duties, the council could request and receive assistance and data from any state department, division, board, bureau, commission, agency, or public authority or any political subdivision.

Under the act, the Connecticut Public Transportation Council is more broadly charged with studying and investigating

all aspects of the daily operation of commuter railroad systems and state-funded public transit services (e.g., bus transit), monitoring their performance, and recommending changes to improve the systems' and services' efficiency, equity, and quality. To enable it to carry out these duties, the new council may request and receive assistance and data, if available, from the entities required to provide assistance and data under prior law. While prior law required the council to work with DOT to advocate for commuter line customers and make recommendations for the lines' improvement, the act instead requires the new council to serve as an advocate for customers of all commuter railroad systems and state-funded public transit services.

The act adds specific information and assistance that DOT must give the new council. It requires DOT to (1) submit monthly reports with information and data about the commuter rail systems' and state-funded public transit services' on-time performance and ridership and (2) make quarterly presentations on these reports at council meetings and respond to reasonable council inquiries made in advance of any council meeting. DOT must also maintain records, and denote the status, of each request for information and data it receives from the council.

New Reporting Requirements

By February 1, 2024, the Connecticut Public Transportation Council must submit a report on the council's organizational structure and any recommendations to improve or modify its structure and mission to the Transportation Committee. In addition to annually reporting on its findings and recommendations to various authorities (e.g., the governor, DOT, and the legislature), as required under existing law, the act also requires the new council to annually present its findings and recommendations to the Transportation Committee.

EFFECTIVE DATE: July 1, 2023, except the organizational structure reporting provision is effective upon passage.

§ 10 — SHORE LINE EAST RAIL LINE STUDY

Extends the deadline for a DOT Shore Line East study to December 1, 2023

The act extends the deadline, from January 1, 2023, to December 1, 2023, for the DOT commissioner to submit the results of a study on the feasibility of various Shore Line East rail line initiatives to the Transportation Committee. By law, unchanged by the act, he must study the feasibility of:

1. extending the rail line to Rhode Island,
2. establishing a new passenger rail service from New London to Norwich,
3. establishing a new train station in Groton and Stonington borough, and
4. extending ground transportation systems in the eastern Connecticut region and providing interconnection between them and rail lines.

EFFECTIVE DATE: Upon passage

§§ 11 & 12 — OVERSIGHT OF LIVERY VEHICLES

Allows livery permittees to apply for two additional vehicles annually through an expedited process under certain conditions and makes other changes to livery permit statutes

Existing law requires DOT to issue up to two additional livery vehicle authorizations each year, without a hearing or written notice to other affected parties, to each qualifying in-state livery service permittee that applies for them. (Livery service is for-hire transportation like limousines and black car service.) DOT must do so as long as the applicant has (1) held a livery permit for at least one year, (2) registered existing permits in use, and (3) no outstanding violations or matters pending adjudication against him or her. The act allows a permittee to submit a second application through this expedited process for up to two additional vehicles each year under the same terms. It specifies that DOT must issue the amended permit within 30 days after receiving an application and fee payment.

The act eliminates the requirement for owners or operators to display their livery permits in their vehicles. Under existing law, livery vehicles generally must display their assigned livery registration while operating in livery service (CGS § 13b-106).

By law, DOT may make reasonable regulations and impose civil penalties for violations of them or the laws on livery vehicles' fares, service, operation, and equipment. The act expands this authority to include a livery's management and staffing. In addition to civil penalties, the act authorizes DOT to order corrective actions as it deems necessary, including attendance at a driver retraining program.

EFFECTIVE DATE: October 1, 2023

§ 13 — PARKWAY RESTRICTION EXCEPTIONS

Allows automobile club vehicles providing roadside assistance and vehicles weighing 7,500 pounds or less with branding, logos, or advertising on them to use the Merritt and Wilbur Cross parkways

By law, parkways in the state are devoted exclusively to the use of noncommercial traffic. State statutes and OSTA regulations and policies define what is considered noncommercial traffic and provide certain exceptions.

Under previous OSTA policy, a vehicle of any size bearing logos or branding, including passenger vehicles, was considered a commercial vehicle and prohibited from using the Merritt and Wilbur Cross parkways. The act specifies that all vehicles with a gross vehicle weight rating (GVWR) of 7,500 pounds or less are permitted on these parkways, even if they have branding, advertising, or logos on them.

The act also makes an exception for commercial motor vehicles used by licensed automobile clubs solely to provide roadside assistance to vehicles on the parkways. It allows these vehicles to use the parkways as long as they adhere to the parkways' established length, height, or width requirements.

Additionally, the act eliminates an obsolete provision.

EFFECTIVE DATE: Upon passage

§§ 14 & 15 — FINE FOR COMMERCIAL VEHICLES ON PARKWAYS

Increases the fine for driving commercial motor vehicles on state parkways to $500 for a first violation and $1,000 for a subsequent one; prohibits commercial vehicle owners or lessees from allowing these vehicles to be driven on these parkways

The act increases the fine for driving commercial motor vehicles on state parkways and codifies this prohibition in statute. Additionally, it prohibits commercial vehicle owners or lessees from allowing these vehicles to be driven on these parkways. Under the act, a "commercial motor vehicle" is any vehicle designed or used to transport merchandise or freight and bearing commercial registration.

Existing OSTA regulations prohibit commercial motor vehicles from entering and using limited access highways that are designated as parkways (i.e., the Merritt, Wilbur Cross, and Milford parkways), and a violation of this prohibition is an infraction (CGS § 14-314; Conn. Agencies Regs., § 14-298-249). (The prior fine was set at $50 plus $42 in fees and surcharges.)

The act makes violations of its prohibitions punishable by a fine of $500 for a first violation and $1,000 for any subsequent violation. The fines must be assessed against the (1) commercial vehicle owner, when the owner, owner's agent, or owner's employee was the driver, or (2) commercial vehicle lessee, when the lessee, lessee's agent, or the lessee's employee was the driver.

The act specifically exempts from this commercial vehicle ban the new exceptions it establishes (see § 13) and retains existing regulatory exemptions. Violations are processed through the Centralized Infractions Bureau.

EFFECTIVE DATE: October 1, 2023

§§ 16-31 & 53 — CONNECTICUT AIRPORT AUTHORITY

Makes various changes in laws on airports, aircraft, and CAA, including requiring aircraft owners and operators to maintain insurance and generally eliminating CAA's role in aircraft registration

The act makes various changes in laws concerning airports, aircraft, and the Connecticut Airport Authority (CAA). Among other things, the act:

1. requires owners and operators of aircraft based or hangered in the state to maintain liability insurance meeting specified coverage criteria (§ 30);
2. generally eliminates CAA's role in aircraft registration, which is currently primarily handled by municipalities (§§ 16-19 & 22);
3. specifies documentation that must be given to CAA when seeking a certificate of approval or license for an air navigation facility (§ 21);
4. eliminates requirements that a taxi certificate holder be active for at least two years before it may provide taxi service at Bradley Airport (§ 29); and
5. requires publicly owned airport owners or operators, rather than CAA, to develop and revise the approach plans for their airports after considering specified criteria (§ 26).

The act also makes the following minor changes:

1. eliminates obsolete references to (a) federal airport grants being deposited in the state treasury before distribution, which is federally preempted, and (b) general fund appropriations for grants to municipal airports (§ 20);
2. allows, rather than requires, the state to fund capital improvements at private airports up to 90% of eligible costs (§ 23);
3. adds CAA special police to the list of officials who may enforce laws related to aeronautics (§ 24);
4. repeals obsolete language on budgeting and revenue at Bradley Airport originally adopted as part of a since completed project (§ 27);
5. eliminates the specific deadline for CAA to approve Bradley Airport's annual operating budget, which under prior law was 30 days before the beginning of the fiscal year (§ 28); and
6. repeals other provisions that are obsolete or federally preempted (§§ 16 & 53).

It also makes numerous technical and conforming changes, including in § 25.

EFFECTIVE DATE: July 1, 2023, except that the aircraft liability insurance and approach plan provisions are effective October 1, 2023.

Aircraft Registration (§§ 16-19 & 22)

Under existing law and the act, owners must annually register their aircraft with the municipality in which it is based or primarily used. But under prior law, CAA was responsible for establishing the aircraft registration program and certain related tasks.

The act generally eliminates CAA's role in administering the registration program, specifically repealing requirements that CAA (1) establish the aircraft registration program and (2) adopt any necessary rules and procedures for implementing it. It retains requirements that CAA prepare and distribute registration decals and forms to municipalities, but it eliminates the specific information the forms must contain.

Fees. Existing law sets registration fees and allows municipalities to keep the fees for their own use and purposes as a grant in lieu of property taxes. The act eliminates a provision allowing CAA to (1) set a uniform schedule for aircraft registration expiration and renewal and (2) prorate the statutory fees accordingly.

Prior law required municipalities to report to CAA the amount of aircraft registration fees they collected, the number of registrations issued, registrants' names, and descriptions of registered aircraft. The act eliminates the requirement that they report the amount of fees collected and sets a specific deadline (by February 1 each year, starting in 2024) for reporting the remaining information from the last calendar year.

Information Reporting. The act also (1) expands the type of information that owners and operators of air navigation facilities must report to CAA on aircraft based or primarily used at their facilities and (2) requires that they additionally report this information directly to the municipality where the aircraft is based, rather than requiring the CAA executive director to forward the information to municipalities, as under prior law.

Under existing law, these facilities must report the owner's name and address, the type of aircraft, and the Federal Aviation Aircraft registration number. The act also requires that they report information previously required on registration forms, namely (1) the form of ownership, including whether the owner is an individual, partnership, corporation, or other entity, and (2) the aircraft's year of manufacture, the manufacturer, the model, and the certified gross weight. The act eliminates prior law's requirement that this information be in aircraft registration forms, but specifically requires municipalities to use the information reported to them to register aircraft.

CAA Certificates of Approval and Licenses (§ 21)

Under existing law, the CAA executive director is responsible for approving and licensing airports, heliports, restricted landing areas, and other air navigation facilities (CGS § 13b-46). The law establishes various factors that the executive director must consider when deciding whether to issue a certificate of approval or license (e.g., its proposed size, location, and layout; the nature of the terrain; and planned uses of the proposed facility).

The act specifically requires that public and private air navigation facilities, when seeking a certificate of approval, license, or license renewal, give CAA documentation, in a form the executive director prescribes, showing that these factors demonstrate that the facility will provide or currently provides for safe aircraft operations.

The act also changes a reference to "commercial use" air navigation facility to a "public use" one, which conforms to the scope of CAA oversight authority under existing law.

Taxi Service at Bradley Airport (§ 29)

Prior law required taxi certificate holders, before they could provide service at Bradley Airport, to prove that they have been active, adequate within their specified territory, and in compliance with all relevant laws and regulations for at least two years. The act eliminates the requirement that they be adequate within their specified territory and the two-year minimum time period.

The act also (1) eliminates a requirement that the agreement under which taxis provide service at Bradley Airport may not take precedence over the taxi's obligation to provide service within their specified territory and (2) makes a conforming change to remove reference to the transportation commissioner.

Aircraft Liability Insurance (§ 30)

Beginning October 1, 2023, the act prohibits people from operating, or owners from allowing someone to operate, aircraft based or hangered in the state without liability insurance coverage. Specifically, the policy must cover the owner and pilot for claims by passengers or other people for bodily injuries, death, or property damage that may arise from the aircraft's operation in the amount of at least (1) $500,000 per accident and (2) $100,000 per passenger seat.

Under the act, these aircraft owners and operators must provide proof of insurance satisfying the act's requirements when requested by CAA's executive director, authority officials, or a law enforcement officer.

The act requires in-state air navigation facility owners and operators to keep a list of aircraft based or hangered at the facility. The list must include the following information for each aircraft:

1. its registration number, type, and model;
2. its owner's or operator's name and address;
3. how long it has been based or hangered at the facility;
4. the liability insurance policy or binder number;
5. the insurance company's name, as shown on the policy; and
6. the name of the liability insurance agent or broker.

The act's requirements do not apply to aircraft subject to federal liability insurance requirements.

Repealers (§§ 31 & 53)

The act repeals the following provisions:

1. a requirement that a copy of plans of development and other documents be filed with the State Properties Review Board (under CGS § 4b-3(f), CAA airports or airport sites are not subject to the board's review) (CGS § 13b-44a);
2. a program setting aside a portion of contracts for federally funded noise mitigation projects at airports for veterans (federal law requires that airports follow federal contracting rules when using federal funding) (CGS § 13b-50b); and
3. requirements related to a Bradley Airport terminal project that is already complete (CGS § 15-101t).

It also repeals statutes establishing two Bradley Airport advisory groups, which are not active. It repeals the Bradley International Community Advisory Board, which consists of the chief elected officials of Windsor, Windsor Locks, East Granby, and Suffield, and whose purpose is to communicate between the airport and the surrounding towns and advise on various airport issues (CGS § 15-101pp). It also repeals the six-member Bradley Advisory Committee, which generally consists of residents and businesses located in the Bradley Airport Development Zone and is charged with consulting on business related to the airport (§ 31, CGS § 15-120bb(n)). In practice, CAA regularly meets with the non-statutory Bradley Development League, which consists of the chief executive officers of the municipalities surrounding the airport, the MetroHartford Alliance, and local business representatives.

§ 32 — TRANSPORTATION SECTOR CARBON DIOXIDE REDUCTION TARGET

Starting by October 1, 2030, requires DOT, in consultation with DEEP, to biennially establish a transportation carbon dioxide reduction target for the state that sets the maximum amount of carbon dioxide emissions allowed from the transportation sector

Starting by October 1, 2030, the act requires the DOT commissioner, in consultation with the Department of Energy and Environmental Protection (DEEP) commissioner, to biennially establish a transportation carbon dioxide reduction target for the state that sets the maximum amount of carbon dioxide emissions allowed from the transportation sector. When setting the target, the commissioners must consider the state's long-term greenhouse gas emissions reductions requirements.

Under the act, the DOT commissioner must develop and implement a strategic plan to ensure that transportation projects included in the state transportation improvement program (STIP, see *Background — STIP*) do not exceed the emissions reduction target. The plan must at least include the following:

1. a definition of "transportation project" that excludes projects exempt from federal air quality standards (e.g., certain safety-related projects, pavement resurfacing, transit building renovations, new bus and rail car purchases, and bicycle and pedestrian facilities);
2. the methodology for calculating the carbon dioxide emissions expected from future transportation projects; and
3. a description of the carbon dioxide mitigation transportation projects, like public transportation improvements; bikeway, walkway, or other multiuse trail or path construction; and electric vehicle charging infrastructure installation.

Under the act, the DOT commissioner, in consultation with the DEEP commissioner, must implement a public outreach plan to sufficiently engage the public and stakeholders in developing the carbon dioxide reduction target and strategic plan. The DOT commissioner must submit the plan to the Transportation and Environment committees by July 1, 2028.

By January 1, 2025, and until 2030, the DOT commissioner must annually submit a report to the Transportation and Environment committees with (1) a status update on development of the carbon dioxide reduction target and strategic plan and (2) a description of the public outreach and its results. The act also requires the DOT commissioner, starting by October 1, 2030, to biennially give these committees a copy of the carbon dioxide reduction target and any legislative recommendations to implement it.

EFFECTIVE DATE: July 1, 2023

Background — STIP

The STIP is a DOT-prepared four-year planning document that lists all the projects expected to be funded in the four-year period with Federal Highway Administration (FHWA) and Federal Transit Administration funding. It is developed in compliance with federal law and in coordination with the Metropolitan Planning Organizations and Rural Planning Agencies. The STIP must be fiscally constrained and assessed for air quality impacts.

§ 33 — DOT VEGETATION MANAGEMENT PLAN

Requires DOT to develop, and revise as needed, guidelines on tree and vegetation management, removal, and replacement along state highways for its employees and contractors to use for maintenance and construction projects

The act requires DOT to develop, and revise as necessary, guidelines on tree and vegetation management, removal, and replacement along state highways for its employees and contractors to use for maintenance and construction projects. The guidelines must aim to ensure that maintenance and construction projects' impacts on the environment, landscape, and noise pollution are balanced or outweighed by measures taken to avoid and minimize them.

Under the act, the guidelines must at least address the following:

1. the safety of the traveling public;
2. DOT's general roadside vegetation management activities, including mowing, herbicide use, grassing, replanting with native species whenever practicable, limb management, and tree and debris removal;
3. beautification, enhancements, and the effect on scenic roads;
4. visibility enhancement; and
5. the work's environmental impact, including preventing invasive tree, brush, or plant species' growth and impact; stormwater run-off; erosion; vegetation species replanting to expand and improve pollinator habitats; and reduced mowing.

The guidelines apply to construction projects financed, wholly or partially, with federal funds to the extent that they do not conflict with federal laws and regulations. They do not apply to removing trees or vegetation that is (1) needed to maintain public safety or (2) due to a weather-related civil preparedness emergency.

By January 1, 2024, the DOT commissioner must submit the guidelines to the Transportation and Environment committees. The committees must hold a joint public hearing during which the commissioner must present the guidelines.

EFFECTIVE DATE: Upon passage

§ 34 — NOISE BARRIER STUDY

Requires DOT to study noise barriers for Type II projects (i.e., retrofit) and establish a project priority list

The act requires DOT to do a statewide evaluation to determine the feasibility and reasonableness of constructing noise barriers for Type II projects (i.e., retrofit; see *Background — Use of Noise Barriers*). The department must also establish a priority rating system to rank the projects and use the system to create a project priority list.

By February 1, 2024, DOT must report the evaluation's results, a description of the priority ranking system, and the priority list to the Transportation Committee.

EFFECTIVE DATE: Upon passage

Background — Use of Noise Barriers

State and federal regulation and policy separate noise barriers into two types, based on whether they are associated with an existing or new source of noise. Under federal regulations, noise barriers must mitigate increased traffic noise exceeding allowable levels resulting from new highway or bridge construction or reconstruction (i.e., Type I projects). The federal government generally pays most of the noise barrier costs as part of the approved project. Federal regulations allow federal funds to be used for retrofitting an area with noise barriers (i.e., Type II projects) if a state adopts a Type II program that includes a federally approved priority ranking system (23 C.F.R. § 772.7).

§§ 35-37 — DECIBEL LEVEL TESTING

Extends deadlines for DMV's decibel testing implementation plan and submission of maximum decibel regulations; requires DMV to implement a pilot program to test methods for inspecting a vehicle's maximum decibel level at emissions inspection stations

The act requires DMV to establish a one-year pilot program to test a vehicle's maximum decibel level during an emissions inspection. It also extends two related deadlines for the DMV commissioner to:

1. submit to the General Assembly an implementation plan, as well as legislation and funding recommendations, for a statewide decibel level testing program at official emissions inspection stations, from January 1, 2023, to October 1, 2023 (§ 35); and
2. amend current regulations, with DEEP's advice, setting maximum vehicle decibel levels and related testing procedures and submit them to the Legislative Regulation Review Committee, from January 1, 2024, to October 1, 2024 (§ 36).

Pilot Program

From October 1, 2023, until October 1, 2024, the act requires DMV to establish a pilot program at five selected official emission inspection stations. The program must test different methodologies for inspecting the maximum decibel level produced by a motor vehicle during an emission inspection, which may not exceed the levels established in statute and any adopted regulations (i.e., from 72 to 92 decibels depending on the vehicle's speed, weight, and the road surface (Conn. Agencies Regs., § 14-80a-4a)). Under the act, the different methodologies used must reflect industry standards and advancements in technology.

By January 1, 2025, DMV must submit a report to the Appropriations, Finance, Revenue and Bonding, and Transportation committees on the pilot's implementation, the results of the different methodologies used, and recommendations for a state-wide decibel level testing program (see also § 35).

EFFECTIVE DATE: Upon passage for the implementation plan deadline; July 1, 2023, for the regulations submission; and October 1, 2023, for the pilot program.

§ 38 — MEDIUM- AND HEAVY-DUTY TRUCK VOUCHER PROGRAM

Delays, from January 1, 2023, to January 1, 2024, the date on and after which DEEP may establish a voucher program to support the use of zero-emission medium- and heavy-duty vehicles; modifies program eligibility criteria

The act delays, from January 1, 2023, to January 1, 2024, the date on and after which DEEP may establish a voucher program to support (1) using zero-emission technology in medium- and heavy-duty vehicles and (2) installing electric vehicle charging infrastructure. By law, the DEEP commissioner may establish this program within available funds, and funds in the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) account may be used for the program (CGS § 22a-202(h)).

The act also changes eligibility criteria for vehicles seeking vouchers through the program. First, it changes the

classification system used to determine whether vehicles are eligible for the program, generally expanding it to more vehicles. Under prior law, vehicle eligibility was determined based on the FHWA vehicle classification system (see *Background — FHWA Vehicle Category Classification System*), which is generally based on the vehicle's characteristics (e.g., number of axles and trailers). Specifically, vehicles in classes 5 to 13 (i.e., two axle, single unit trucks up to multi-trailer, seven or more axle trucks) and certain school buses were previously eligible for vouchers.

Under the act, eligibility is instead based on the vehicle classification system used by the federal Environmental Protection Agency for emissions standards, which is based on vehicle weight. The act makes vehicles eligible for vouchers if they are (1) in classes 2b to 8 (i.e., those with a GVWR above 8,500 pounds) or (2) a medium-duty passenger vehicle (i.e., certain vehicles that are primarily designed to transport passengers and have a GVWR above 8,500 pounds or a curb weight or basic vehicle frontal area exceeding specified thresholds) sold for use by a commercial or institutional fleet.

The act also specifies that vehicles are ineligible for vouchers if they are eligible for incentives through the CHEAPR program.

EFFECTIVE DATE: Upon passage

Background — FHWA Vehicle Category Classification System

The FHWA vehicle category classification system sorts vehicles into different classes based on their characteristics, as shown in the table below.

FHWA Vehicle Classes

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, six tire 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		

§ 39 — ILLEGAL STREET RACING AND OTHER PROHIBITED MOTOR VEHICLE RELATED CONDUCT

Extends to parking lots a prohibition on motor vehicle street races, contests, and demonstrations; expressly prohibits motor vehicle stunts and "street takeovers;" prohibits certain related conduct assisting with them; changes the penalties for related prohibited conduct

The act makes several changes to laws prohibiting street racing and other similar and related conduct. Existing law expressly prohibits driving a motor vehicle on a public road for any race, contest, or demonstration of speed or skill. The act expressly adds street takeovers and motor vehicle stunts to this prohibition and extends it to "parking areas" (i.e., off-street lots open to the public) (CGS § 14-212). Under the act, "street takeover" means taking over part of these roads or lots by blocking or impeding regular traffic flow to cause disorder or create a nuisance to other road or lot users. The act retains existing law's graduated penalty structure for violating this prohibition (i.e., one set of penalties for initial violations and a second for subsequent violations). (PA 23-203, § 4, makes several changes to this act, including eliminating the express inclusion of motor vehicle stunts, making a technical change to the definition of "street takeover," and modifying the penalty structure for illegal races, contests, demonstrations, and street takeovers.)

Existing law also prohibits certain related conduct, specifically: (1) possessing a motor vehicle under circumstances showing an intent to use it for an illegal race, contest, or demonstration; (2) acting as a starter, timekeeper, or judge at one; and (3) betting on the outcome. The act correspondingly prohibits these actions in relation to street takeovers and stunts.

Prior law also prohibited being a spectator at an illegal race, contest, or demonstration. The act eliminates this prohibition and instead expands the prohibited related conduct to include knowingly encouraging, promoting, instigating, assisting, facilitating, aiding, or abetting anyone in performing an illegal race, contest, demonstration, street takeover, or stunt. It also replaces the prior graduated penalty structure with a single set of penalties for this related conduct. (PA 23-203, § 4, makes a technical change to these penalties and replaces this act's prohibition on encouraging, promoting, instigating, or similar actions with a prohibition on inciting or recruiting.)

Lastly, the act also makes technical and conforming changes.
EFFECTIVE DATE: October 1, 2023

Penalties for Illegal Street Takeovers and Motor Vehicle Stunts

The act applies to illegal street takeovers and stunts the same penalties that apply under existing law to illegal races, contests, and demonstrations. A first offense is punishable by a fine of $150 to $600, up to one year in prison, or both; any subsequent offense is punishable by a fine of $300 to $1,000, up to one year in prison, or both. Anyone convicted of this must also attend an operator's retraining program (CGS § 14-111g(a)). Additionally, a court may (1) order the motor vehicle driven during the violation 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.

Penalties for Prohibited Related Conduct

The act makes all offenses for prohibited conduct related to illegal races, contests, demonstrations, street takeovers, and stunts, as detailed above, punishable by a fine up to $1,000, up to six months in prison, or both. In doing so, it increases the maximum fine for a first offense of prohibited conduct related to illegal races, contests, and demonstrations and reduces the maximum prison term for first and subsequent offenses. Under prior law, a first offense for this conduct was punishable by a fine of $75 to $600, up to one year in prison, or both; any subsequent offense was punishable by a fine of $100 to $1,000, up to one year in prison, or both.

§ 40 — EMERGENCY LIGHTS

Allows vehicles operated by volunteer ambulance associations' or companies' active members to use flashing blue lights or flashing green lights, rather than just green lights, while on the way to or at the scene of an emergency; authorizes DMV to issue permits for appointed or elected constables to use flashing red lights on a stationary vehicle as a warning signal during traffic directing operations

The act allows vehicles operated by volunteer ambulance associations' or companies' active members to use flashing green or flashing blue lights while on the way to or at the scene of an emergency. Under prior law, they could only use green or flashing green lights. Existing law, unchanged by the act, allows (1) vehicles operated by members of volunteer fire departments or civil preparedness auxiliary fire companies to use flashing blue lights and (2) DOT-owned and -operated maintenance vehicles to use green or flashing green lights.

As under prior law, the (1) member must have a permit to use the lights issued by the ambulance association or company's chief executive officer and (2) chief executive officer must keep on file the names and addresses of members and registration numbers of vehicles authorized to use the lights.

The act also authorizes the DMV commissioner to issue permits allowing appointed or elected constables to use flashing red lights on a stationary vehicle as a warning signal during traffic directing operations. The law already authorizes the commissioner to issue permits for emergency vehicles, including state or local police cars driven by a police officer responding to an emergency call or pursuing suspects, to use flashing blue, red, yellow, or white lights, or any combination of them.
EFFECTIVE DATE: October 1, 2023

§§ 41-51 — BRIDGE AND ROAD NAMING

Names 10 roads and bridges

The act names seven state highway segments and three bridges as follows:

1. Route 3 from the intersection with Route 99 travelling in an easterly direction to Elm Street in Wethersfield, the "Edwin H. May, Jr. Memorial Highway" (§ 41);
2. Local Bridge No. 06581 carrying Church Street South No. 2 in New Haven, the "William "King" Lanson Memorial Bridge" (§ 42);
3. Bridge No. 01487 carrying Route 177 over the Farmington River in Farmington, "The Unionville Bridge" (§ 43);
4. Route 185 from the intersection with Route 10 travelling in an easterly direction to the Simsbury-Bloomfield town line in Simsbury, the "Simsbury Volunteer Fire Company Memorial Highway" (§ 44);

5. Route 337 from Pope Street traveling in a southerly direction to Fort Hale Park Road in New Haven, the "Zayne Thomas Memorial Highway" (§ 45);
6. Bridge No. 00505 carrying State Road 816 (Church Hill Road) over I-84 in Newtown, the "Chief William T. Halstead Memorial Bridge" (§ 47);
7. Route 372 from the intersection of Olson Avenue travelling in a westerly direction to the intersection of Hicksville Road in Cromwell, the "Mayor Allan Spotts Memorial Highway" (§ 48);
8. Route 156 from the Lieutenant River Bridge travelling in an easterly direction to Black Hall River Bridge in Old Lyme, the "Mervin F. Roberts Memorial Highway" (§ 49);
9. Route 154 from the intersection of Mill Rock Road East travelling in a northerly direction to the northern junction with Bokum Road in Old Saybrook, the "Velma Thomas Memorial Highway" (§ 50); and
10. Route 145 from the intersection of Grove Beach Road North travelling in a northerly direction to the intersection of Lost Pond Lane in Westbrook, the "Paul J. Connelly Memorial Highway" (§ 51).

It also makes a correction to a previously named bridge (§ 46).

EFFECTIVE DATE: Upon passage

§ 52 — MUNICIPAL APPROVAL OF CAA AIRPORT PURCHASE

Subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located

The act subjects any CAA purchase of a municipally owned airport to approval by the municipality in which the airport is located. (PA 23-204, § 260, expands this approval requirement by (1) requiring approval for CAA leases of municipally owned airports in addition to purchases, (2) specifying that the requirement applies to airports owned or controlled by a municipality or a municipality's political subdivision, and (3) requiring approval by the municipality that owns or controls the airport in addition to the one in which the airport is located.)

EFFECTIVE DATE: July 1, 2023

PA 23-29—sHB 5049
Veterans' and Military Affairs Committee

AN ACT EXEMPTING FROM LICENSING REQUIREMENTS CERTAIN CHILD CARE SERVICES FOR CHILDREN OF MEMBERS OF THE UNITED STATES MILITARY

SUMMARY: This act exempts from state licensing requirements certain child care programs that only serve military members' children. It exempts these programs if they are on federal property (e.g., a military base) or administered by (1) the federal government or (2) a family child care (FCC) provider certified by the U.S. Coast Guard or a Department of Defense (DOD) military branch (see BACKGROUND).

As required under existing law for programs exempt from state licensure, a program exempted by the act must inform its enrolled children's parents and guardians that it is not licensed by the Office of Early Childhood to provide child care services (CGS § 19a-77(c)).
EFFECTIVE DATE: Upon passage

BACKGROUND

Family Child Care Programs

FCC programs are home-based child care services for up to eight children, generally provided by a military spouse. FCC providers must be certified by the applicable military branch or commanding officer and comply with federal regulations as well as DOD- or Coast Guard-issued instructions. As with state-licensed child care providers, FCC providers must undergo background checks; periodic health, safety, and sanitation inspections; and certain orientation and trainings, among other things (32 C.F.R. Part 79 and DOD Instruction 6060.02).

PA 23-34—sSB 634
Veterans' and Military Affairs Committee
Appropriations Committee

AN ACT CONCERNING MUNICIPAL VETERANS SERVICES

SUMMARY: Beginning October 1, 2023, this act makes various changes in the laws governing municipal veterans representative programs, including allowing municipalities to completely regionalize their program-related duties and not maintain a municipal-specific office or representative.

The act also requires at least two veteran service officers (VSO) (see BACKGROUND) in the Department of Veterans Affairs' Office of Advocacy and Assistance (OAA) to be responsible for overseeing and supporting municipalities' compliance with municipal veterans representative program requirements in addition to their other duties under existing law. Accordingly, the act increases the office's minimum number of VSOs on staff (from six to eight) and total staff members (from eight to 10).

The act also makes technical and conforming changes.
EFFECTIVE DATE: October 1, 2023

MUNICIPAL VETERANS REPRESENTATIVE PROGRAMS

Program Options

Prior to October 1, 2023. The law required each municipality to designate one of the following municipal veterans representative program options prior to October 1, 2023: either a municipal veterans advisory committee, established by ordinance, or a municipal VSO, either of which the municipality may fund. In the event that the municipality chooses neither, it must appoint a municipal veterans representative, which may be either a municipal employee or a volunteer resident who is a veteran or has practical experience handling veterans' issues. The law also authorized municipalities to jointly form a shared veterans advisory committee but requires those that do to each have a municipal VSO or representative, as well.

Beginning October 1, 2023. The act similarly requires municipalities to designate one of three program options, except it allows municipalities to (1) appoint a paid director of municipal veterans services (instead of funding a municipal VSO)

and (2) jointly satisfy the act's requirements regionally if they enter into a memorandum of understanding or agreement to do so, which may include terms on sharing expenses.

The act requires that a municipal veterans representative be a veteran or have practical experience in veterans affairs issues. (Prior to October 1, 2023, the law only required this if the representative is a volunteer.) It also requires any municipal ordinance establishing a veterans advisory committee to include the number of committee members and their terms, how members are selected, and procedures for filling a vacancy.

Under the act, a municipality that was in compliance with the law before October 1, 2023, is considered in compliance with the act's requirements.

Duties and Responsibilities

Prior to October 1, 2023. The law specifies different responsibilities for advisory committees and representatives (e.g., only volunteer representatives must be available for a minimum number of hours per week, set by the municipality).

Beginning October 1, 2023. The act generally applies the responsibilities in prior law to all advisory committees, directors, and representatives beginning October 1, 2023. Under the act, they must do the following:

1. help veterans and their dependents get services and benefits they are entitled to, including by cooperating with national, state, local, and private providers;
2. help coordinate public and private facilities' activities for veterans' reemployment, education, rehabilitation, and adjustment to peacetime living;
3. encourage and coordinate vocational training services for veterans;
4. coordinate with veterans organizations as practicable;
5. be available to veterans in person, by phone, or by email for a minimum number of hours per week set by the municipality; and
6. file a monthly report with the municipality that includes the names of those helped, services or referrals provided, and any other information the municipality requires.

Training Requirements

Services and Benefits Training. By law, municipal veterans representatives designated between October 1, 2019, and September 30, 2023, must complete OAA training within one year of their designation on the topics of state and federal services and benefits, municipal veterans services programs requirements, and available OAA staff assistance. Beginning on October 1, 2023, the act expands this training requirement to all committee members and directors in addition to representatives and specifies they must complete the OAA training on state and federal services and benefits. (For training completed prior to October 1, 2023, existing law authorizes either this training or a training on helping and serving women veterans.) By law and unchanged by the act, OAA must electronically provide representatives with all updated training information; however, the act specifies that representatives do not have to undergo training again (1) once they have completed a training course or (2) if they have completed a training course prior to October 1, 2023.

As a conforming change, the act requires OAA to give printed resources on military discharge upgrades to committees, directors, and representatives.

Annual Notification

Prior to October 1, 2023, the law requires the veterans affairs commissioner to electronically notify a municipality's chief executive officer (CEO) each year of the requirement to designate a representative if the municipality does not have its own local veterans advisory committee and does not fund a VSO. The CEO, within 30 days of notification, must give OAA the name and email address of the municipal representative. The act (1) expands the notice's content to cover all municipal program options and (2) adds the requirement that the CEO give the names and email addresses of all committee members, the director, and all municipal representatives, as applicable, to OAA. It also removes the requirement that the commissioner's notification be electronic on or after October 1, 2023.

BACKGROUND

Office of Advocacy and Assistance VSOs

Within the DVA, the OAA is generally responsible for helping veterans and their families get veterans benefits under federal, state, and local laws (CGS § 27-102*l*), including through a minimum number of VSOs employed by the office.

Each VSO must be assigned to one of Connecticut's five congressional districts.

PA 23-71—sHB 5510
Veterans' and Military Affairs Committee

AN ACT INCLUDING THE UNITED STATES SPACE FORCE IN REFERENCES TO THE UNITED STATES ARMED FORCES

SUMMARY: This act expands the general definitions of "armed forces" and "members of armed forces" under state law to include the U.S. Space Force (USSF) and makes related technical and conforming changes.

In doing so, the act includes in the general statutory definition of "veteran" USSF members (i.e., guardians) who (1) are honorably discharged, (2) are discharged under honorable conditions, or (3) received an other than honorable discharge due to a qualifying condition. Therefore, it provides these guardians access to various state veterans' benefits and programs such as property tax exemptions, tuition benefits, and burial in a state veterans' cemetery.

By law, "armed forces" already consists of 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.
EFFECTIVE DATE: October 1, 2023

BACKGROUND

U.S. Space Force

In December 2019, Congress established the USSF as a new branch of the armed forces, organized under the umbrella of the U.S. Air Force (in a similar manner as the Marines and the U.S. Navy). It is an independent entity that organizes, trains, and manages its own operational force. However, it relies on the Air Force for a large portion of its enabling functions (e.g., logistics, base support, technology support, and financial management).

Federal Law

The federal government expanded the statutory definition of "armed forces" in 2019 to include USSF members, thereby generally extending to guardians eligibility for federal benefits (10 U.S.C. § 101). It is in the process of making related technical and conforming changes to various federal statutes and regulations.

PA 23-1, September 26, 2023 Special Session—HB 7001
Emergency Certification

AN ACT CONCERNING THE ADMINISTRATION OF EPINEPHRINE BY EMERGENCY MEDICAL SERVICES PERSONNEL AND PROVISIONS RELATED TO ELECTIONS

SUMMARY: This act moves up the date of Connecticut's presidential preference primary from the last Tuesday in April to the first Tuesday in April (e.g., from April 30, 2024, to April 2, 2024) (§ 2). A presidential preference primary is an election for state voters to indicate a preference for a political party's presidential nominee. Existing law, unchanged by the act, sets various deadlines in relation to the primary (e.g., the secretary of the state must publicly announce the list of candidates whose names will appear on the ballot 74 days before the primary (CGS § 9-466)).

The act also makes various changes in the state's election laws that (1) explicitly apply existing law's provisions on term start dates for municipal elected officials to municipalities whose election dates have changed; (2) modify several procedures for election tabulations and recanvasses (i.e., recounts), such as establishing a process for removing disorderly bystanders and adjusting voting tabulator requirements for municipalities; and (3) require the secretary of the state to develop an instructional video on recanvass procedures (§§ 1 & 3-5).

The act requires (1) that any municipality with a population of at least 140,000 (i.e., Bridgeport) have an election monitor for the 2023 municipal election and 2024 state election and (2) the Office of the Secretary of the State (SOTS) to contract with an individual to serve in this capacity. Among other things, the monitor must 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 (§ 7). The act correspondingly transfers $150,000 appropriated to the State Elections Enforcement Commission (SEEC) in FY 24 by the budget and implementer act (PA 23-204, § 1) to SOTS to fund this position (§ 8).

Lastly, the act delays by nine months, until July 1, 2024, the start date for a requirement that emergency medical services (EMS) personnel administer epinephrine under specified conditions (§ 6).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2023, except that the provisions on (1) election monitors take effect upon passage; (2) voting tabulators take effect on July 1, 2025; and (3) the recanvassing instructional training video take effect on January 1, 2024.

§ 1 — TERMS OF ELECTED MUNICIPAL OFFICIALS

Existing law 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 prior law, the terms of any elected officials that were set to expire before the next regular election because of an election date change were to be extended to the election date. The act instead requires that their terms be extended to conform to the beginning of the succeeding term, as allowed under existing law.

By law, terms must begin within 70 days after election day on the day set under the town's charter or special act or, if these do not exist, as set by the legislative body. In the absence of these, the terms begin as specified in the law (e.g., for municipalities with November elections, on the Tuesday after the first Monday of November, except that the town clerk's term begins on the first Monday in January). Under the law, when a beginning date is so determined or changed, then conforming extensions or reductions (as appropriate) may be made to incumbents' terms (CGS § 9-187a).

§ 3 — VOTING TABULATORS

By law, the secretary of the state must approve the number of voting tabulators provided for elections by each town's board of selectmen, city's common council, or borough's warden and burgesses. However, prior law allowed registrars of voters to determine how many voting tabulators would be available at a special election, as long as there was at least one for the municipality or one for each voting district (if the municipality was divided into districts).

The act eliminates this provision for special elections and instead requires registrars, for all elections, to ensure that each voting district uses at least one dedicated voting tabulator that only registers and counts votes for that district. It also specifies that these provisions do not apply to tabulators at central counting locations or those used in recanvassing.

§§ 4 & 5 — ELECTION RECANVASSES

By law, a recanvass of the vote generally takes place after a primary or election when there is a discrepancy, close vote, or tie (see BACKGROUND). Existing law generally allows party representatives to attend the recanvassing. The act further

authorizes them to view each ballot to discern its markings as it is being recanvassed.

If disorder interferes with the recanvass, the act also authorizes moderators to have offending individuals removed by the recanvass officials if they do not submit to the moderator's lawful authority. The act specifies that disorderly behaviors include someone who is not a recanvass official attempting to take part in a recanvass or communicating with recanvass officials other than the moderator. The removal may be (1) temporary, if the individual becomes orderly, or (2) until the recanvass is completed if necessary (§ 5).

Additionally, the act requires the secretary of the state to develop an instructional training video on recanvass procedures based on the most recent Recanvass Procedure Manual published on her office's website. Under the act, she must distribute the video to recanvass officials whenever a recanvass is required, and the officials must view the video immediately before starting the recanvass (§ 4).

§§ 7 & 8 — ELECTION MONITOR FOR 2023 AND 2024 ELECTIONS

For the 2023 municipal election and 2024 state election, the act requires SOTS 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 in how the municipality manages the election administration procedures and conducts the elections.

More 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 any irregularity or impropriety discovered to the secretary of the state. Toward that end, the act also requires that the monitor have access to all records, data, and material maintained by or available to the municipal official or appointee.

The act requires SOTS to contract with the election monitor until December 31, 2024, unless the secretary terminates the contract for any reason before that date. Under the act, the election monitor must not be considered a state employee but must be compensated in accordance with the contract and reimbursed for necessary expenses. The municipality must provide the monitor with office space, supplies, equipment, and services necessary to properly carry out his or her duties. Costs related to the election monitor's service must be paid from the funds appropriated to SOTS for the position. The act correspondingly transfers $150,000 appropriated to SEEC for FY 24 under PA 23-204, § 1, to SOTS.

The act specifies that the election monitor provisions do not prohibit 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 election violations.

§ 6 — EMS ADMINISTRATION OF EPINEPHRINE

PA 23-97, § 42, requires EMS personnel, under specified conditions, to administer epinephrine using automatic prefilled cartridge injectors, similar automatic injectable equipment, or prefilled vials and syringes. For this purpose, "EMS personnel" include emergency medical technicians (EMT), advanced EMTs, paramedics, and emergency medical responders. Prior law allowed, but did not require, EMTs (including advanced EMTs) and paramedics to do this using automatic prefilled cartridge injectors or similar equipment.

The act delays the start date of this requirement from October 1, 2023, to July 1, 2024. It allows EMS personnel to administer epinephrine before then in the same manner.

Under the act, as under PA 23-97, the:

1. EMS professional must have (a) been trained to administer epinephrine according to Department of Public Health-recognized national standards and (b) determined that administering it was necessary to treat the person, and
2. medication must be administered according to written protocols and standing orders of a physician serving as an emergency department director.

BACKGROUND

Recanvass Procedures

By law, recanvass procedures differ depending on the circumstances under which the recanvass was triggered. A recanvass must be open to the public and convene no later than five business days after the applicable primary or election.

Generally, when a recanvass is triggered, the town clerk and registrars of voters must impound the relevant election materials and tools. The recanvass officials must then meet and recount the votes to determine if the original canvass was correct or if a discrepancy remains. If the recanvass reveals the original canvass was incorrect, then the recanvass return is

substituted for the original return and has the same force and effect as an original return (CGS §§ 9-311 through 9-311b & Conn. Agencies Regs., § 9-242a-28).

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